HOUSE OF ASSEMBLY

Wednesday 5 April 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

PROSTITUTION

A petition signed by 46 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, was presented by the Hon. Dean Brown.

Petition received.

GENETIC ENGINEERING

A petition signed by 16 075 residents of South Australia, requesting that the House declare South Australia free from genetically engineered agricultural crops, was presented by the Hon. Dean Brown.

Petition received.

DEMENTIA FACILITIES

A petition signed by 258 residents of South Australia, requesting that the House urge the Government to upgrade dementia facilities at Streaky Bay Hospital, was presented by Ms Penfold.

Petition received.

NATIONAL SORRY DAY

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: On 26 May 1998, I addressed this House remarking on the significance of National Sorry Day, saying that it had marked 'a point in history which will be remembered for generations to come where Australia as a nation expresses its deep regret to the Aboriginal people for the injustices of past policies which separated Aboriginal children from their families'. It was also a 'sobering reminder of the impact of decisions that government can have on a community'.

There is no question that many Aboriginal children were forcibly removed from their families. Whether or not the number of children involved in such separations constitute a 'generation' is in itself irrelevant to the manner in which we should approach this issue today. The fact remains that past official policies condoned actions that caused immeasurable harm to thousands of Aboriginal families.

The SPEAKER: Order! There is a point of order.

Mr CONLON: I normally enjoy listening to the minister but I cannot hear her. I wonder whether the microphones are working.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The staff assure me that, technically, they are trying to do something about the amplification at the moment. Until the problem is solved, I ask members to restrain their interjections and cooperate with the staff.

The Hon. D.C. KOTZ: The South Australian government has recognised these past injustices and was the first parliament in the country to offer an apology to Aboriginal people. We now need to move from that point and find measures that can begin to address the hurt and disadvantage that Aboriginal people have carried as a result of past practices. South Australia has a proud tradition amongst its people of championing the cause of social justice and of celebrating the cultural diversity in this state. We are also taking a number of practical measures to attempt to remedy past wrongs.

Our major focus is on supporting ATSIC's South Australia's Link Up program, which provides family tracing and reunion services to families of separated children, along with a referral service to specialist counselling if required. We have also established a key advisory group to advise on directions and programs that should be undertaken to progress reconciliation measures.

A number of other innovative programs are also being undertaken, including the families project in Port Augusta, which works with families in particularly difficult circumstances to try to minimise the need for formal government intervention.

It is important programs like these that will continue to make practical inroads into removing impediments for Aboriginal people that may have arisen due to past official policies. It remains important, however, that the whole subject of reconciliation is approached with the spirit of goodwill. Unless both Aboriginal people and non-Aboriginal people approach reconciliation with an eye to the future and a willingness to compromise, the importance of these practical programs will be undermined and the reconciliation process will falter.

The SPEAKER: Order! I remind members of the gallery of the rules relating to filming.

The Hon. D.C. KOTZ: Reconciliation is about a shared commitment to finding a way which promotes a real future for all South Australians without losing sight of the lessons from the past. This government will continue to support and to lead the reconciliation process, and I encourage every South Australian to take this journey with Aboriginal people.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the thirteenth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

FLINDERS MEDICAL CENTRE

Ms STEVENS (Elizabeth): Did the Minister for Human Services approve the closure of the general outpatient cardiology unit at the Flinders Medical Centre so that patients would be referred to a private practice established by the Director of Cardiology at Flinders? The opposition has been told by a general practitioner that he was appalled to receive a letter from the Director of Cardiovascular Medicine at the Flinders Medical Centre, on Flinders Medical Centre letterhead, advising general practitioners not to refer general cardiology patients to the Flinders Medical Centre because this unit has been moved to a private cardiology unit in the

adjacent private hospital. The GPs were advised that patients at the new private Flinders Heart Clinic could enjoy free car parking and automatic bulk billing to Medicare and Veterans Affairs.

The Hon. DEAN BROWN (Minister for Human Services): The honourable member has raised a particular issue in relation to the Flinders Medical Centre. That comes under the board of the Flinders Medical Centre and the Flinders private hospital, but it is an incorporated body under the Department of Human Services. I do not know the details of what the honourable member is talking about. I will therefore get a report as is appropriate.

PORT RIVER WATER QUALITY

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House of the government's efforts to improve the quality of the Port River water?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Colton for his question, for his interest in the marine environment of Port Adelaide and for his well known interest in the marine environment of Gulf St Vincent. Indeed, I may well have been asked this question—and perhaps I am a little surprised that I have not been—by the member for Lee or the member for Hart. Today, the government announced a $100 million plan to put an end forever to the practice of discharging treated and chlorinated waste water into the Port River. It is a decision by the government, as are all of our decisions, to build for the future. This infrastructure, which we announced today, has a potential lifespan of 50 to 80 years. So, it is clearly a decision which we have taken in the interests of the Port River in particular but also of all the residents of the Le Fevre Peninsula and of the South Australian marine environment. Its effects will still be felt in 50 to 80 years.

It is a major victory for the South Australian ecosystems, the marine environment, the Port Adelaide residents and all South Australians. The plan concerns two quite distinct projects, the first of which involves the diversion of the low salinity waste water from the Queensbury pumping station catchment—

The SPEAKER: Order! Once again, could I draw the attention of the cameramen to the rules of filming in the chamber. If you continue to film elsewhere in the chamber, I will ask for you to be removed.

The Hon. M.H. ARMITAGE: As I was saying—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: As I was saying, the project involves two distinct parts. The first is diversion of the low salinity waste water from the Queensbury pumping station catchment to the existing Bolivar waste water treatment plants. That is about 30 per cent of the water which now goes through the Port Adelaide waste water treatment plant. Stage 2 involves the diversion of the remaining high salinity waste water to a new plant at Bolivar, and that will be a particular biological nutrient reduction plant. As I said, it represents a very significant win for the marine environment, with no waste water discharged in the Port River, less waste water discharged overall, and that waste water which is discharged having significantly diminished quantities of nutrients.

As I said, the waste water from stage 1, representing 30 per cent of the current flow at Port Adelaide, will go to the new DAFF (Dissolved Air Flotation Filtration) plant at Bolivar and will be re-used by the Virginia market gardens as part of the Virginia pipeline scheme. That alone will provide an additional 1 000 megalitres per annum of water to be used to grow flowers, vegetables, and so on. As the Premier said in launching the Virginia pipeline system, that is likely to see a doubling in the production of the Virginia area, with consequent benefits to South Australia.

The waste water from stage 2, which represents the remaining 70 per cent, will be treated at the new plant to be built at Bolivar. As I said, overall there will be a great reduction in the amount of nutrients discharged. At present, that whole marine environment (the Port Adelaide waste water treatment plant and Bolivar) discharges about 2 100 tonnes of nitrogen per annum, and nitrogen is one of the key factors in the death of the sea grasses. At the end of this project we will see about 460 tonnes less, in other words, about 1 650 tonnes per annum less nitrogen being discharged into our marine environment. That is clearly a major bonus.

However, it is fair to say that we will not see an immediate effect on the sea grass meadows, as they are called. Members will recall, as I am sure the member for Hart does, that there was a sludge discharge into Port Adelaide that was closed about 10 to 12 years ago. Only now are we beginning to see the sea grasses in that area regrow. Whilst the benefits in the sea grasses at the Bolivar discharge point may not be seen for some time, we are certainly taking the right steps.

It is pleasing to say that we have made this decision not only because it is the correct one but because we are following the thoughts of extensive community consultation on the Port Adelaide waste water treatment plant. Over 250 submissions were received and considered, and the plan announced today is a very positive outcome. It proves that we are a government for all South Australians, particularly, in this instance, for the electors of the member for Hart and the member for Lee.

One might surmise that it is unusual for the Liberal government to be doing that, but we merely say that it is the right decision and, accordingly, we take it. It is a decision of good government and we are pleased to have made it. However, it is not a short-term fix but a long-term fix that will be still showing benefits in 50 to 80 years.

FLINDERS MEDICAL CENTRE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Did the Director of Cardiovascular Medicine at the Flinders Medical Centre (Dr Philip Aylward) act with a conflict of interest when he advised general practitioners in the southern region that the outpatients department for general cardiology had been closed and that patients should be referred to a private clinic operated by Dr Aylward and other doctors, and will the minister take immediate action to restore public patient services at the Flinders Medical Centre?

A general practitioner has written to the opposition saying that Dr Aylward has advised doctors not to send patients to the very hospital that employs him. The letter states:

> It is my view that all major hospitals such as Flinders Medical Centre should have a cardiology outpatient department staffed by hospital cardiologists for the benefit of the public.

The Hon. DEAN BROWN (Minister for Human Services): The honourable member raised this issue at the beginning of question time today and I indicated then that I would investigate the matter. The point that she now raises is one that I was going to investigate as a result of her first

question; that is, whether there was any conflict of interest. Is it appropriate for the specialist to have sent out the letter that he apparently sent out, and to be therefore almost recommending that patients be transferred to his own private clinic? They are the allegations that have been raised and they are the matters that I will investigate.

INFORMATION ECONOMY

Mr SCALZI (Hartley): Will the Minister for Information Economy advise on the participation in the information economy by political parties?

The Hon. M.H. ARMITAGE (Minister for Information Economy): People on this side of the chamber clearly realise that information economy is the way of the future. In my role as an advocate for the information economy, I often spend time observing trends on the internet, particularly in relation to policies and political parties. Having had some alleged policy announcements from our opposition, I thought it would be a good idea to visit its web site to get the detail of—

Mr Venning: What was there?

The Hon. M.H. ARMITAGE: I will tell you what was there—these alleged policy announcements. I visited what purported to be the web site of the Leader of the Opposition, that is, www.labor.sa.gov.au—and of course 'www' usually stands for world wide web but we know that in this case it stands for whingeing, whining and wrong. When I visited the Leader of the Opposition's site this morning, I did note that since July 1998—because there is a counter available; all modern technology—the Leader of the Opposition's site has in fact had 159 visits.

The Hon. W.A. Matthew interjecting:

The Hon. M.H. ARMITAGE: As the Minister for Minerals and Energy interjects, that is not many more than the people in here. I can assure him and others who may be interested that probably 100 of those were friends of mine who got on and could not believe it; they had a good laugh at what was there. Given that the Leader of the Opposition offers no policies, despite recent allegations, and no vision, his web site, as the potential Leader of South Australia, is not working: it is under construction. Given the way that the Labor Party tries religiously to stop every single development of which this state is proud and which we have brought into place, the only thing under construction under the Labor Opposition in fact is the web site of the Leader of the Opposition.

But it is worse than that: when I clicked on Mr Rann's smiling face, I got an error message. Quite clearly, behind the Leader of the Opposition there is no substance and no content. To be fair, recognising that I might be asked a question about this topic this afternoon, I thought I should check the Liberal Party site and indeed I will be sending an e-mail today to the Liberal Party state director asking him to ensure that the site continues to be regularly updated because the Liberal Party site, which is a credit to the Liberal Party—and I would suggest that people might like to visit www.sa.liberal.org.au—was last updated on 29 March 2000. It indicates, quite clearly, the difference between a party that understands the information economy and the future and one that is under reconstruction.

GARIBALDI

The Hon. M.D. RANN (Leader of the Opposition): Given that more than five years has elapsed since the Garibaldi food poisoning epidemic and that the first compensation award has now been settled, can the Minister for Human Services tell the House why he has not acted on warnings by the Auditor-General that both the public and the government continue to be exposed by inadequate food regulation?

After the Garibaldi epidemic, 43 victims lodged claims for compensation against the company and, although charges of manslaughter were unfortunately dropped by the DPP against the company's directors, they were then fined $10 000 each for creating a public risk. In his 1998 and 1999 reports, the Auditor-General warned that inadequate arrangements for the inspection and regulation of food could not only result in serious consequences for the public but also expose the Crown to financial risk. In 1995 the former Minister for Health said he was keen to explore amendments to the Food Act—that was in 1995—including provisions dealing with prosecutions and penalties. It is five years, and nothing has been done about it.

Members interjecting:

The SPEAKER: Order! The member has asked his questions.

The Hon. DEAN BROWN (Minister for Human Services): The leader is wrong. In fact, each of the recommendations—

Members interjecting:

The SPEAKER: Order! The House on my right will come to order as well.

The Hon. M.D. Rann interjecting:

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

The Hon. M.D. Rann: No change in—

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. DEAN BROWN: Each of the recommendations of the Auditor-General's report have been actioned. We had this debate in this House about 12 or 18 months ago. In fact, I went through the recommendations and talked about the action that had been taken. The former minister went through the Coroner's report—

The Hon. M.D. Rann: The question is about the—

The SPEAKER: Order! The leader will come to order and listen to the reply.

The Hon. DEAN BROWN: The former minister went through the Coroner's report and specified issue after issue as to what action had been taken. I have seen a copy of that *Hansard*. The Auditor-General raised issues about the audit effort. In fact, if you happen to read the latest report just tabled in the Parliament last week on the Food Act, you will find that it talks quite specifically about the upgraded effort that has been taken to audit local government.

So, Mr Speaker, the claim that no action has been taken is quite wrong. A detailed audit of local government has been carried out by the Department of Human Services and in fact the details of that were tabled—I think I am right in saying—in this parliament last week. So, it would appear that the Leader of the Opposition has not bothered to read what I tabled in this parliament last week under the Food Act on the annual report. Can I assure the honourable member that in fact the action requested by the Auditor-General, which was on the audit, has in fact been taken. The action recommended by the Coroner has been taken.

The third issue relates to the further and final changes to food legislation for the whole of Australia. Everyone knows that last year we carried out very detailed consultations throughout South Australia, and local government was

involved in those consultations. So, the government has put out there, if you like, draft proposals for changes to the Food Act. I am expecting those to be tabled in this parliament for public comment within the very near future indeed.

ABORIGINAL COMMUNITY HOUSING

Mr LEWIS (Hammond): My question is directed to the Minister for Aboriginal Affairs. What developments, if any, have there been recently on Aboriginal communities in South Australia in so far as community housing and other social infrastructure needs have been addressed?

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I certainly thank the member for Hammond for what is a very important question.

Members interjecting:

The Hon. D.C. KOTZ: The member for Elder is certainly living proof that the one problem with political jokes is that they sometimes get elected!

Members interjecting:

The Hon. D.C. KOTZ: You never fail to give the opportunity. Members of this House may be well aware that the Aboriginal and Torres Strait Islander Commission established a national Aboriginal health strategy program for community housing and infrastructure on Aboriginal communities in South Australia which is directed towards improving health related capital infrastructure for Aboriginal communities, particularly in remote areas.

Several objectives were placed on record as the means to outcomes for governments to initiate. These included the improved delivery of essential services that cover power, water and effluent disposal; the provision of new and refurbished housing; and looking at addressing environmental health issues such as dust reduction that is brought about by the servicing of roads.

The state government through the Department of State Aboriginal Affairs is pleased to announce to the House that we have managed to secure new capital works projects that have been funded by ATSIC. The initial sum of $6 million has been made available for improved roads, community housing, water, sewerage and power systems in three communities: Pipalyatjara, with a total cost of $1.5 million worth of infrastructure; Ernabella, $3.3 million; and Indulkana, $1.2 million. The department has also managed to secure an additional $1.1 million from contingency funding for the program to allow the Pipalyatjara roads upgrading and other additional works to be included in these projects. The revised budget now stands at some $7.1 million.

I am pleased to bring a report to the House that now gives an updated status. The work for all these three communities is now proceeding, with urgent work associated with water supplies at Ernabella now complete. The works included the provision of new water bores and a new seven kilometre reticulation pipeline to existing water storage tanks which now provides the community with a badly needed reliable water supply. Contracts for Indulkana water services upgrade have been let and the construction is programmed for completion by June 2000. A contract has been let to the South Australian Aboriginal Housing Unit for the provision of new housing at Ernabella community. A contract has also been let to the South Australian Aboriginal Housing Unit for the provision of housing upgrading in the Pipalyatjara community.

The contracts for the Ernabella roads, the Pipalyatjara roads, the new common effluent system and water reticulation are now complete excluding minor items. That was a very successful inroad for infrastructure in terms of the completion of those particular projects. I am also pleased to report that the status of contracts for the upgrade of the Indulkana community water supply has meant that new bores, the extension to the rising mains and the power supplies are also now complete. New storage facilities and distribution pipe work are under construction and are expected to be completed by the end of May 2000. The provision of new water treatment and its associated building are now subject to a water analysis and its ongoing assessment. That will also be completed upon the completion of the water storage facilities about which I just spoke.

On the housing front, the construction contract has been let for the Pipalyatjara housing with the completion expected in late June 2000. I am pleased to announce to the House that the portion of the contract that looked at housing in Ernabella has now also been completed. The benefits of these essential services provided by the government will impact directly on the quality of life for all Aboriginal communities involved. This program of improvement again announces to the South Australian public that the Aboriginal communities benefit by these moves towards reconciliation by the South Australian government.

The SPEAKER: Order! I draw members' attention to the opportunity for ministerial statements at appropriate times.

GOODS AND SERVICES TAX

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier.

Mr Conlon interjecting:

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

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Given the Premier's endorsement of the GST and his commitments to this House and elsewhere to increase spending on health following the sale of ETSA, will the Premier confirm statements by the Minister for Human Services that the government will cut hospital services to fund GST compliance costs, or has the minister got it wrong?

An honourable member interjecting:

The Hon. M.D. RANN: So you don't actually care about health funding and hospitals: is that right? It is very interesting.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Minister for Human Services told a Senate inquiry into health funding on 23 February that GST compliance costs for human services would be between $19 million and $25 million, with ongoing annual costs of $10 million. On 18 March, a month later, the minister said that hospital services would be cut to pay these GST costs. Is that true?

The Hon. J.W. OLSEN (Premier): I ask the leader to do one ounce of homework before getting up to ask a question.

Members interjecting:

The SPEAKER: Order! The leader will remain silent.

The Hon. J.W. OLSEN: I ask the Leader of the Opposition to do a bit of homework before he asks a question; or, if he is relying on his staff to prepare the questions, at least get them to read the *Hansard* before they prepare a lesson. We took the member for Hart to task last week, because the

Financial Review of last Wednesday clearly indicated a ruling by the Australian taxation office that in part addressed GST costs.

Members might recall that only last week the member for Hart asked a question about this '$200 million' it would cost in GST. That was wrong, because that morning the papers reported the ATO ruling, following representation from the respective states to get a new ruling from Canberra and the ATO—and we were successful.

The Hon. M.D. Rann: Was he wrong?

The Hon. J.W. OLSEN: No; the Minister for Human Services appeared before that committee some weeks ago. All the Leader of the Opposition needs to do—

Members interjecting:

The SPEAKER: Order! The leader has asked his question and will remain silent.

The Hon. J.W. OLSEN: All the Leader of the Opposition needs to do is get up to date, do a bit of homework and check the facts before he comes into the House, week after week, making allegations and suggestions that are simply wrong. Yes, the pineapple on the right is knocking yet again, as well you would knock the desk, because all you lot can do is whinge, whine and knock. Invariably you are wrong with the propositions you put to the parliament; you have been proved wrong almost every sitting day last week and this week. The Leader of the Opposition embarrasses himself yet again today with his failure to do some fundamental homework.

The other point I would make to the Leader of the Opposition is that budget day is set for 25 May. On budget day will be detailing to the House a range of provisions in the allocation of funds and resources, and cabinet is yet to determine the allocation of resources right across government. If the Leader of the Opposition can recall the dark days when they were in government and left us with this massive debt, he will know that it is a process of developing the budget working through to 25 May. If the leader is intending to ask a range of other budget questions in the lead-up to the budget, here is the answer he will get today and every day he asks a similar question: the budget will be released on 25 May.

WASTE WATER

Mr VENNING (Schubert): Will the Premier outline the progress being made in South Australia to re-use waste water and how this is impacting on the community?

The Hon. J.W. OLSEN (Premier): I thank the member for his question. This government has made a serious, major, capital commitment towards better use of a finite resource of water. With the Minister for Government Enterprises today, we announced (as he has detailed to the House) a $100 million capital investment as it relates to the Port Adelaide waste water treatment plants. As the minister has identified, some 30 per cent of that water will be re-used in the Virginia area of the northern Adelaide plains for market gardening. It is part of a detailed strategy that we have put in place over six or seven years, recognising that we are a dry state in a dry continent, to get maximum value out of our water—that finite resource. The announcement today builds on that strategy, which has been a consistent strategy over six or seven years. The $22 million Virginia pipeline scheme was built principally by private enterprise with some financial support from both the commonwealth and the state governments.

It is a great example of industry, the community and government working together to produce a solution to an extremely challenging problem. The market gardeners on the northern Adelaide plains were drawing down the underground aquifer to such an extent that salt water was coming in and rendering their properties non-viable in terms of the continuation of growing products to serve the domestic, national and international markets. We have been able to negotiate and broker successfully with approximately 400 market gardeners—and I can assure members that that was no easy task. As I say, that exercise was successfully concluded.

We have international investment in this project through the Antar group, which underpins the development of this project and which sells vegetables to the equivalent of Triple 7 stores throughout Malaysia. This project is taking an environmental hazard and turning it into an economic plus. The Port Adelaide proposal will take 30 per cent more water up to the Adelaide plains. Water shortage was limiting the development of that productive horticulture region, which comprises approximately 1 000 market gardens and employs some 3 000 people. The scheme will eventually enable the profitable reuse of 70 per cent of Bolivar's waste water flows and, together with the nutrient reduction upgrade, Bolivar plant will dramatically reduce the discharge of nutrients into the sea by 95 per cent.

That then means that we do not impact against the sea grasses, hence the fish breeding grounds, the domestic product or international market opportunities yet again. More than 230 market gardeners have already joined the irrigation scheme. Leading growers have indicated to us that it will boost exports and develop a $250 million industry. We are doing this not only in the northern areas but, in addition, we are operating a major scheme to use reclaimed water from the Christies Beach plant, which will eventually irrigate 600 hectares of new vineyards in the Willunga region.

The reclaimed water from the newly commissioned Aldinga waste water treatment plant is being used for irrigation of 60 hectares of vines adjacent to the plant. Both SA Water and many local communities operate reuse schemes around the state. These schemes are located at Gumeracha, Mannum, Murray Bridge, Port Augusta West, Myponga and Victor Harbor. In other words, we are implementing a strategic plan to develop and use waste water in a way that maximises economic opportunity, the creation of jobs and, in the process, cleans up the environment in South Australia. South Australia is ahead of other states of Australia in terms of an integrated strategy of this nature.

As the minister has said, over decades throughout this century South Australia will be seen to have not only laid the foundation for economic activity but also, importantly, the rejuvenation of the environmental base of South Australia.

DENTAL SERVICES

Ms STEVENS (Elizabeth): Will the Minister for Human Services confirm that the review of dental services initiated by the minister in 1998 recommended that services delivered by the South Australian Dental Service be privatised? Has the government accepted that recommendation; and, given criticism of government secrecy, will the minister immediately table the report?

The Hon. DEAN BROWN (Minister for Human Services): I am not quite sure what the honourable member suggested was to be privatised. If she was suggesting that the

South Australian Dental Service be privatised, that is not a recommendation at all. Is that what the honourable member is recommending?

Ms Stevens: I am not recommending anything: I am asking the minister a question.

The Hon. DEAN BROWN: Is that what the honourable member is claiming the report recommended?

The SPEAKER: Order!

The Hon. DEAN BROWN: First, the report has been delivered in two stages: report one and report two. I have just received the second report. We are working through the recommendations of both reports at present. We are looking at adopting certain recommendations, and I have talked publicly about some of those, such as the establishment of the Australian Oral Health Centre of Excellence, which I think is an excellent recommendation that would bring together the services of the South Australian Dental Service and the University of South Australia. There are some budget implications of that, and we are working through those. If the honourable member is asking whether we are about to privatise the South Australian Dental Service, the answer is, 'Absolutely not.' If the honourable member is trying to run that rumour, she should go and scotch it completely, because that is not the government's intention at all.

LOCUSTS

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier indicate what action the government is taking to protect pastoralists and farmers from the plague locusts currently hatching in the north and give an unqualified assurance that the resource section of the Department of Primary Industries and Resources will not be transferred to the Department of Environment and Heritage as advocated by some environmental groups?

The Hon. R.G. KERIN (Deputy Premier): I think the honourable member is referring to the natural resources section of the Department of Primary Industries and specifically the soil boards, concerning which there has been over the years a suggestion that some people would rather see the soil boards located in the Department of the Environment. We considered that matter after the last election, and the people involved with the boards made their opinions very clear. So, the decision that they stay where they were was reaffirmed after the last election, receiving extremely strong support in the rural communities.

The member for Stuart is well aware of the current problem in the north, with locusts hatching at Hawker and in quite a few other areas. There was an extraordinary flight of locusts into the area in February which coincided with some very heavy rains. Normally, we would consider spraying for locusts only in the spring. In the late 1980s we had a problem similar to the present one whereby, if we do not spray them when they start to swarm at this time of the year, two things will happen: first, they will destroy a lot of the good pasture up there at present resulting from very early rains; and, secondly, if they fly and lay, we will have a much worse problem in the spring if they are not controlled now. It is extraordinary that we have to do this now, but it is good management.

The land-holders up there are very anxious, having had a run of very poor seasons, and now that they have some green pastures they well and truly want that protected. As happened in the late 1980s, if the locusts are not controlled there will be flights further down and young crops will be eaten as they grow over the next few months. As the honourable member is well aware, as regards the locust and grasshopper problem in the area in question, over the past couple of years the level of cooperation we have received from land-holders and the community reference group has been outstanding. I know that that will continue. We have a very large task with a large area to cover, and the land-holders are absolutely invaluable in helping us locate the swarms. We look forward to looking after these people who have been doing it very hard up there. They were knocked back on their applications for exceptional circumstances, which was a bit of a shock to us all. If we can get up there and get on top of the locust problem, hopefully those people will be in for a reasonable season.

ELECTRICITY, INTERCONNECTOR

Mr FOLEY (Hart): Can the Premier explain how he did not mislead the state parliament yesterday—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: If I may, sir, I will start that question again. Can the Premier explain how he did not mislead the state parliament yesterday when he said that ATCO's electricity interconnector proposal required taxpayers to underwrite the project when it has now been revealed by ATCO's General Manager, Clive Armour, and the head of ElectraNet, senior public servant Kym Tothill, that ATCO did not ask the government to underwrite the project?

The Hon. J.W. OLSEN (Premier): There are a couple of points I want to make. First, the Treasurer yesterday released the minutes of the board meeting that state:

> ATCO are offering ElectraNet SA the option of up to a 50 per cent equity in a possible joint venture.

I point out that 50 per cent equity means involvement, risk and exposure if it is taken up.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: This is an angry young member for Hart, isn't it? We saw him on television yesterday, shouting, and we heard him on radio today all but eating the microphone! I refer the member for Hart to his question yesterday and to my reply, in which I referred to 'any project', not a specific project. I also take it one step further, because the member for Hart referred in his question to a press conference the previous day wherein the basis of that question was Riverlink, MurrayLink and ATCO. In my answer, I referred to all three.

WORLD ENVIRONMENT DAY 2000

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Heritage inform the House of the progress being made on South Australia's part in the preparations for World Environment Day 2000?

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Heysen for his strong support for World Environment Day. As members of the House would be aware, World Environment Day is 5 June, two months away, and preparations are going well for South Australia's hosting of this international event. It is a great privilege for South Australia and Adelaide to host the event. It is the first time that it has been held in the Pacific region, and we are delighted to host it on behalf of the Australian community.

The event will be held from 3 to 8 June this year, and is a great opportunity for South Australian industry and all levels of government, and importantly our community, to showcase the great South Australian environment and how we manage it. The theme for World Environment Day 2000 is 'The environment millennium: Time to act'. Under that we have built a number of subthemes, including such things as caring for catchments, environmental innovation and biodiversity conservation. To make sure that many people are involved in those subthemes, we have organised a series of meetings with a number of community groups to be involved in a wide range of programs.

During World Environment Day the program includes such things as a city parade involving 2000 to 3 000 primary schoolchildren; an Australian youth parliament based on the environmental theme; and the Employers Chamber hosting an industry breakfast to get the business community even more focused than it already is. I met with their representatives last night to talk about their environmental policy and how they are developing such a policy in the business community, and they are hosting a breakfast to reinforce that.

Some new international environmental awards will be announced during that week, so all in all the program at the official level is very compact and comprehensive. We have also taken the opportunity at all levels of government to involve a number of community groups. We have met with people from something like 30 of the conservation environment community groups, such as Trees for Life; water catchment boards; Greening Australia; the various landcare and bushcare groups; urban forest groups; national parks; the Conservation Council; and many others.

A wide range of community programs is now in place through those organisations, ready for South Australia as a community to promote our environment. We are very lucky with the clean, green environment that we have in South Australia. The Adelaide City Council is giving good support, as is the federal government, and city traders will have a number of displays and activities in Rundle Mall. With the Minister for Local Government, we have written to every local government in the state to promote the activities of World Environment Day through that sphere, and the Minister for Education and I have written to every school in the state encouraging them, through their Kids Congress and other environmental programs, to be involved in World Environment Day.

The regions will not miss out, either. We have organised tours to some of our world-class environmental areas, such as the Flinders Ranges and Kangaroo Island, during that week. It is a wonderful opportunity for this State to showcase its great environment, and I am absolutely delighted that South Australia has been presented with this opportunity.

TERTIARY MUSIC EDUCATION

Ms WHITE (Taylor): My question is directed to the Minister for Education and Children's Services. Which of the recommendations of the Review of Tertiary Music Education and Training in South Australia is the minister supporting? Will he give a guarantee that, under any amalgamation between the Flinders Street School of Music and the Elder Conservatorium, TAFE-badged HECS-free music education and training will continue to be offered? The opposition has received a large number of expressions of concern regarding the outcome of any amalgamation between two of Australia's most highly regarded music education and training institutions, that is, TAFE's Flinders Street School of Music and the University of Adelaide's Elder Conservatorium. The review praised the Flinders Street School of Music saying that it was 'impressed by the deservedly universal recognition by the community of the important contribution being made by the school'.

However, the Elder Conservatorium was criticised in the review, which stated that it 'has suffered in recent years from a loss of direction and a decline in morale, evidenced in what appears to be a disappointing lack of initiative and new ideas'. Concern has also been expressed to the opposition that after an amalgamation full HECS may be required to be paid by students who currently have a choice of undertaking HECS free Flinders Street TAFE courses.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I am well aware of the review of music that has been ongoing in South Australia regarding the Flinders Street school and Elder Conservatorium, and a number of letters have been received by me and my department as submissions to that review. I am yet to see the recommendations of that review, so I will undertake—

Ms White interjecting:

The Hon. M.R. BUCKBY: I have not yet seen them. The review has been completed—

Ms White interjecting:

The Hon. M.R. BUCKBY: Well, I have yet to see the recommendations; that is all I can tell you. I will undertake to get that information for the honourable member.

PARTNERSHIPS 21

Mr WILLIAMS (MacKillop): Following inquiries from a number of schools in my electorate, I ask the Minister for Education and Children's Services to inform the House of the number of preschools and schools he expects to join Partnerships 21 this year, and also outline what benefits are expected to flow to students from this initiative.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I am pleased to report to the House that over 40 per cent of schools and preschools have entered Partnerships 21 this year. It is a statement of confidence by some 236 school and 133 preschool communities that they have the ability to make decisions about the way in which they will use resources to improve learning for their communities. They will receive the freedom, authority and support from the department to make a real difference to their students through local management. I hear reports daily about the benefits arising from P21, and let me tell the House a few of those. Moorak school has increased the number of ancillary staff at the school as a result of Partnerships 21; an increase in that time means a benefit to the children of that school. Robe School has employed additional ancillary staff as well; they have taken the support time of students from two hours to 30 hours. Again, that could not have been be done unless they came into Partnerships 21. The principal at Tantanoola school said that she had been able to extend teacher time and purchase additional textbooks for the children because of this initiative. At Yale Primary School the principal has been able to arrange staff to better meet the learning needs of the students. There are many more success stories. At Myponga and Keith-kot Farm Primary Schools, Partnerships 21 has meant an increase in the specific help targeted to students.

At Gladstone High School, Port Elliot Primary School and Lake Wangarry Preschool, the governing councils say that

they feel more valued and more empowered and have a greater role in the decision making of their school because of Partnerships 21. The governing council is a valuable element of Partnerships 21. It gives community-minded people the opportunity to make a worthwhile and significant contribution to the education of their children at the local level.

It was somewhat surprising to read the member for Mitchell's latest newsletter to his constituents in which he advises them that he has left the Hamilton Secondary College school council because of Partnerships 21 changes. I am just wondering if this is but one of the unexpected benefits of Partnerships 21.

During the course of the year, I expect that a further 20 per cent of schools and preschools will sign to Partnerships 21. Unlike last year, when there was a specific deadline for participation by schools and preschools, this year there are no specific dates. School principals and preschool directors, along with the chairpersons of their councils and preschool management committees, have indicated that they would like the freedom to come into Partnerships 21 when they so desire, at a time that most suits them. The department has responded and established a flexible time line, again to meet the local communities' needs and in a way that Partnerships 21 can improve the educational outcomes for our children here in South Australia.

ENVIRONMENT DEPARTMENT

Ms BEDFORD (Florey): Will the Premier rule out any current plan or future initiative that would see the Department of the Environment become part of the Department of Primary Industries?

The Hon. J.W. OLSEN: Other than what has already been announced, no further changes are proposed.

BIONOMICS LIMITED

The Hon. R.B. SUCH (Fisher): Can the Minister for Human Services outline the benefit for South Australians as a result of a medical research partnership between Bionomics Limited and the South Australian government?

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for Fisher for his question concerning Bionomics, because last night at Thebarton I had the privilege of opening the new premises and laboratories for Bionomics Limited. Bionomics is the latest new biotechnology company established here in South Australia, and this has taken place on a very cooperative basis with the South Australian Government. In fact, it is quite a unique partnership, and I would like to tell the House briefly about some of the features of that unique partnership entered into between Bionomics and the Department of Human Services through both the Women's and Children's Hospital and also the IMVS.

First, the state government has released an intellectual property policy, under which key scientists are able to keep up to a third of the benefit of research they have developed, which is then subsequently successfully privatised. In this particular case, there are two outstanding South Australian scientists, Professor Matthew Vadas, formerly of the IMVS and now of the University of South Australia, and Professor Grant Sutherland of the Women's and Children's Hospital. They will get a third of the benefit out of a direct payment to the government, another third going to the institution (the IMVS or Women's and Children's Hospital), and the remaining third going to the Department of Human Services.

The second important part of this partnership is a licence agreement whereby for the transfer of the intellectual property across to Bionomics there is quite significant benefit, particularly back to the Women's and Children's Hospital. There is an immediate payment of $100 000 under the licence agreement to the Women's and Children's Hospital. If, however, the technology continues to be successful, that payment will increase to $600 000 and ultimately, along with royalties, can lead to potentially millions of dollars—in fact, even tens of millions of dollars—going back to the Women's and Children's Hospital.

The third part of the partnership is the specific service agreement between Bionomics and both the Women's and Children's Hospital and the IMVS. In the service agreement with the Women's and Children's Hospital, Bionomics will pay $1.4 million to the Women's and Children's Hospital over two years to carry out basic research through that hospital. In fact, $400 000 of that money stays with the Women's and Children's Hospital, and a research crew of 23 or 25 people employed by the Women's and Children's Hospital will be undertaking that research. It is a huge boost to think that suddenly 25 scientists have got jobs as a result of this biotechnology company, Bionomics, setting up in South Australia as a start up company.

There is also an agreement with the IMVS whereby it receives $380 000 a year for two years, and again that will allow it to employ extra staff to carry out research on behalf of Bionomics. There is an enormous benefit to the public sector as a result of this partnership with this fledgling biotechnology private company that has been established. Incidentally, Bionomics has raised $7 million on the share market on a float. It was oversubscribed. The price on the market was well above the listed price, so it has been very successful indeed.

The government has no interest at all in Bionomics. It has no equity in Bionomics, but it is in partnership with them because the benefit comes back to the state government through the public institutions. As I pointed out at the opening last night, it is very important indeed that we develop future partnerships such as this, because, through that, it will allow new research programs to be established in our major hospitals and throughout our universities and through that build up the very significant biotechnology industry that is now being developed in South Australia.

Just a week or so ago, the Premier opened the new facilities at GroPep—and magnificent facilities they are. We also have BresaGen which has been established at Thebarton, and we now have Bionomics at Thebarton. All this development is in the same general area in which Fauldings developed in 1910. Incidentally, Medvet, which is also a subsidiary of the IMVS, is starting to build significant new premises there as well.

So, we now have four biotechnology companies, three owned by the private sector and one owned by the public sector—that is, GroPep, BresaGen, Medvet and Bionomics—all located at Thebarton in what is becoming quite a significant centre for biotechnology for South Australia and Australia.

SMITH AND WESSON INC.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I table a ministerial statement made by the Hon. K.T. Griffin in another place regarding Smith and Wesson Inc.

PERSONAL EXPLANATION

Mr WRIGHT (Lee): I seek leave to make a personal explanation.

Leave granted.

Mr WRIGHT: I believe I have been misrepresented. Yesterday in question time the Minister for Recreation and Sport, in respect of the possible sale of the Cheltenham race course, said the following about me:

> . . . in putting out that rumour, [because] you knew it was wrong all the way along.

That is simply incorrect—

Members interjecting:

The SPEAKER: Order!

Mr WRIGHT: That is simply incorrect, and the minister has clearly misrepresented me.

GRIEVANCE DEBATE

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

Mr FOLEY (Hart): I want today to talk about electricity policy and about the Premier and the Treasurer and the way in which they dance with the truth when it comes to electricity policy in this state. Over the past 10 days another developing scandal has emerged, that is, the way in which this government has dealt with the ATCO proposal to upgrade the electricity interconnector between Victoria and South Australia. We were told on radio some weeks ago that this proposal was put forward midway through last year and it would have been operational before next summer. This was a proposal that ATCO's general manager said on radio required no taxpayer involvement, investment, underwriting or guarantee. We found yesterday that the head of ElectraNet—the very government department—stated publicly that he knew of no requirement or request—

The SPEAKER: Order! There is too much audible conversation. Would members who so desire please leave the chamber?

Mr FOLEY: —by ATCO for government guaranteeing or underwriting. Yet in this parliament yesterday and on ABC television the night before last the Premier of our state said the exact opposite. He said that ATCO required the underwriting of taxpayers and a government guarantee. When it comes to electricity this Premier dances with the truth. He danced with the truth before the last state election, and he dances with the truth when it comes to saving our state from blackouts and making enough electricity available. When it comes to electricity we do not get straight answers from the Premier or the Treasurer of South Australia: we continue to get misrepresentations, untruths and distortions. We continue to get a reaction from this government designed not to save us from blackouts or give us cheaper electricity but to save their political skin.

We believe that this government deliberately opposed the Riverlink interconnector, in order to prop up the sale price of our electricity generation. That was a decision of the Premier and Treasurer of this state that was designed to maximise the price but to put at risk cheap electricity and enough electricity to avoid blackouts. What did we see some months ago? We saw a proposal by ATCO which cost the taxpayers no money whatsoever and which would have gone a long way towards protecting our state from the blackouts which we saw last summer and which we will see next summer.

What did this government do? It rejected that proposal, because it was in direct conflict with its policy of maximising the sale proceeds of our power stations. What did the Premier and Treasurer do when they were caught out? They did what they always do when they are caught out in telling untruths: they danced with the truth. They have subjected South Australia to continued blackouts and expensive power on their gamble to get re-elected by getting the maximum sale price they can for Optima. The Premier of this state has jeopardised power supplies in the future and the price of electricity. Today the Premier was very lucky that he was not found to have misled this parliament. He was lucky that his words were very carefully chosen, but makes no mistake about it: the Premier and Treasurer of this state have not been straight with South Australians since the 1997 state election. They have not been straight; they have risked future power blackouts in this state, because the Premier of this state dances with the truth and tells untruths.

Members interjecting:

The SPEAKER: Order, members on my right. The member for Bragg.

Mr FOLEY: You will go down as a government that has blacked out this state—

Members interjecting:

The SPEAKER: Order, the member for Stuart and the member for Bragg.

Mr FOLEY: —quite deliberately blacked out this state—in your attempts to maximise the sale price of your electricity asset. For that you should be condemned. The Treasurer of this state can dance as much as he likes with the truth, but at the end of the day the truth will win out.

Time expired.

Members interjecting:

The SPEAKER: Order! The House will come back to order.

The Hon. G.M. GUNN (Stuart): After that theatrical performance of little substance and certainly no facts, I wish to raise a couple of matters. First, I want to put on the record the outstanding contribution to outback Australia made by the late Fred McKay, who recently passed away. Members will be aware that he was John Flynn's successor in charge of the Royal Flying Doctor Service. He and his wife performed outstanding service to the outback of South Australia for many years. They have left a great legacy, and I know that many people living in outback Australia will be saddened by the passing of the late Fred McKay. I was interested to listen to *Australia All Over* on Sunday when Ian Macnamara played a number of interviews he had had with the late Reverend Fred McKay. I had the pleasure of meeting the honourable gentleman with the member for Heysen a few years ago when he dedicated the revamped hospital at Innamincka. What an outstanding and colourful Australian he was, and how popular he was in outback Australia. I want to put on the public record the appreciation of those people in outback Australia of the dedicated service he gave to them and the nation as a whole.

The second matter I want to raise today is that last week I visited some constituents of mine just north of Blanchetown, Mr and Mrs Sobey, who have been the victims of quite outrageous and unprofessional conduct on the part of people involved in administering native vegetation controls in this state. These hard working people have set out in a sensible and reasonable way to exercise their rights, and I believe they have been the victims of the personal aims of certain people employed in the bureaucracy who on one occasion sent five government vehicles to their property—for what reason I would not know, when resources are scarce. I believe that their attempts to stop them from harvesting their resources are not only outrageous and unnecessary but also blatant discrimination against them.

I intend to pursue this matter with all the vigour at my disposal, because I believe that everyone is entitled to a fair go. I do not believe these people have had a fair go. We know that when anyone is pursued by the government they are at great disadvantage, because the resources of government are substantial and in many cases officers are uncompromising and unreasonable and have no compassion or wisdom. Some of these people have their own agendas. On this occasion I will not name the two prime villains in this escapade, but I intend to do so if we do not get some satisfaction. There is no reason in the world why they cannot harvest some of the mallee up in that country. If you knew anything about mallee you would know that you never hurt a mallee tree by cutting it down or burning it. There would not be any mallee left on Eyre Peninsula if burning or cutting them down hurt them. These people who caused a hell of a lot of trouble in Burra and other places—

Mr Hanna interjecting:

The Hon. G.M. GUNN: If you knew anything about it you would know that throughout the whole of South Australia you do mallee good by cutting it down and burning it. These people have been treated harshly and unfairly, and I intend to stick up for them.

I wish to raise briefly one other matter. I understand that the Productivity Commission is carrying out an inquiry into the wheat board's right to maintain its export rights. Let me put on the public record that I will not under any circumstance support any changes to the existing set of arrangements, as it has been the hallmark of a successful industry. I do not know why the inquiry is being held; in my view it is unnecessary. This Productivity Commission has not been a great benefit to the nation. Any attempts to water down the AWB will cause tremendous upheaval throughout rural Australia, and I will be one of those who will participate in it.

Ms RANKINE (Wright): Today we have heard a range of questions in the House in relation to health issues. It is certainly an area of grave concern, both to the opposition and people out in our electorates. There is no area of more critical importance, however, or in more dire need of urgent attention and action than the mental health sector. There is a real crisis in our mental health services. Let me give an example of a mental health patient in my electorate being cast adrift, and being left to struggle and wear the penalties on her own shoulders because of this government's policies and inability to bring about change in that area.

I will refer to this person as Mary. Mary is a long-term mental health patient and her problems have been compounded by head injuries. On Saturday, 1 April, Mary was involved in an incident. She became agitated. She had an altercation with a neighbour with whom she had previously had good relations. She is generally settled in her current environment and gets on well with the people around her. Mary was involved in throwing items at a person. She grabbed her medication and threw it into the street. She threw a fan into a car and threatened a neighbour with a baseball bat. The police arrived.

In fact, the Star Force was called to remove Mary from the situation. Three hours later she was back home. Problems again erupted and police were again called, but they could not get a response from Mary's home. The following morning (2 April) Mary again was involved in an incident. She was ripping out council trees, she smashed a letterbox and she threw things at a neighbour's car. The police attended and Mary was taken to Glenside and admitted. One of Mary's neighbours contacted me on Monday morning (3 April) very distressed about what had occurred over the weekend. In fact, she had taken her daughter from her home because she did not want her witnessing what was happening.

Mary was discharged at 1 o'clock. Within minutes the neighbour received abusive telephone calls. Mary was threatening to shoot a child who was visiting the neighbour's home. The police arrived and told the neighbour to stop making nuisance calls. A few hours later Mary was involved in a knife throwing incident. She took a large, sharp knife and threw it at a visitor who had gone out the front of the neighbour's home to have a cigarette. Again, the Star Force arrived, again the Star Force removed her and this time she was charged with assault. As a result of intervention by my office, Mary was taken to the Queen Elizabeth Hospital for assessment.

My understanding is that the police are still pursuing criminal action, basically because they are frustrated with the lack of action from the mental health service. We were advised by the north-eastern mental health service that Mary's case worker had been on leave for the past week and had not been replaced. Out of a staff of seven, two were on leave, two were on holidays and one was pregnant; and, understandably, the team manager was not prepared to expose her to that situation. However, this situation involved a woman whom the service had determined to be stable and not needing support during this time. The cost of this incident over the weekend and on Monday is enormous.

There was damage to property and there was the cost of my staff and me being tied up all Monday dealing with those involved. We experienced enormous frustrations largely because, even after the doctor who had released Mary on Monday agreed to re-assess her, the ACIS team refused to contact the police. I am sure that if something had happened while Mary was in custody a lot of finger pointing would have occurred. That particular cost is minor in the scheme of things, let me make that point, but there is also the cost of Mary's continual admissions to hospital and discharge. The Housing Trust was involved. It seems that Mary will now be transferred from her home.

There were four attendances by police (two by the Star Force), not to mention the emotional costs to all those involved. Everyone involved was a victim. The residents are afraid of Mary now and, as I said, one neighbour had removed her daughter from the situation. However, they recognise that this woman needs help and that she is not getting it. I am not saying that there would not have been an incident if Mary had been assigned a case worker, but past history indicates that that was unlikely. This woman needed support and did not get it. I would like to tally the costs of not

supplying a relief case worker as opposed to this mound of costs to which we have now been subjected; and this woman is now facing court proceedings.

Time expired.

Mr LEWIS (Hammond): I draw attention to the sort of structure we have in government at present with respect to organisations that seek assistance from various agencies and how there are often huge gaps between the stools upon which such organisations can gain admission to the program of grant assistance for the development of their facilities. There are a number of anomalies in the present arrangements. For instance, we can find millions of dollars for some sporting venues with a dubious necessity for them, whether that necessity is determined by an assessment of the market demand for the facility that it is proposed to build, or whether it is dubious on the grounds that the organisation is really not a sporting body at all but a business, such as the South Australian National Football League, which already has ample funds in its coffers, its project proposal being for passive entertainment of spectators rather than for active participation of competitors in the sport.

Such projects as that contemplated by the football league are probably bankable in that they represent a good investment because they would provide a fairly substantial return on that capital. I now draw attention to an instance where we in South Australia will be seen to be fools unless we put something between two stools, and that is the situation in my electorate, at Monarto, which for a long time has been seen as the logical ultimate location for much of the state's sporting shooters' activities. It is very safe and is readily accessible to the city, and it now takes, at most, only 40 minutes from the GPO to get to the Monarto range, which provides a wide range of sporting shooters' facilities.

In the very near future one of the organisations there will be hosting a substantial international competition: the World Muzzle Loading Championships. They are all good fun. None of the firearms at all are in any way a threat to public safety, even if they are inadvertently left in inappropriate circumstances or, indeed, misused. The one thing you would not do, if you were setting out to rob a bank or murder someone, is take along a muzzle loader. First, it is not easy to obscure the thing; secondly, it takes a damn long time to load it; and, thirdly, it is not foolproof in its firing mechanism: they are flintlock very often.

However, they are fun to use and a great deal of skill is involved. You must have a steady arm and grip on your firearm. If you are to be in anyway accurate you must hold the weapon dead on target for more than just a split second from the time you fire it. Muzzle loading is an activity that is undertaken recreationally around the world in a very wide range of countries, probably greater in number than those in which lawn bowls are played, and it is largely self-funding. The people concerned have undertaken, in conjunction with the managers of the Monarto complex, to spend $200 000 there but they have run short of money.

They have had very little assistance in this project to make it acceptable in terms of international standards. They now need another $17 675, or thereabouts, to put surface drainage across the range, so that if we have wet weather, as we have just recently experienced, the competitors and visitors there—and there will be several thousand of them over several days—will not be walking around at least ankle deep in mud, which would be a very bad thing for South Australia's image. They just need the $17 000 to complete their project and, whether it was a grant or a loan (I believe that it ought to be a grant) is neither here nor there to me and it ought not to be difficult for it to be found.

However, the scheme at present prevents their participating in either the active clubs grant or any other regional or local club. They are said to be a statewide facility; indeed, they are a national facility, and it is a tragedy if we cannot get those funds for them.

Time expired.

Ms WHITE (Taylor): I draw the attention of members to a very disturbing revelation in this House last week when the education minister made plain that he had two local schools in the electorate of Hartley firmly in his sights for closure. They are the Newton Primary School and the Hectorville Primary School. Last week, the minister all but openly condemned the future of those two schools. Who will look after the future of those schools? There is only one person: the Labor candidate for Hartley, Quentin Black, because the Liberal member for Hartley is nowhere to be seen in this debate; he will not stand up for those schools.

This budget cutting education minister said quite plainly that the question was whether the government should leave the two schools or invoke a review, and that is exactly what he has done. It could not be more plain than that: they either stay open or there is a 'review', which means closure. The minister's intentions are quite clear. The minister's argument was that there was no justification for keeping these schools open. The minister implied that, because enrolment numbers are lower today than they were 20-odd years ago, the schools should be closed down. The minister claimed that 'within five years combined enrolment levels are projected to be less than 200 across both schools' and then went on to compare those figures with the 1 100 figure of the 1960s or 1970s as though that diminution in the number of students had already occurred.

That is quite plainly wrong. The facts are that currently the enrolments of the two schools are closer to 300, and that is almost identical to the figures in 1993, when the Liberals took office. Hectorville Primary School had 139 students and Newton 147—hardly a significant trend. Furthermore, the minister takes no account of the rampant urban consolidation in Adelaide's inner north-eastern suburbs which has caused so much recent public concern and which has seen a rapid growth in the population in the suburbs where these schools are situated in Hectorville and Magill. Nearby schools, such as St Josephs at Hectorville, Stradbroke Primary School and Magill Primary School, are overflowing at the brim.

Furthermore, it is outrageous that the minister's own review committee, in his eyes at least, is doing little else but going through the motions. The minister has already made clear that he is prepared to go against the committee's recommendations. That being the case, why have a committee of review at all? The fact is that this minister has made up his mind. School numbers are down, so the schools are to close. The review committee can do and say what it wants, but at the end of the day the minister has openly stated that he is prepared to go against it if the recommendations do not register with his pre-empted views. The minister has prejudged the outcome; it is as simple as that.

The minister is trying to exert undue pressure on the review committee by flagging his own preferences for closure and intimating a preparedness to go against the committee's position. Committee members should not feel bullied by this minister. They should not ignore the important role played by

these schools in the local community, most importantly as places of education but also as social infrastructure and open space.

While the Minister for Education is telling the world of his preference to close the local schools in Hartley, where is the local Liberal member? Not once has the member spoken up for these schools, the parents and children of those school communities or the residents, social groups and associations that make up those schools' facilities. Where is the member? Why is hiding from the public? Where does he even stand on the closure of those schools?

Mr Koutsantonis: Where's Joe?

Ms WHITE: Where is Joe? Missing in action—not MHA, MIA. The honourable member is probably in the same place he stood when his Liberal government closed the Payneham Police Station, the Paradise Community Health Centre and the Tranmere Children's Services Office and when the federal Liberals closed the Payneham CES, the Glynde Skillshare and, recently, the Marden Centrelink Office. The honourable member is missing in action. We can only assume by his silence that that is tantamount to consent. The only person standing up for schools in Hartley is the very hard working and capable Quentin Black, Labor's candidate for Hartley—as the minister called him, the heir apparent. That was very fine praise from the minister and an admission that they have given up on Joe Scalzi, the local member. The lessons South Australians have learnt from the community anger over this uncaring—

Time expired.

The DEPUTY SPEAKER: I call the member for Hartley.

Mr SCALZI (Hartley): Thank you, Mr Deputy Speaker.

Mr Koutsantonis: Stand up!

Mr SCALZI: I am standing up. Some are noticed for being short, some tall and some not noticed at all.

The DEPUTY SPEAKER: Order! The member for Peake is out of his seat.

Mr SCALZI: I feel sorry today for the member for Peake, who is out of his seat. I bring to the attention of the House the standard of debate in this place.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr SCALZI: One only had to be here last evening to see why the public thinks so little of politicians. The level of debate, the yelling and the carrying on, especially by some members opposite, left much to be desired. The member for Taylor just asked, 'Where is the member for Hartley?' The member for Hartley is standing up for his electorate and his constituents continuously and will not play politics with the process of establishing an independent review by this parliament—not the minister or the government—which was pushed for by the member for Taylor herself. I stand by and wait for the findings of that independent review.

I have trust in the schools. I have trust in the panel. There are eminent people on that panel, and I am sure that they will act in the best interests of the education community. As a former school teacher, I know only too well that members should not be territorial. Schools should not be territorial: they should act in the best interests of the whole education community. I have enough faith in the independent review that that will be the case, and I am waiting for the result of that independent review.

I return to the level of debate, to the political point scoring of members opposite in relation to the GST legislation, to the distribution of pamphlets stating, 'Where do you stand, Joe?', and so on. The reality is that this is all the opposition can do. Whenever there are reforms, instead of looking at something objectively, members opposite think continuously about how they can attack and score political points. I suppose that is part of politics. However, they take it to the nth degree. What about the gloating of members opposite? I was in this chamber in 1993 when there were only 10 members on that side and in 1994, when the sad passing of Joe Tiernan resulted in there being 11 Labor members. I was not one of the members who gloated at the small numbers on that side. I do not condone the gloating of some members on this side, because it is not healthy for democracy. We should get on with the debate and act in the best interests of South Australians.

There is one thing worse than gloating when you have such a majority, that is, gloating before you even get that majority and gloating halfway through a term that you think you will get that majority. Oppositions do not win government: governments lose. But even in those old sayings there is one thing that the opposition fails to acknowledge: that we live in a democracy. People play an important role in electing governments, and the public does not like to be taken for granted. They do not like the gloating, whether it comes from this side or that side. They want us to act in the best interests of the community, and I am doing that by allowing an independent review to decide what is in the best educational interests of my constituents.

Mr Atkinson: No you're not: you're being a wuss.

Mr SCALZI: The member for Spence can interject and the member for Peake can—

Mr Koutsantonis: Stand up for your electorate.

Mr SCALZI: 'Standing up' means that you act in the best interests of your constituents. Members opposite can carry on as much as they like. I suppose they are very good at doing that, because they mix federal issues with state issues, and so on, and attack. At the end of the day the public will not be fooled.

Time expired.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: LOUTH BAY TUNA FEEDLOTS

Mr VENNING (Schubert): I move:

That the 38th report of the committee, on tuna feedlots at Louth Bay, be noted.

The committee received this reference in 1999 from the Legislative Council. We were asked to establish the legal status of tuna feedlots in use at Louth Bay since on or about December 1996 and report on any illegality, lack of resources for fisheries officers or deficiencies in aquaculture enforcement. This inquiry took place over three months, during which 13 submissions were received and 18 witnesses appeared before the committee.

The committee found that the tuna feedlots located in Louth Bay from April 1996 to April 1999 did not have the legal status of an approved and licensed aquaculture development in that location. The feedlots were initially given emergency status in response to the death event emergency in Boston Bay at that time. It was a desperate situation, with millions of dollars worth of tuna being destroyed during that storm, and they were moved to Louth Bay in a great hurry.

The existing legislation governing aquaculture has no emergency provisions for such a situation; consequently, there was no clearly defined limit to the length of time the

pens could stay in Louth Bay. Therefore, the situation remained unregulated and the tuna feedlot owners operated their business within Louth Bay for several seasons. They were not legal, but one could argue whether they were therefore illegal. The committee found that this resulted in a difficult situation.

We found that the Department of Primary Industries knew about the presence of the tuna feedlots from April 1996, and I am aware that a working party has been signed off to prepare legislation later this year. I understand that all the tuna have now gone from Louth Bay. The committee found that, despite knowing of the presence of the illegal tuna feedlots, the Development Assessment Commission was unable to take action to remedy the situation, again because of the lack of relevant guidelines.

As the pens had not been through the formal approval process, the community was not given notification of or the opportunity to comment on the development, and this caused discontent for some in the community. The committee found that there was concern at the lack of resources for enforcing and managing compliance in aquaculture. There is a need to ensure that licence conditions are being adhered to, and this could be ascertained if frequent random checks were undertaken. There is an apparent need for more compliance officers.

The committee believes that the current situation that regulates aquaculture is inadequate. Obviously, the industry has grown faster than the ability of legislation to keep up, but that will be rectified shortly. Of concern is the apparent lack of legislative control that the Environment Protection Agency has over an industry that can be a polluter of the marine environment. The committee believes that sea-based aquaculture should be put into schedule 1 of the Environment Protection Act, which would give the Environment Protection Authority the ability to impose licence conditions on fin fish farmers.

The committee was disappointed that a number of the recommendations made in our previous inquiry into aquaculture have not been acted on. The code of practice for tuna farming is, as I said earlier, still not finalised, but I am pleased to hear from the minister of the pending legislation. Also, monitoring of the environmental effects of aquaculture has not increased. The committee recommends the introduction of emergency provisions to the Development Act to ensure that a transparent and approved process can be used if emergencies such as the Boston Bay tuna deaths arise.

The committee also recommends the immediate implementation of a market system that readily identifies the owners and managers of individual tuna feedlots and any associated equipment, particularly that which can come loose and float around the marine environment. We recommend a more strategic approach to the formulation of policy to manage aquaculture development, and encourage the Marine Managers Forum and Working Group to work with all the tiers of government in implementing the marine and estuarine strategy for South Australia—which, as I said earlier, is under way.

As the committee took evidence and the problems became apparent, I was pleased that the government followed the proceedings and that, by the time we had made our recommendations, government action was already well advanced, with the working group being set up and a legislative procedure begun. The committee has recommended the enactment of specific legislation to control sea-based aquaculture and, as I said, I understand that it is already being drafted.

As a result of this inquiry, the committee has made nine recommendations and looks forward to a positive response to them. I take this opportunity to thank all those who have contributed to this inquiry. In particular, I thank those who assisted the committee on its site visit to Port Lincoln. I send my thanks to the six members of the committee and also to the committee staff, Knut Cudarans and Heather Hill.

As chair of a senior statutory committee of the South Australian parliament, I reiterate how impressed I am how well the committee system can and does work in the case of the ERD Committee. To chair a committee on which the government has only two members out of the six is both a challenging and rewarding experience. I appreciate the cooperation and support of all the members.

During the entire time of my chairmanship there has not been a single minority report. Our ability to reach consensus is and should be noted by all members. Again, thanks to all: it is a pleasure to be the Presiding Officer, and I commend this report to the parliament.

Ms KEY (Hanson): I support the comments by the Presiding Member of the committee. This was a very difficult reference for the committee to deal with and it underlines the fact that, in the case of tuna feedlots, the process has let us down. Despite what the *Advertiser* reported on Saturday, there are two Labor members of the ERD Committee, the Hon. Terry Roberts from the other place and me, as well as Ms Karlene Maywald, member for Chaffey; the Hon. John Dawkins from the other place; and the Hon. Mike Elliott, Leader of the Australian Democrats, also from the other place, as well as our good chairman.

I would like to emphasise the fact that we do work as a team. The *Advertiser*, although it will probably never read this, really should acknowledge that we have a four-party team of people working together quite well and that we have excellent support from Knut Cudarans and our research officer, Heather Hill. Our inquiry has demonstrated that there is a lack of legislative control and that the code of practice has not been finalised, as the chair has said, but I am not absolutely convinced that a code of practice will make sure that we do not end up with this very difficult situation again.

The situation at Louth Bay reflects badly on the government: it reflects badly on planning, development, the EPA (both the authority and the agency) and also on the Department of PIRSA. I am really concerned that it has taken this long for the whole issue to get any currency, other than the abuse that we have received from some members of the community in that industry, and I hope that the government will take our recommendations seriously and put them into action. If that does not happen, the government will be seen to be colluding with some members of the industry who are critical of any codification or any legislation at all.

The other point that was absolutely obvious from our inquiry was that there is a lack of monitoring and compliance and that resources need to be put into that area. If we are going to be a state that goes ahead with new industries, particularly in the area of aquaculture, and also tuna farming or feedlotting, we need to ensure that we leave the environment pristine. We keep on marketing South Australia as having a pristine environment, particularly marine environment, but unless we get our act together I think we will lose that reputation and it will be to the detriment of the whole state.

The Hon. R.G. KERIN secured adjournment of the debate.

PUBLIC WORKS COMMITTEE: WILLUNGA BASIN PIPELINE (RECYCLED WATER REUSE SCHEME)

Mr LEWIS (Hammond): I move:

That the 112th report of the committee on the Willunga Basin pipeline (recycled water reuse scheme) be noted.

Members will recall that, following a resolution of the House of Assembly on 25 March last year, this project was referred to the Public Works Committee. The project involves the construction of the Willunga Basin pipeline, which is a private scheme, to pump recycled water from the Christies Beach waste water treatment plant to the Willunga region for use in irrigating horticultural crops. In the course of that debate in the House of Assembly, members, myself included, expressed the view that since the pipeline was largely being constructed on Crown land, that is roadways between the waste water treatment plant and the point of outfall and use, it warranted an inquiry by the committee in order to ensure that the public interest was not being neglected in the course of that construction.

In 1995, a study into the feasibility of using recycled water from the Christies Beach waste water treatment plant in the irrigation area of the Willunga Basin found that most irrigated enterprises in the Willunga Basin used ground water from underlying aquifers—it is hard to get it from anywhere else—but a further nearly 5 000 hectares in the Willunga Basin could be developed if good quality water supply was available at the right price. It also found that up to 600 hectares could be irrigated from the current flow from the Christies Beach waste water treatment plant without the need to construct seasonal balancing storages anywhere in the Willunga Basin; in other words, take the water as needed by the crops upon which it was to be used and apply it according to need, leaving the remainder, when it was not needed for crops, to run to sea. That inquiry also found that a 600 hectare scheme could form the first stage of a larger scheme and would be viable.

In 1996 SA Water was approached by the group now known as the Willunga Basin Water Company with a proposal to establish a privately owned entity to build, own and operate a pipeline from the Christies Beach treatment plant to supply effluent for irrigation to the Willunga Basin. At this juncture, I pay tribute to Vic Zerella for the determination and common sense he showed in pointing out the stupidity of allowing a valuable resource to run to sea where it could cause problems (and had elsewhere) when such a resource would be readily converted into export income, contribution to our balance of payments and, most importantly, jobs and development in the south. I am pleased that the Deputy Premier and Minister for Primary Industries acknowledges the accuracy of that observation.

In 1997 cabinet endorsed an agreement for the company to use all the treated waste water from the Christies Beach plant apart from that portion already committed to existing users. SA Water can cap the volume of recycled water provided so long as the present or reasonable future requirements of the company are preserved. The deed requires the Willunga Basin Water Company to design, construct, install, operate and maintain the pipeline infrastructure, including any on SA Water land, at its own expense and at its own risk. It must also design materials and best practice engineering approved by SA Water. The company must also comply with any law in respect of the use of its recycled water.

The Public Works Committee was told during the course of evidence that for this scheme the Willunga Basin pipeline will use up to 20 per cent of the water from Christies Beach to increase net horticultural production at no cost to the South Australian public. What a boom that is; what a sensible basic principle it involves. Stage 1 of the pipeline extends from the Christies Beach waste water treatment plant to 17 outlets on farms in the north-western part of the Willunga Basin and approximately 600 hectares of predominantly dry-land grain cropping areas will be converted into irrigated vineyards. The expansion would be most unlikely to proceed without access to this additional water.

That 600 hectares will, in the normal course of events, produce something in the order of 6 000 tonnes of premium grapes and as such one could expect that it will immediately increase the state's gross domestic product by something in the order of $6 million to $12 million at farm gate prices for the grapes; and if you calculated that the 6 000 tonnes will yield about 4.5 million litres of red wine, which would be the equivalent of about six million bottles of red wine, the cellar door price of that red wine at $20 a bottle shows that it increases the gross domestic product in South Australia not by the paltry sum of $6 million but something over $100 million. It is therefore a project to be highly commended. Those remarks about financial outcomes I personally make, rather than on behalf of the committee.

I return then to the committee's report. A long-term grape yield of more than 5 000 tonnes is what we were told in evidence would be involved: I would expect it to be in the order of 6 000 tonnes. We were also told that it would be valued, at farm gate prices, in the vicinity of $25 million per annum—and I think that is very modest indeed. The project will have a positive environmental impact by assisting to reduce the volume of discharges from the Christies Beach plant into the gulf, and further stages in the development of the pipeline (if they are shown to be economically viable) will provide further improvements. It is my own assessment, again, that the water need not just be restricted in its use to irrigating vineyard but can also be used to irrigate other crops which require a frost free environment, such as is available there, and where the sandy loam soils on the river plains are available the people owning such land could probably make more money if it were planted to seedless mandarins for which there is a huge market that goes unsatisfied and which would generate a much higher revenue than the revenues that could be generated by planting them or leaving them planted to vines or planting them with olives, for instance.

The initiative utilises a resource previously disposed of in Gulf St Vincent. It requires an investment of $6.9 million in private capital (and that is a kick along for our economy in the first instance in the form of investment in the pipeline infrastructure) and a further estimated $18 million in private investment in the ultimate amount that will be sunk by way of capital into the production facilities of whatever crops may be planted.

The committee was told that the requirements for an EPA licence and the Health Commission approval were easily met, and that the water would be treated to a level that was fit for use in an impoundment where people were allowed to paddle. Nevertheless, the likelihood of water coming into contact with humans, we were told, was very low. The project is only approved for drip irrigation on grape vines for wine production, fruit trees and flowers at this time. The risk level is

further reduced by a requirement that reclaimed water should not be allowed to pond anywhere on the surface.

The scheme is not expected to have an adverse effect on the confined aquifer used for drinking and irrigation because the amount applied in the course of irrigation will not result in water permeating beyond the root zone and, if any did permeate beyond the root zone, any bacteria in them would be reduced to such insignificant levels of population as to make them incapable of infection. The types of pathogenic micro-organisms associated with effluent are strongly absorbed by soils, and that natural filtration process will therefore occur before any of the water reaches the aquifer. It should be noted that e.coli does not survive in water for any length of time, and for an even shorter period of time in soil where it is parasitised by other organisms. The water will also be monitored to ensure that nitrate levels from the scheme do not exceed acceptable levels. The levels of nitrate present will act as a fertiliser to the crops on which it is used.

The committee was further told that the pipeline has been constructed to meet very high standards in order to guard against leaks or rupture. In the event that a spillage does occur, contractual obligations already signed off by the company will require it to repair the breach and thoroughly clean the site. The Onkaparinga council is empowered to do so if the company's response is not prompt, and will do so, of course, at the expense of the company. Any spillage will not cause an offensive odour to the public.

No income will be derived from the project for the first 15 years of operation, but thereafter a pricing arrangement will apply for all water used, and by year 30 the amount agreed by the parties must have regard to the market value of the water. The eventual income for SA Water will depend on the quantum of recycled water used by the scheme, but the transitional period and future market value for the recycled water is there. Capital costs for the proposal are limited to $150 000 by SA Water for the interface works that have to be constructed at the waste water treatment plant. There are no recurrent costs to the public sector arising from this project, and the net present value of $13.7 million for the project and a benefit cost ratio of 1:1.68 are indicated and make it a handsome investment indeed.

The project will serve the public interest by enabling SA Water to achieve an additional 6 per cent reduction in nutrient load that will otherwise be discharged into Gulf St Vincent after the implementation of its environmental improvement plan. The project will also effectively improve the discharge infrastructure at the Christies Beach plant and contribute to a deferral of future outfall augmentation. This means that we do not have to build more infrastructure to get rid of the waste water out into the gulf in the least damaging way possible. It costs money to put in such infrastructure.

The proposal does not address the unsustainable level of ground water usage in the area. Although additional water is available from the Christies Beach plant, larger projects for the Willunga Basin will require seasonal balancing storages. The alternative of underground storage through aquifer storage and recovery requires further research into the public and environmental health aspects, so we were told.

We have sought to understand the potential public liability in relation to the project, particularly on what terms and conditions arrangements for access and transfer were made for the water and for the crown land site on which the pipeline was constructed. Consequently, the minister was asked for a copy of the contract between Willunga Basin water company and the government (SA Water). The committee undertook to respect any matter that should be regarded as commercial in confidence. It is a disappointment to me and every other member of the committee that a response has not been received, so the committee is unable to report on this aspect of the proposal. We believe this to be a most serious breach of the wish of the House. It is recommended to the minister that a copy of the contract between Willunga Basin water company and the government be provided to the committee. Otherwise, under section 12(c), the committee reports to the parliament that it recommends that the proposed work is good.

Ms THOMPSON (Reynell): I start by congratulating the Willunga Basin waste water company for its initiative in this whole matter, the responsible way in which it has gone about its business, and the way in which it has had more than due regard for the interests of other water users in the Willunga Basin. It negotiated a very effective agreement with the city of Onkaparinga, which also had proper regard for the interests of the community in this project. It is a great disappointment to me in particular that we cannot say the same, on the evidence presented to the committee so far, about either SA Water or the Department of Administrative and Information Services.

The company has acted throughout honourably and responsibly. The government agencies seem to have sought to avoid any public scrutiny of what was going on in a very important area of water policy. We are told that water policy is one of the economic initiatives on which this state hopes to build its future. Here we have a real experiment in the use of waste water from the Christies Beach waste water plant, yet the way in which it has been done has completely avoided the broader public interest. I will illustrate my assertions.

For a start, this matter was fast-tracked through the Development Act, thus avoiding public scrutiny. It could be argued that there were good reasons for that, in that the issue of water shortages for the grape growers of McLaren Vale was quite critical. I am very happy to accommodate the need for them to get water immediately. However, it is a procedure which prevents the public from being fully involved in the process. The city of Onkaparinga did advertise quite extensively for submissions about its end of the process, and several were received and the matters negotiated.

There has been no environmental assessment report on the impact of this project, and there are many considerations. I am not in any way suggesting that what has been done will have an adverse impact. I am saying that this project needed to be put in the context of the best use of the waste water available from the Christies Beach treatment plant rather than simply looking at what were the issues for this project.

A lot of water is coming out of Christies Beach, and we are glad that initiatives are under way which will mean that it will not go into St Vincent Gulf. However, there are other users in the area who would like access to that water. They include public facilities, schools and the council itself. Some parts of the council were somewhat surprised to discover that it appears that the whole of the water available from Christies Beach has been allocated to the Willunga Basin company without any public involvement in this decision. As I say, other potential users have been excluded unless they can negotiate an arrangement with the company.

Initially, there was also an avoidance of Public Works Committee scrutiny. As the chair, the member for Hammond, has indicated, the matter came before the House for a decision (a direction for the matter to be sent to the Public

Works Committee), so that some of the broader issues about this project could be put on the public record, particularly as this is only stage 1 of the project and much more work is to be undertaken.

It is particularly disappointing that a decision of the House was required on this matter when the member for Mawson, who was a member of the Public Works Committee, was involved in the development of the plan and was not sufficiently aware of the provisions of the Parliamentary Committees Act, it would seem, to alert the project directors to the need for this matter to come before the committee. It clearly fell within the ambit of the committee, in that, although private money was used, public land was used. The other issue, of course, is that the public asset of the waste water from the Christies Beach plant was also used. The member for Hammond has pointed out that the government, through the agency of the Department of Administrative and Information Services, has not yet supplied the committee with a copy of the contract which would enable us to understand just how this valuable asset is to be used.

I point out that in his evidence Mr Brad Reseigh, a Director of the Willunga Basin water company, indicated that he was very happy for SA Water to provide a copy of that contract. On 1 September 1999, Mr Reseigh indicated that he would need to get permission from all the parties in stage 1 before he could supply the contract, but he said:

> I am happy to talk to it. I would need to go back to the stage 1 participants to get approval for that [that is supply]. I would have thought that SA Water would be your best port of call.

I then asked:

> In that case, Mr Kracman, will you please pursue this matter with SA Water?

Mr Kracman replied, 'I will.' However, despite frequent requests no contract has been supplied.

The major issue is in relation to stage 2 because stage 2 involves the management of the major part of the water available from Christies. Only a small proportion is used in stage 1, but the information we have indicates that the contract makes this available to the company, and in fact requires the company to take action to use the water, otherwise it will be allocated elsewhere. However, the exact provisions of that are unclear to us. However, as I said, the company is pretty public minded. It is aware of the problems in relation to the aquifers in the area and it was aware of the fact that excess water (the winter water) from Christies could be an excellent source of recharge of those aquifers.

Mr Reseigh in his evidence, when talking about the possibility of using the excess water for aquifer recharge, said:

> We then wrote to the government with the concept at that time of offering the government a share in the pipeline costs—a pipeline project at cost—so they could pump winter water for this very reason of aquifer recharges. That letter has not been responded to.

The Presiding Member then asked, 'How old is it?'. Mr Reseigh replied, 'Four or five months.' This was on 1 September 1999. It has been a problem that, because of the lack of sitting of this House, we have not been able to bring this matter to the attention of the House earlier. What has happened in the meantime is that stage 2 is under way. The company has decided that the government will not come to any arrangement about aquifer recharge—so we still have that problem—and the company is seeking very large areas of land to build very large and expensive dams which are a much more expensive way of storing the winter water than aquifer recharge. On 1 September—

The Hon. G.A. Ingerson interjecting:

Ms THOMPSON: At their expense, indeed. However, it does not help the growers of the area if they have to pay more for their water than would be necessary if the government had really thought through the whole of this issue on the best way of getting a good supply of cheap water to all the growers in the Willunga Basin area. Instead, we have no overall picture of how the government intends to address the issue of the shortage of water in that area. We have a private company undergoing considerable expense in order to make water available to its participants—and again I can do nothing but commend it on that. However, it does not seem that this is the best use of a public resource—that is, the water available from Christies Beach—and it does not supply the cheapest volume of water to the people of the Willunga Basin. On 1 September Mr Reseigh said:

> We will be moving on. We cannot afford to wait any longer. . .

It is time the government responded.

Time expired.

The Hon. G.A. INGERSON (Bragg): I would like to make a contribution to this report. I had the privilege of being the minister at the time when this scheme initially started. Vic Zerella approached me with three or four other gentlemen who had been involved in the process within government for about 18 to 24 months. It was a privilege for me to sit down with him, SA Water and members of the company to look at ways and means of getting waste water out of the sea—and let us not forget that is what this whole project is about. It was the first time that a private sector group had come to government with the intent to help clean up the waste water that was going out to sea. We had heard many complaints—and rightly so, too—that we were putting too much waste water out to sea.

In 1989, when in opposition, I remember that we put a proposal forward to start this process. I remember well the lobbying from the local members, in particular the contribution of the members for Mawson and Finniss to this whole process. As well as that there was widespread support from the local community because, as has rightly been said here this afternoon, there is a major problem with ground water supply in the McLaren Vale area. This project was seen as an opportunity to come together with SA Water and to stop some of the waste water going out to sea.

Vic Zerella, as rightly pointed out by the member for Hammond, was one of the major drivers of this whole program and is still involved significantly today. I cannot reinforce often enough the fact that this was the first major project that attempted to utilise grey water. It was at very little cost to SA Water, and consequently to taxpayers. The headworks and some of the drainage out to sea was significantly upgraded at Christies Beach, but the rest of the project from that valve virtually right through to the McLaren Vale basin, in essence, was done under private contract and private finance. Clearly, a couple of issues need to be looked at regarding the future. One of them was mentioned earlier by the member opposite, that is, the need to look at the role of aquifer recharge and the role of storage in the aquifer of some of this grey water.

Clearly, a significant amount of research and development needs to take place to improve the quality of the water if we are to put it into the aquifer. During my short time as minister in this area, some very significant work was being done at Bolivar at the Australian Institute of Science. This included

looking at how to better filter through special membranes to remove not only the organisms involved (the pathogens) but also a lot of the heavy metals. It was very up-front research and research, which, in years to come, will enable us seriously to consider the use of grey water and pumping it directly into our aquifers for storage and recharge.

The member for Hammond also mentioned the size of the developments that have taken place. Those of us who are privileged to visit McLaren Vale frequently notice the expanse of new vineyards that have been established. Along with those vineyards and the significant capital being invested in those vineyards, obviously there are a lot of new jobs, and many young people who were previously leaving the area now have jobs in the viticultural industry in McLaren Vale.

I conclude by reiterating that this whole project has been proposed at minimal cost to the government, through SA Water, and consequently to taxpayers. It involves an agreed position between the private and public sectors, because clearly SA Water has a significant role to play in ensuring the quality of water it supplies into the pipeline and in terms of the health issues involved in the use of the water at the viticultural end. Clearly there is an opportunity for the further use of some 80 per cent of the waste water currently going out to sea. That is the big issue and, if Stage 2 picks up a large amount of that, so be it and good luck to all those involved. I heard the comment that there is not enough water available to the public. I would find it quite staggering if the local council did not become involved and secure a share of that water. Knowing the local mayor reasonably well, I would be very surprised if Mr Gilbert has not put his point of view to SA Water very clearly, and I would also be very surprised if 100 per cent of that water is being used if it is under contract.

It seems to me that whenever anyone develops something in the private sector faults are always found with it. Whilst there is general support for this project, it seems that a little dig is being thrown in again to make sure that the private sector is reminded of this. The member opposite has said this, and I will state it again: in this case the company in question has done gone out of its way to do everything right environmentally and in terms of management, and has cooperated with the government on every issue on which it has been approached. My view on this matter is: here we go again—the old 'knock over anyone who wants to get ahead and do anything in the private sector'. That little niggle was the issue.

I decided to make a contribution because everything the company has been asked to do it has done, and it has done it in an absolutely first class way. That is because of the leadership of Vic Zerella and the board. They knew that because they were the first private sector group that had asked government for support in this area—they requested no finance—they would have to do it at the best and highest level. In my view they have done that and do not deserve any criticism, whether it is snide or up front. I congratulate the committee on its report. Having had some personal involvement in this project, I think it is one of the best waste water projects we have had in this state, and I hope that we implement many more of them.

Mr HILL (Kaurna): I rise to speak briefly on this issue. Some six weeks or so ago I had the pleasure of being shown around the Willunga Basin project by the chairman of the committee, and I want to express my great support for the project. As members will know, some 20 per cent of the waste water that otherwise would have gone out to sea at Christies Beach and polluted the waters out in the gulf is now piped down to McLaren Vale via a number of stations and is used to produce grapes at McLaren Vale. It is an absolute win-win situation: we get less pollution and more economic advantage. I think that is great for South Australia, and the fact that it is all being done with private money is even better.

I would like to speak more about this project at some later date and go through some of the detail but, having heard that it was on the agenda today, I wanted to have my support for this project added to that of other members. I think it is a great initiative and I hope that over the next year or so the people managing the pipeline will be able to find storage facilities so that all the waste water from the Christies Beach sewage treatment works can be stored and then used for even greater plantings in the McLaren Vale area. I know that my constituents will certainly appreciate it, because that will mean that the waters off the coast of the electorate of Kaurna will be that much cleaner and there will be more employment in the McLaren Vale area.

Mr WILLIAMS (MacKillop): My comments will also be relatively short, but there are a few points I would like to make with regard to this report of the Public Works Committee. It has been quite a delight for me to be involved in the reference we had on this project, because of the interest I have in water, irrigation and reclaiming and re-using waste water. Some 18 months ago I had the opportunity to visit Israel and inspect some of the waste water treatment plants and re-use of sites in that country. I believe that we still have a lot to learn, but we should be proud of the efforts that have been made in recent times. One of the things this government has done is that it has started to divert the water that, virtually ever since white settlement of the Adelaide Plains, has been flowing into Gulf St Vincent, carrying with it the attendant pollution that has been picked up by that water, albeit these days off sealed road surfaces, paved areas or from human waste treatment plants.

A couple of the great projects have been the Bolivar diversion project north of Adelaide and this one south of Adelaide. The member for Bragg, who spoke a moment ago, questioned some of the comments made by the member for Reynell about the general public in the southern suburbs not having access to this water. I would suggest that that is a bit of a nonsense. Unfortunately, about 80 per cent of the water in that waste water treatment plant is still ending up in Gulf St Vincent, and that is a pity. I am certain that this pipeline is only the beginning of more serious and extensive diversion of waste water to other worthwhile and useful purposes, not only providing more economic benefit to South Australia but also saving some of the environmental degradation that is occurring over our metropolitan beaches.

I would add that another reference that has been before the Public Works Committee is the Barcoo Outlet. The member for Reynell would argue on that matter that we are doing the opposite and allowing waste water to run into the gulf. One of the problems is that some of that water originates from waste water treatment plants and has high levels of various pollutants, including nitrogen and phosphate pollutants, which have been identified as causing problems to the environment. This government seems to be damned if it does and damned if it does not. I support the committee's comments in the report and certainly have great pleasure in endorsing this project.

Ms HURLEY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: STRATHMONT CENTRE REDEVELOPMENT—AGED CARE FACILITY

Mr LEWIS (Hammond): I move:

That the one hundred and thirteenth report of the committee, on the Strathmont Centre Redevelopment—Aged Care Facility, be noted.

The committee has considered a proposal to redevelop the Strathmont Centre via the construction of a 50-place aged care facility for people with intellectual disabilities on a greenfield site at Northfield. The estimated cost is $4.845 million and the anticipated completion date is June 2001.

Over the past 10 years there has been a trend across human services, including mental health, to transfer people out of large institutions into community-based services. The current proposal will involve the development of a 50- place aged care facility for residents who are frail and elderly and the relocation of 100 more independent residents into South Australian Community Housing Association housing; 216 residents will remain at Strathmont Centre; and an assessment of other viable accommodation and care options will be undertaken prior to any further redevelopment of the site.

The proposal involves a cluster development of five self-contained 10-bedroom houses, four of which are designed as groups of two duplexes to provide for some commonality of services and to facilitate access for night staffing. Members need to recognise that these facilities are lock up, that is, it is not possible to leave them open to the outside world at night lest the people who live there, unintentionally putting themselves at peril, wander. The other house is independent. The group of buildings will be linked by a series of walkways. The committee is assured that Modbury Hospital will continue to provide an appropriate level of palliative care in the new aged care facility.

The committee inspection of the current accommodation noted the crowded nature of the shared rooms, the lack of privacy of the shower and toilet facilities and the inadequate space available for both support equipment and storage. In the accommodation units there were insufficient heating and cooling systems, as they are old and inefficient. Also, wet areas require extensive remodelling to meet building and disability standards and safety standards for those working there, and carpentry and internal joinery is needed because they are generally in a very run down condition. Further, there is severe structural cracking to buildings, with some beyond economic repair. Honestly, in one instance it would have been possible for me to put my modest-sized skull into one of the cracks. I am not a very big headed person!

The committee was told that even spending a significant amount of money would not bring these villas to the commonwealth aged care standards, which are in conflict with the state aged care building standards. During its initial inquiries the committee became concerned by a number of issues relating to the proposed provision of an aged care facility for people with intellectual disabilities. The committee was particularly concerned at the absence of appropriate demographic details and any precise criteria for determining who would or would not be admitted to and accommodated in the new proposed aged care facility.

Given its concerns, the committee unanimously resolved to engage the services of an independent expert consultant to evaluate thoroughly the proposal and to assist the committee in its deliberations. The consultancy recommended against the proposed works. The Department for Human Services advised that it required at least 16 weeks adequately to examine and prepare an appropriate response to the consultant's report. Although the committee recognised the urgent need for appropriate accommodation for existing residents, it could not deliberate further until a response had been received from the proponent, namely, the Department of Community Service.

The committee tabled an interim report to the House in May 1999 (almost 12 months ago), and that should be read in conjunction with this report to enable those involved to gain a full understanding of our deliberations. We continue to have significant concerns about the adequacy of the consultation process and the development of the proposal. Clients and relatives knew little about the project and certainly were not given the opportunity to discuss the full range of potential options for their family members. The Department of Human Services acknowledges this point. There was no consultation with the wider disability sector, including ACROD, ANGOSA, Disability Action and, in particular, the minister's own Disability Advisory Committee.

This is particularly worrying to me, as well as to the rest of the committee, as the disability sector is seriously concerned. No consultation was undertaken with the aged care sector, although nursing home care is most often undertaken by these organisations, yet the committee's consultant found the aged care sector and the commonwealth willing to discuss and develop appropriate options. Representatives from both the disability and aged care sectors have expressed disappointment that initial failure to consult more widely on this proposal has meant that opportunities have been lost to develop innovative responses to better meet the needs of clients.

The committee is very sympathetic to the needs of the clients living in the present facility but is concerned by evidence that the focus on accessing the commonwealth funding has distorted placement decisions and 21 Strathmont residents are to be placed inappropriately as a result. These residents are being placed in a nursing home that will limit their opportunities for the realisation of their full potential and access to a lifestyle promoting independence. The proponent argues that these residents were proposed for entry into the nursing home to maintain friendships and relationships, yet the committee has been told that people do not need to live together to maintain their social networks.

The committee is also concerned that the department has not ruled out placing in this nursing home other people not assessed as requiring nursing home care. The committee is told that the service model has been assessed as non-compliant, with several principles and objectives within the legislation and the standards because it is moving towards an institutional arrangement, it provides a restrictive dependency service model and it is not appropriate for clients in their late 40s and 50s. Further, the rationale implies that financial imperatives rather than clients' individual support needs influenced the development of the service model. Also, it is not developed in the context of a continuum of care for ageing people with a disability.

In addition, the limited consultation undertaken by the proponents failed to meet the requirements of the state and commonwealth acts. Disability Action Incorporated sees the proposal as breaching the commonwealth and state disability

service acts, the Disability Discrimination Act and the expressed positions of the peak national consumer bodies, including the National Council for Intellectual Disability. The department has stated in evidence that there is a possibility of litigation at some time in the future in consequence of this.

The committee is told that the Strathmont Centre was built for a population of 600 and that, with the smaller number remaining on site, there will not be the need for the larger facility to remain. The degree to which the proposed project is driven by the wish to vacate the site, as opposed to achieving the best possible client outcome, is not apparent to us. The completion of the proposed project will diminish the continued viability of the Strathmont Centre. However, the department is not able to inform the committee what care or accommodation is envisaged for the 216 residents who will remain on the Strathmont Centre campus.

The proposal relies in part upon its ability to have a number of services provided by Strathmont Centre. However, the proponents have not provided any information about how the proposed facility will operate following the eventual closure of Strathmont.

The committee is further concerned that the cost of each proposed unit is approximately $500 000, particularly as the department's costings for capital and recurrent expenditure, comparing the nursing home and community housing, are both confused and confusing and contradict oral evidence that we were given.

The committee acknowledges that to delay the process further will cause more hardship to residents. It therefore reluctantly supports the proposal and strongly recommends to the minister that, first, only those residents assessed as requiring a high level of care should be accommodated in the new nursing home. If there are insufficient residents at Strathmont Centre who are eligible, persons in the wider community who are assessed as being eligible for nursing home care should be offered the remaining places.

Secondly, the Department of Human Services should co-opt a suitable aged care provider to take administrative and service responsibility to take effect as soon as possible. Thirdly, policy discussion should occur within the commonwealth government to more closely link aged care and disability policies and standards. Fourthly, the Disability Services Office should initiate urgent discussion with the South Australian aged care sector to improve policy, direction and cooperation in services for elderly people with disability. Fifthly, the Disability Services Office should prepare a total strategic plan for the future of Strathmont centre to avoid repetition of the present inadequate planning process. Sixthly, the Department of Human Services should review and improve its processes for stakeholder consultation and involvement. Seventhly, the Department of Human Services should properly inform itself of the role and function of the Public Works Committee and the provisions of the Parliamentary Committees Act which prohibits agencies from proceeding with projects, such as the current proposal, before the committee has deliberated on their merits. However, the committee, pursuant to the provisions of the act, recommends that the proposed public work be proceeded with subject to these recommendations.

Ms THOMPSON secured the adjournment of the debate.

GOVERNMENT BUSINESS ENTERPRISES (COMPETITION) (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (BHP INDENTURES) BILL

The Hon. R.G. KERIN (Deputy Premier) obtained leave and introduced a bill for an act to amend the Broken Hill Proprietary Indenture Act 1937 and the Broken Hill Proprietary Company's Steel Works Indenture Act 1958. Read a first time.

The Hon. R.G. KERIN: I move:

That this bill be now read a second time.

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

Leave granted.

This bill seeks to ratify a Deed of Amendment entered into by the State and BHP on 30 March 2000 amending the 1937 and 1958 Indentures to facilitate the transfer by BHP of its rights and obligations under the Indentures to a new company to be formed from BHP's long products steel business. Among other proposed supporting amendments to the two Indenture Acts, the bill seeks to repeal s.7 of the *Broken Hill Proprietary Company's Steel Works Indenture Act 1958* which presently exempts BHP and its subsidiaries from liability for creating certain types of pollution. The bill also seeks to provide that an environmental authorisation under s.37 of the *Environment Protection Act 1993* may be granted or renewed so that it remains in force for more than 2 years.

The government has been concerned for some time about BHP's plans for Whyalla and its long products business, and has been in regular contact and discussion with senior management of the company for more than 12 months. On 6 October 1999 BHP announced it would be divesting the long products division of its steel business, which includes the iron ore mines in the Middleback Ranges, and the Whyalla steel making plant.

The government indicated to BHP its willingness to facilitate this plan because the government believes this will be in the best interests of the Whyalla community. The government formed the view that any alternative would see the Whyalla assets remain in BHP's hands, and that was not a tenable outcome for Whyalla. BHP was clearly signalling that it had better options elsewhere and wouldn't be committing new resources to the long products business. The government's willingness to facilitate BHP's transition from the long products business was, however, always conditional upon the ability of the government and BHP to agree on measures which responded to the reasonable and legitimate concerns of the Whyalla community.

Throughout the ensuing discussions the government has also consulted regularly with the Whyalla Council and the Whyalla Economic Development Board to understand the issues of concern to the Whyalla community. The government would like to express its appreciation to the both the Council and the WEDB for their leadership and the constructive contribution they have made throughout what has been a difficult and challenging period for the Whyalla community. This agreement between the South Australian government and BHP addresses the substantive issues raised by the Council and the Board, and will give the people of Whyalla justified cause for optimism about their future.

The government's greatest concern is employment in Whyalla, and ensuring the steelworks remain viable and competitive. In this regard the government has taken great comfort from the assurance of Dr Bob Every, the new CEO of the long products company, that the Whyalla steel works and the iron ore mining operations in the Middleback Ranges will be the cornerstone of this new national steel business. They will be integral to the success of the new steel company.

There are four main elements to the agreement between the government and BHP. Firstly, BHP will give approximately 3600 hectares of land to the Whyalla Council and the State government, which is 45 per cent of the land it currently owns or occupies.

A large portion of some 700 hectares will be given to the Council to establish an industrial estate, which has been a long standing

ambition of the Council. A portion, including the golf course, will be given to the Council for community recreation and leisure purposes. A further portion of approximately 1100 hectares will be given to the government to extend the Whyalla Conservation Park and for road reserves. The Council will also gain the sites occupied by the maritime museum, Tanderra and a portion of the Yaringa Gardens.

BHP has assured the government there are no material environmental issues in relation to the land which is to be given away.

The remaining land owned or occupied by the steel company will only be used for steel-making or related purposes, unless the Council or the government agrees to another use. The operations of other non-steel businesses currently on the site, such as Cognis and Pacific Salt, will however, be unaffected by this agreement.

Secondly, the new steel company will make annual payments to the Council in lieu of rates. These payments will increase progressively until they equal $550 000 per annum by mid-2007. In total the Council will receive more than $8.6 million over the next twenty years, which I understand is more than 4 times what BHP has paid the Council over the last twenty years.

Thirdly, unlike BHP, the new steel company will no longer have an unfettered right to discharge effluent into the sea, or discharge smoke, dust or gas into the atmosphere under section 7 of the 1958 Indenture Act. The Act will be amended to ensure the new steel company will operate under the full authority of the Environmental Protection Authority. Whilst BHP has always sought to comply with the intent of South Australian environmental legislation, and for a number of years has been implementing environmental improvement programs in cooperation with the Environmental Protection Authority, it was agreed the rights enjoyed by BHP are clearly no longer acceptable at the beginning of the twenty first century.

Finally, BHP has agreed to a formal process which the new steel company will use for reviewing any request to access the port. This has the potential to open up new opportunities for other businesses to locate in Whyalla, such as the proposed shipbreaking operation or even proponents looking to re-establish Whyalla as a centre for ship-building. The new policy which will be applied when such requests to access the port are received is also tabled today.

This agreement comes at a critical time, and represents a major step forward, not just for Whyalla, but for the entire Upper Spencer Gulf region. This agreement benefits all stakeholders by securing the future of the steelworks and the jobs of the steelworkers, paving the way for new investment by the new owners of the business, providing new opportunities for economic development in Whyalla and better environmental protection, and providing a significant financial boost to the Whyalla Council.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure. The whole of the bill, except for clause 19, will come into operation on assent by the Governor. Clause 19 comes into operation on the day on which the rights and obligations of BHP (or its successors and assigns) under the 1937 and 1958 Indentures first become rights and obligations of a person that is not a related body corporate (within the meaning of the *Corporations Law*) of BHP.

Clause 3: Interpretation

This clause is formal.

Clauses 4 to 15—these clauses amend the 1937 Act.

Clause 4: Amendment of long title

This clause amends the long title of the *Broken Hill Proprietary Company's Indenture Act 1937* ('the 1937 Act') to reflect the ratification of the Deed ('the 2000 Deed of Amendment') that is effected by this bill.

Clause 5: Insertion of s. 1A

This clause inserts an interpretation provision into the Act. References in the Act to 'BHP' mean The Broken Hill Proprietary Company Limited, while references to 'the Company' mean BHP, its successors and assigns. 'The Indenture' is the Indenture set out in Schedule 1 of the 1937 Act, as amended from time to time, and 'the 2000 Deed of Amendment' is the Deed set out in Schedule 2 of the Act.

Clause 6: Amendment of s. 2—Validation of Indenture and 2000 Deed of Amendment

This clause amends section 2 of the Act. Section 2 currently ratifies the Indenture set out in the Schedule of the Act. This clause amends section 2 to extend that ratification to those provisions of the 2000 Deed of Amendment that amend or relate to that 1937 Indenture.

Clause 7: Repeal of s. 3

This clause repeals section 3 which is an obsolete provision.

Clause 8: Amendment of s. 5—Saving of certain rights

This clause is consequential.

Clause 9: Amendment of s. 6—Further provisions as to the Indenture

This clause is consequential.

Clause 10: Amendment of s. 7—Construction of Government railways

This clause is consequential.

Clause 11: Amendment of s. 8—Right to cross tramways, etc., of the Company

This clause is consequential.

Clause 12: Amendment of s. 9—Leases in paragraph B of the schedule to the Indenture

This clause is consequential.

Clause 13: Insertion of s. 10

This clause inserts new section 10 into the Act. New section 10 provides that if at any time the rights and obligations of the Company under the 1937 Indenture (as amended) are assigned to and assumed by an assignee in accordance with the Indenture, all other rights and obligations of the Company under the Act vest at the same time in the assignee. In addition, in those circumstances, the assignor and the State of S.A. are released from any future obligation to each other under the Act *except* where the assignee is a subsidiary of BHP (within the meaning of the *Corporations Law*), in which case BHP is not released from its obligations to the State under the Act unless and until the assignee ceases to be a subsidiary of BHP.

Subsection (3) requires the Minister to give notice in the *Gazette* of the assignee's name and registered address within 14 days after any assignment and assumption of rights and obligations under the Indenture take effect (though a failure to give notice does not prejudice the assignment and assumption).

Clause 14: Substitution of schedule heading

This clause inserts a new heading to the existing Schedule to the Act.

Clause 15: Insertion of Sched. 2

This clause inserts into the Act, as Schedule 2, the 2000 Deed of Amendment.

Clauses 16 to 23—these clauses amend the 1958 Act.

Clause 16: Amendment of long title

This clause amends the long title of the *Broken Hill Proprietary Company's Steel Works Indenture Act 1958* ('the 1958 Act') to reflect the ratification of the Deed ('the 2000 Deed of Amendment') that is effected by this bill.

Clause 17: Amendment of s. 3—Interpretation

This clause inserts some definitions into the Act. References in the Act to 'BHP' mean The Broken Hill Proprietary Company Limited, while references to 'the Company' mean BHP, its successors and assigns. 'The Indenture' means the Indenture set out in Schedule 1 of the 1958 Act, as amended from time to time, and the '2000 Deed of Amendment' is the Deed set out in Schedule 2 of the Act.

In addition 'the prescribed day' means the day on which the rights and obligations of the Company under the 1958 and 1937 Indentures first become rights and obligations of a person that is not a related body corporate (within the meaning of the *Corporations Law)* of BHP.

Clause 18: Amendment of s. 4—Validation of Indenture and 2000 Deed of Amendment

This clause amends section 4 of the Act. Section 4 currently ratifies the Indenture set out in the Schedule of the Act. This clause amends section 4 to extend that ratification to those provisions of the 2000 Deed of Amendment that amend or relate to that 1958 Indenture.

Clause 19: Substitution of s. 7

This clause repeals section 7 of the Act and inserts new section 7. Section 7 of the Act currently exempts the Company and any subsidiary from liability for certain forms of pollution caused by its works at or near Whyalla.

New section 7 provides that the repeal of section 7 does not affect the exemption afforded to BHP or to any subsidiary of BHP by the repealed section in respect of pollution occurring before the day on which the rights and obligations of the Company under the 1958 and 1937 Indentures first become rights and obligations of a person that is not a related body corporate (within the meaning of the *Corporations Law)* of BHP.

In addition, despite any Act or law to the contrary, no assignee under the 1958 Indenture has any liability for pollution that occurred

before that day and that falls within the exemption afforded to BHP or a subsidiary.

Subclause (2) provides that the current section 7 is repealed and the new section substituted only on the day referred to in the new section, ie, the day on which the rights and obligations of the Company under the 1958 and 1937 Indentures first become rights and obligations of a person that is not a related body corporate of BHP.

Clause 20: Insertion of ss. 7A and 7B

This clause inserts new sections 7A and 7B into the Act.

New section 7A provides that any exemption from a provision of the *Environment Protection Act 1993* that is granted under section 37 of that Act by the Environment Protection Authority to the Company in respect of pollution resulting from its undertaking at or near Whyalla on or after the prescribed day (the day on which the rights and obligations of the Company under the 1958 and 1937 Indentures first become rights and obligations of a person that is not a related body corporate of BHP) can be granted or renewed by the Authority for such period as the Authority thinks fit. That is so despite any provision of the *Environment Protection Act* or its regulations to the contrary. (Except in certain circumstances the regulations under the Act currently limit exemptions under section 37 to a period of two years).

New section 7B empowers the Registrar-General to make appropriate entries in the Register in respect of certain lands that vest in the State pursuant to the 1958 Indenture (as amended). It also makes provision for the conversion of a statutory easement arising under the Indenture into a normal easement, or for the discharge of the statutory easement, should the relevant parties agree to do so.

Clause 21: Substitution of s. 12

This clause inserts new section 12 into the Act. The existing section 12 is obsolete. New section 12 makes the same provision in relation to the vesting of and release from rights and obligations under the 1958 Act as are made by new section 10 of the 1937 Act (inserted by clause 13 of this bill) in relation to the rights and obligations under that Act.

Clause 22: Substitution of schedule headings

This clause inserts a new heading to the existing Schedule to the Act.

Clause 23: Insertion of Sched. 2

This clause inserts into the Act, as Schedule 2, the 2000 Deed of Amendment.

Schedule: The 2000 Deed of Amendment

The Schedule to this bill sets out the text of the 2000 Deed of Amendment entered into by the State and BHP on 30 March 2000.

Clauses 1 and 2 amend and affirm the Indenture to which the 1937 Act relates. The salient amendments are:

- a new clause 18 is inserted that empowers the Company from time to time to transfer, with the State's consent, its rights and obligations under the Indenture to an assignee, by the execution of a deed by the Company, the State and the relevant assignee that is substantially in the agreed form (*see* Annexure 2). The State must give its consent if the assignee is a related body corporate of the assignor or is one of a group of companies to which the Whyalla steel works (and related operations) are to be transferred as part of an integrated group of businesses capable of processing most of the Whyalla works' output. If the proposed assignee is not such a body corporate or company, the State cannot unreasonably withhold its consent if satisfied that the assignee is responsible and solvent, and if satisfied that the assignee will secure the ongoing viability of the Whyalla works. BHP will remain liable under the Indenture in the event of failure to comply by an assignee that is a subsidiary of BHP.
- a new clause 19 is inserted that secures, in the same terms as clause 18, the State's consent to a change in effective control of the Company.

Clauses 3 and 4 amend and affirm the Indenture to which the 1958 Act relates. The salient amendments are:

- a new clause 26A is inserted that sets out the parties' agreement regarding disposal of certain of BHP's freehold land (*see* the maps set out in Annexure 1), and binding BHP not to allow third party use (ie for non-steelmaking purposes) in the future in respect of the remainder of its freehold land in Whyalla. If, by the end of this calendar year, BHP has not disposed of the relevant pieces of land as contemplated by subclauses (2)-(6), the land vests in the State (subclause (8)). Subclause (7) imposes on the relevant pieces of land a restrictive covenant against residential development or any use of the land that is adverse to the Company's undertaking. The covenant runs with the land for so long as the steelworks continue to operate. Once land is transferred or vested under this clause, it will fall back into the area of the Whyalla council (subclause (9)). Any infrastructure owned by BHP that is on the land transferred or vested by this clause continues to be owned by BHP, subject to any written agreement to the contrary (subclause (10)). The Company has an easement over the land for the purpose of operating, maintaining or replacing that infrastructure.
- a new subclause 31(5) is inserted relating to the transfer of the Company's rights and obligations under the Indenture. This subclause is to the same effect as new clause 18 of the 1937 Indenture.
- a new subclause 31(6) is inserted relating to changes in the effective control of the Company. This subclause is to the same effect as new clause 19 of the 1937 Indenture.

Clause 5 provides that the Deed of Amendment does not come into operation unless and until an Act ratifying the Deed, enabling the Deed to be fully carried out and securing the rights of BHP and its successors and assigns under the Deed comes into operation. This clause also provides that the right of the Company under the 1958 Indenture to terminate the Indenture if the 1958 Act is amended does not apply to an Act the sole effect of which is to ratify and approve or otherwise support the terms of the 2000 Deed of Amendment and to repeal section 7 of the 1958 Act in the manner specified in paragraphs 5.3*(a)* to *(d)*.

Clause 6 provides that the law of South Australia governs the Deed of Amendment and that each party bears its own legal costs. Stamp duty on the 2000 Deed of Amendment is to be paid by BHP.

The Hon. M.D. RANN secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to amend the National Parks and Wildlife Act 1972. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The *National Parks and Wildlife Act* received Royal Assent in 1972. As stated in the objects of the legislation, the Act serves two distinct but related purposes, one being to establish and manage reserves for public benefit and enjoyment and the other to provide for the conservation of wildlife in a natural environment. Frequently, these objects complement one another but, on occasion, public use of reserves, flora and fauna may conflict with the stated conservation objective. The role of Government is to maximise public benefit while minimising the impact of human activity on our natural assets.

Prior to the 1997 election, the Liberal Party released its Environment Policy document, which contained a commitment to review the fauna licensing system. This Policy states:

> Industries, which harvest our native fauna, or use them in more passive ways, such as recreation and tourism, are increasingly significant to the State's economy. It is important to set in place strategies, which will ensure that these industries develop in a sustainable way, encouraging economic development while protecting vulnerable species from over exploitation.
>
> A Liberal Government will:
>
> - Review the legislation and administration of wildlife licensing to improve equity and streamline processes.
> - Support the development of private sector enterprises, which are based on sustainable utilisation of native fauna.

Such a commitment is in accordance with the Ausindustry Business Information System, which has been endorsed by all Australian jurisdictions and the National Competition Policy Agreement. Currently, the *National Parks and Wildlife Act* and the *Wilderness Protection Act 1992* are undergoing competition policy review. These reviews have necessitated a detailed examination of the associated legislation and administrative processes. Although the

National Parks and Wildlife Act is intrinsically sound in its intent and provisions, several aspects of the legislation were identified as being in need of revision. It is the purpose of this amendment Bill to address those issues whilst not amending the policies or directions underlying the legislation.

A Fauna Permit Review Group was established to review the legislative and administrative mechanisms of the Fauna Licensing System. The objective was to improve access to information, explore options to promote the appreciation of wildlife, minimise bureaucratic processes and delays, ensure that the fauna permit system delivers the services required by Government and the public and to maintain the conservation imperative of protecting at risk wild populations. The legislative reforms required for the reform of the fauna licensing system were predominantly implemented by amendment to the Wildlife Regulations subordinate to the *National Parks and Wildlife Act*. As anticipated, various groups and individuals have diametrically opposing views on access to and commercial use of fauna and flora. Some seek an absolute prohibition on access to wildlife; others want access to be unfettered by regulation. This amendment Bill and the recent amendments to the Wildlife Regulations seek to balance their views, streamline administration for Government and the community, improve the regulatory framework provided by the legislation and aims to continue to protect our natural assets.

The Act currently allows for the payment of royalties for an animal taken from the wild if the species is proclaimed by the Governor. There are thousands of species for which people can apply for a take from the wild permit. As the Act stands, every one must be nominated by proclamation for a royalty to be imposed. Consequently, apart from the great kangaroos no royalties have been imposed. This amendment Bill allows the level of royalty to be set by regulation and to be dependent on the conservation status of the species and to cover the administrative costs of overseeing the capture of the animal and its subsequent living conditions. On this basis, if the species is not rare, endangered or vulnerable, a royalty of $25 is proposed. If it is rare, $50, vulnerable $75 and endangered $100. These charges do not directly reflect the commercial value of the animals, merely the administrative cost of overseeing their appropriate capture and care.

The Act specifies that the director may issue hunting permits for up to a year. No such statutory limitation is applied to permits of other types. The fauna permit review has recommended that Keep and Sell, Fauna Dealers, Kangaroo Shooters and Processors, Hunters and Emu Farmers are provided with the flexibility to chose between one, three and five year permits. Implementation of this recommendation in respect to hunting permits requires a minor amendment to section 68A of the Act.

The Act specifies the powers of wardens. Two issues require clarification:

- As the legislation was drafted nearly thirty years ago, there is no provision for wardens to take blood, DNA, video and audio evidence. Such powers would, subject to the written approval of the director, be afforded to wardens should the provisions of this amendment Bill be endorsed. The value of each is now well established as important components of briefs establishing the source, lineage and living conditions of animals.
- It is also a requirement that a person must produce their permit if asked to do so by a warden but the legislation does not indicate when it must be produced. These amendments would require compliance as soon as practicable after such a request.

When the Act was drafted, it was determined that providing false or misleading information to a warden should be an offence. The possibility of electronic communication was not envisaged. Within the next few years, electronic lodgment of forms will become a routine mechanism for commercial transactions. E-mail and facsimile transmissions are proposed as media by which a customer may lodge stock returns and applications for permits. To facilitate commercial transactions, it is necessary for the offence to cover providing false or misleading electronic statements.

Section 51A of the Act provides the opportunity to allow, through the publishing of a notice in the *Gazette*, persons of a prescribed class to kill prescribed animals in a prescribed manner. However, the provision has a sunset clause under which it expires on 23 May 2000. This section provides a useful mechanism to address nuisance birds e.g. Sulphur-crested Cockatoos in the Southern Vales and Rainbow Lorikeets in the Adelaide Hills. Over the last twelve months, the problems created by these flocks have increased. The Bill replaces section 51A.

Currently, the minister determines whether or not a take from the wild permit should be issued. In accordance with open Government and competition principles, it is recommended that the Act be amended to create a provision stating that individuals directly affected may ask the South Australian National Parks and Wildlife Council to review the decision. The Council can make recommendations to the minister, who may change the decision after considering the Council's recommendations.

The General Reserves Trust is established as a Development Trust under section 45B of the *National Parks and Wildlife Act*. New section 45BA to be inserted by the Bill will provide that the General Reserves Trust will be taken to have been established in relation to all reserves except those in relation to which another Development Trust has been proclaimed. This will mean that no reserve will be without a Development Trust.

This Bill provides that funds derived from activities on a reserve be used for the purpose of carrying out the functions of the reserve's Development Trust.

The Wildlife Advisory Committee is established under the *National Parks and Wildlife Act* as an advisory body to the minister on matters of wildlife and habitat management. It also advises the minister on the expenditure of the Wildlife Conservation Fund (WCF) which receives its revenue from the sale of Hunting Permits and Seized Fauna under the Act. Funds held in the fund generally fluctuate between $300 000 and $500 000 the bulk of which is committed to research projects involving the conservation of wildlife. Projects are generally funded for less than $20 000 each.

Unlike the *Native Vegetation Act*, and other more recent legislation, the *National Parks and Wildlife Act* does not provide for the Fund to accrue its own interest. Therefore, no interest is currently accrued on invested funds. This Bill reflects contemporary legislation and makes provision for interest accrued on funds to be paid into the Fund. Animals, which have been seized under this Act, may be sold through the Monarto Fauna Complex and the money paid into the Wildlife Conservation Fund. Frequently, animals are surrendered to Monarto. This bill expands the provision to permit the sale of such animals in the same manner as those, which have been seized.

Section 43C of the *National Parks and Wildlife Act* currently authorises fees to be set by the director with the approval of the minister for:

- entrance to reserves;
- camping in reserves; and
- use of facilities and services.

Commercial operators use park facilities extensively. Examples include Seal Bay, Flinders Chase and Wilpena Pound. While most pay operator fees there is no recourse if an operator refuses to obtain or to display a permit and the Act does not specifically provide for such permits to be issued or for fees to be charged for such permissions. This impacts on the financial base of park operations. In addition, enforceable licenses provide the opportunity to attach conditions relating to public safety, environmental standards and specific routes that may be taken. The provision is unclear whether activities, such as commercial tours, filming, cave diving, and use of Lake Gairdner for land speed records, are using facilities or services. Amendments made by the Bill make it clear that a fee, bond or other charge can be imposed as part of a lease, licence or other agreement entered into by the minister or director permitting specified uses of a reserve.

This would enable an environmental bond to be charged to repair damage sustained. If no damage were sustained the bond would be refunded and the lease fee retained. Similarly, on occasion, the site is booked for speed trials but the booking is cancelled due to unforeseen circumstances. It will now be possible to retain a proportion of the licence fee as a late cancellation fee.

Schedules 7, 8 and 9 (the Threatened Species Schedules) of the *National Parks and Wildlife Act 1972* list endangered, vulnerable and rare species respectively. The main purpose of the schedules is to define and protect species considered to be in danger of extinction in South Australia. The schedules were last amended in 1991, since which time there has been considerable change in the understanding of issues threatening species and the classification of species.

A review of the Threatened Species Schedules has been in progress since October 1998 as part of South Australia's ongoing commitment to managing threatened species. This involved extensive consultation with specialists and interest groups, including a large range of amateur and professional biologists as well as major institutions such as the State Herbarium and the South Australian Museum. Collaboration with non-Government natural history and conservation organisations provided a significant contribution to the revised schedules.

The review entailed an examination of all vascular plant and vertebrate animal species (excluding fish) that are under threat or are potentially under threat in the wild. This involved consideration of approximately 3 500 native plants, 140 mammals, 460 birds, 227 reptiles and 26 amphibian species. This was a mammoth undertaking, and as a result, the revised schedules now recognise considerably more threatened species than were identified eight years ago: in all, 785 taxa have been included on the schedules. This is partly because many more species have been catalogued for the State, partly because of a substantial improvement in interpretation of biological information and partly because of demonstrated declines of some species.

Many of the listed species are plants. As an example of increased understanding of the plants of South Australia, the State Herbarium has recognised over 120 new plant species since 1991 and at least as many new plant sub-species. Many scientific name changes have also occurred in that time and are reflected in the revised schedules.

On the positive side for threatened species in this State, sixteen mammal species have a proposed conservation rating that is lower (i.e. less threatened) than on the 1991 Schedules. These include:

- The Ampurta, a small carnivorous marsupial that lives in sandy deserts, which has been down-listed from endangered to rare. This species was considered nationally endangered until extensive records were made in the Simpson Desert through the Biological Survey of South Australia;
- The Eastern Grey Kangaroo has been downlisted from vulnerable to rare; this is a species which is abundant and expanding in range in the eastern States, but whose range just extends into South Australia; and
- The Brush-tailed Bettong has been moved from endangered to rare as a result of reintroduction and management programs that have returned this once extinct species to South Australia. Recovery of this species has gone through the stages of captive breeding, island re-introductions and mainland releases to extensive areas managed for conservation within our National Parks.

Eighteen bird species have a proposed conservation rating that is lower (i.e. less threatened) than on the 1991 Schedule. These include:

- The Cape Barren Goose whose population has increased as a result of conservation initiatives in the 1960's. It has been moved from vulnerable to rare but is still listed because management around its summer feeding grounds has not yet been resolved.
- The Malleefowl has been down-listed from endangered to vulnerable on the basis of improved knowledge of distribution and population sizes;

This review is the first to consider the conservation status of reptiles (with the exception of three nationally endangered species included on the 1991 Schedule). This is possible now due to the great increase in understanding of the distribution and abundance of the State's reptile fauna, primarily through the Biological Survey of South Australia and the work of the South Australian Museum.

Amphibians (Frogs) have not previously been listed on the Schedules and currently are not protected animals under the *National Parks and Wildlife Act 1972*. By listing two threatened frog species on these schedules, they will become protected animals. This reflects the worldwide plight of frogs and will provide an excellent opportunity for promoting, to both the public and scientific communities, the conservation issues associated with frogs in South Australia

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 11—Wildlife Conservation Fund

This clause makes an amendment to section 11 of the principal Act to improve the operation of the Wildlife Conservation Fund.

Clause 4: Substitution of s. 13

This clause replaces section 13 of the principal Act with a provision that requires annual reporting by the Department on the matters referred to in subsection (1).

Clause 5: Amendment of s. 22—Powers of wardens

This clause amends section 22 of the principal Act to expand the powers of wardens under the Act.

Clause 6: Insertion of s. 24A

This clause inserts a new section making it an offence for a warden to use offensive language or hinder or obstruct or use, or threaten to use, force in relation to another person without lawful authority.

Clause 7: Amendment of s. 26A—Immunity from personal liability

This clause makes a consequential change to section 26A of the principal Act.

Clause 8: Amendment of s. 35—Control and administration of reserves

This clause amends section 35 of the principal Act to allow the minister and the director to grant licences and enter into agreements and to spell out that leases, licences and agreements can specify terms, conditions and limitations and fees and other charges (including bonds) payable by the other party to the lease, licence or agreement.

Clause 9: Amendment of s. 43C—Entrance fees etc., for reserves

This clause expands section 43C of the principal Act to include fees for an activity authorised by a permit under the regulations.

Clause 10: Insertion of heading

This clause inserts a heading.

Clause 11: Amendment of s. 45A—Interpretation

This clause inserts a definition in section 45A of the principal Act.

Clause 12: Amendment of s. 45B—Development Trusts

This clause excludes the operation of section 45B(2)*(a)* in relation to the General Reserves Trust as a consequence of the operation of new section 45BA.

Clause 13: Insertion of new section

This clause inserts new section 45BA. This section provides that the General Reserves Trust is established in respect of all reserves for which a Development Trust has not been specifically established.

Clause 14: Amendment of s. 45F—Functions of a Trust

This clause amends section 45F of the principal Act. New subsection (2b) provides that where the minister or director has entered into a lease, licence or other agreement the minister or director may direct that money payable pursuant to the instrument be paid to the Trust established in relation to the reserve concerned. The other subsections inserted by this clause are financial provisions.

Clause 15: Repeal of s. 45K

This clause repeals section 45K which is now redundant because of the new provisions.

Clause 16: Insertion of Division 2 of Part 3A

This clause inserts Division 2 of Part 3A which establishes the General Reserves Trust Fund.

Clause 17: Insertion of s. 51A

This clause replaces section 51A in identical terms except that the sunset provision is removed.

Clause 18: Insertion of s. 53A

This clause inserts new section 53A which enables an applicant for a permit under section 53 of the principal Act to ask the South Australian National Parks and Wildlife Council to review the minister's decision in relation to the permit. After the review the Council may make recommendations to the minister and the minister may vary or revoke the decision or substitute a new decision.

Clause 19: Amendment of s. 58—Keeping and sale of protected animals

This clause inserts new subsection (4a) into section 58 of the principal Act. The new subsection clarifies the flexibility of subsection (4).

Clause 20: Substitution of s. 61—Royalty

This clause replaces section 61 of the principal Act to enable royalty to be declared by regulation in relation to animals based on other classifications in addition to classification on the basis of species.

Clause 21: Amendment of s. 68—Molestation etc., of protected animals

This clause amends section 68 of the principal Act. The reference to 'injure' is replaced by 'interfere' and 'harass'. To 'take' an animal is defined in section 5 to include to 'injure' the animal. Section 51 of the principal Act covers the offence of taking an animal which includes, by reason of the definition, injuring the animal. The clause also provides a defence where there is a technical contravention of subsection (1) where the 'offender' is acting in the animal's best interests.

Clause 22: Amendment of s. 68A—Hunting Permits

This clause makes an amendment to section 68A of the principal Act which will enable hunting permits to be granted for more than 12 months.

Clause 23: Amendment of s. 69—Permits

This clause amends section 69 of the principal Act to provide for proportionate refunds of fees on surrender of permits.

Clause 24: Amendment of s. 70—Obligation to produce permit

This clause makes a minor drafting amendment to section 70 of the principal Act.

Clause 25: Amendment of s. 72—False or misleading statement
This clause amends section 72 of the principal Act to broaden its scope.

Clause 26: Repeal of s. 76
This clause repeals section 76 of the principal Act.

Clause 27: Repeal of s. 79A
This clause repeals section 79A of the principal Act. This section is now redundant in view of earlier amendments in the Bill.

Clause 28: Amendment of s. 80—Regulations
This clause amends section 80 of the principal Act. Paragraph *(b)* inserts new subsection (4) which enables fees to cover the cost of issuing permits in the form of plastic cards to be retained by the director.

Clause 29: Substitution of Schedules 7, 8 and 9
This clause replaces Schedules 7, 8 and 9 of the principal Act.

Clause 30:Amendment of Schedule 10
This clause amends Schedule 10 of the principal Act.

Schedule
The Schedule makes Statute Law Revision amendments to the principal Act.

Ms HURLEY secured the adjournment of the debate.

SUPPLY BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 2001. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This year the government will introduce the 2000-2001 Budget on 25 May 2000.

A Supply Bill will be necessary for the first few months of the 2000-2001 financial year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

Due to the early conclusion of the parliamentary budget session in July, it is anticipated that assent will not be received until parliament resumes in October.

The amount being sought under this Bill is $1 900 million, which is an increase of $1 300 million on last year's bill. This increase is to cover the extended supply period until the end of October and the potential impacts of the GST.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $600 million.

Ms HURLEY secured the adjournment of the debate.

GOODS SECURITIES (MISCELLANEOUS) AMENDMENT 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.

The purpose of this Bill is to amend the *Goods Securities Act 1986* to implement recommendations made in the Duggan Report. The Duggan Report was prepared by Professor Tony Duggan, a Professor of Law at Monash University, as part of the National Vehicle Security Register Project.

Australian jurisdictions have been working together towards the development of a national database for recording security interests in motor vehicles. During the development of linkages between each State's security register, it was realised that the legislation in each State that governed the registration of security interests and the resolution of disputes between security holders varied greatly.

It was at this time that the National Working Party, which included a South Australian representative, engaged Professor Duggan to determine how each State's legislation could be modified to ensure best practice and that consistent outcomes would be achieved in each of the participating jurisdictions. In the preparation the Duggan Report, and later, in considering its recommendations, the National Working Party consulted widely. These consultations included interested parties such as the Office of Consumer and Business Affairs, the Motor Trade Association, the Insurance Council of Australia, the Australian Finance Conference and the RAA.

The main features of this Bill are changes which will bring about national uniformity. The following amendments are the major changes required to bring South Australia into line with the national model:

- changing the way the Act defines that a person has 'notice' of a security interest in a vehicle;
- where competing security interests require dispute resolution, the statutory order of priority will be amended to reflect a nationally consistent approach;
- recognition of circumstances in which temporary possession should defer the operation of a registered security interest, for example, repairer's liens and short-term hire or lease arrangements; and
- the introduction of a 24 hour period of grace so that a person can be sure that a certificate they obtain with respect to security interests is accurate until the end of the following day.

The Parliaments of both New South Wales and Victoria have recently passed amendments to their equivalent statutes, the *Registration of Interests in Goods Act 1986* and the *Chattels Securities Act 1987* respectively. Other participating jurisdictions (Queensland, the Northern Territory and the Australian Capital Territory) are also working towards implementation of recommendations contained in the Duggan Report.

Two States, Western Australia and Tasmania, are not currently prepared for full involvement in the national co-operation with respect to vehicle security interests. Tasmania intends to participate fully as soon as it develops the capability to store and exchange security interest data with other jurisdictions. Western Australia, while involved in the exchange of security interest data with selected jurisdictions, is the only jurisdiction not prepared to fully adopt the new national framework.

Amendments to the *Goods Securities Act* will further strengthen protection offered to purchasers of motor vehicles who first obtain a certificate disclosing any registered security interests held against the vehicle. This protection will be achieved by reducing the scope for the fraudulent movement of vehicles across State borders, by obtaining a level of national uniformity in legislative provisions which will prevent 'forum shopping' by disputants who would seek to take advantage of different legal outcomes resulting from each State's legislation.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
This clause provides for commencement of the measure on a day fixed by proclamation.

Clause 3: Amendment of s. 3—Interpretation
The principal Act defines 'notice' as actual notice. This clause redefines notice to mean actual notice or wilful blindness. A person is wilfully blind if, having put upon inquiry as to the existence of a security interest, the person deliberately abstains from inquiry or further inquiry when the person might reasonably have expected the inquiry or further inquiry to reveal the security interest.

Clause 4: Substitution of s. 8B

8B. Time within which Registrar must register security interests, vary particulars or cancel registration

This clause imposes a duty on the Registrar to vary particulars of a registered security interest or cancel the registration of a security interest as soon as practicable after—

- receipt of a due application for the variation or cancellation;

- the variation of particulars or cancellation of registration under a corresponding law.

The clause also provides that no right arises to compensation or damages under the Act or at law in relation to the Registrar's duty unless particulars are not varied or registration is not cancelled beyond the end of the day after—

- receipt of the application; or
- variation or cancellation under the corresponding law.

Clause 5: Amendment of s. 11—Discharge of security interests

This clause amends the provisions relating to the discharge of security interests so that—

- a purchaser acting honestly, for value and without notice of a security interest does not acquire good title to goods and the security interest in the goods is not discharged if the purchaser is a party to an agreement or understanding with another person under which the purchaser is acquiring or purporting to acquire the goods for the purpose of supplying them to the other person under a goods lease, hire-purchase agreement or other contract and the other person is not acting honestly and without value of the security interest;
- a person acting honestly, for value and without notice of a registered security interest who purports to acquire an interest in goods under a goods lease for a term of four months or less or an indefinite term acquires an interest that is valid against the holder of the security interest and has priority over the security interest;
- where a certificate is issued stating that there are no registered security interests in the goods to which the certificate relates and a security interest in those goods is then registered before the end of the day after the day on which the certificate was issued, the registration of that security interest will be taken to come into effect only at the end of the day after the day on which the certificate was issued;
- where only part of the purchase price or other consideration in respect of goods subject to a security interest is paid to the owner or apparent owner of the goods at the time of a purported acquisition and the security interest is discharged, the holder of the security interest is, to the extent of the amount owed under the security interest, subrogated to the rights that, but for subrogation, the owner would have had to recover the purchase price or other consideration or balance of the purchase price or other consideration from the purchaser;
- where the holder of a security interest is so subrogated to rights of the owner of the goods, the purchaser obtains a good discharge for any payment made or consideration given in respect of the goods by the purchaser before the purchaser receives notice from the holder of the security interest of the holder's rights.

Clause 6: Substitution of s. 12

12. Order of priority

This clause makes two changes to the rules about priority of security interests. First, it provides that a repairer's lien on goods (whether registered or unregistered) has priority over a security interest (whether or not the security interest is registered and whether the security interest came into existence before or after the repairer's lien arose). Secondly, it provides that if the holder of a security interest in goods (whether registered or unregistered) takes possession of the goods, that security interest has priority over any registered security interest in the same goods that was registered after possession of the goods was taken.

Clause 7: Transitional provision

This clause provides that the amendments made to the Goods Securities Act by this measure (other than the substitution of section 8B of the principal Act) do not apply in relation to a security interest that came into existence before the commencement of this measure.

Clause 8: Further amendments of principal Act

SCHEDULE

Further Amendments of Principal Act

This clause and the Schedule make various amendments to the principal Act of a statute law revision nature.

Ms HURLEY secured the adjournment of the debate.

STATUTES REPEAL (MINISTER FOR PRIMARY INDUSTRIES AND RESOURCES PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 548.)

Ms HURLEY (Deputy Leader of the Opposition): This bill follows a review of a number of acts, and the bills in question to be repealed either did not progress to proclamation or are now obsolete or have been superseded. The industry has been consulted widely and, by and large, agrees with the repeal of all these bills. Indeed, it seems sensible to agree to the repeal. There is one query, as noted by the minister in the second reading explanation, about the Fruit and Vegetable Grading Act 1934. There was a query about the supply of fruit of poor maturity standard. Fruit and vegetables are obviously an important industry. In regions nearby to my electorate, where the horticultural industry is indeed doing well and creating a great deal of employment in the area, it is therefore important that we maintain standards in that industry, particularly in the export market.

I understand that the minister is saying that industry self regulation is working very well and I, too, believe that is the case because the industry must meet these standards in order to get a market for its fruit. Nevertheless, I have a query about what arrangements are in place now, particularly if this act is repealed, for the monitoring of produce. What occurs if there is a complaint by one or more members of the industry about another member of the industry in relation to poor maturity standards or in relation to any other complaint about the grading of fruit or vegetables? A food standards code was referred to in relation to the margarine legislation, and I wonder whether there is anything similar for fruit and vegetables. Contingent on the answer to that question, the opposition will support this bill.

Mr VENNING (Schubert): I also rise to support this bill. I understand the bill's intent and what it purports to achieve, that is, to repeal legislation that is supposedly obsolete, outdated and duplicated. I have always been in favour of straightforward, commonsense legislation. This bill endeavours to achieve this. However, like the deputy leader, I have some concerns and some questions on the ramifications and consequences of repealing these acts just to make sure that we do not throw anything out with the bath water, so to speak. I would like to ask a question about repealing the Agricultural Holdings Act. Does the Landlord and Tenant Act, which is supposed to cover all aspects of the Agricultural Holdings Act, encompass all those issues that arise from primary producing and rural land ownership? That would be my chief concern. We must be careful that nothing slips through the cracks and that the protection offered in the legislation remains. If there is any doubt at all, I believe that the legislation should stay, even if it is not used.

The Fruit and Vegetables (Grading) Act is to be repealed, but I note that two grower-based groups suggested that it be retained, as the deputy leader just stated in her question. I believe that this is not a bad idea. Market forces sort the wheat from the chaff, but we cannot afford to have this state's reputation tarnished in any way because of, literally, a few rotten apples in the barrel. Why would we jeopardise our enviable clean and green reputation?

I know that the act has not been used, but why not keep it just in case? I know that the minister is listening and

smiling, but this whole thing is 'just in case': I am being a little cautious, you might say, and I hope that the minister understands. The third issue I raise relates to the Garden Produce (Regulation of Delivery) Act. This was enacted to stop traders getting to the market early and trading before others arrived, and related to when the markets were in the East End. Surely, these regulations still apply to the Pooraka complex and should still be in place.

This legislation goes back to the Hon. Tom Playford's day. He, no doubt, would have been one of the prime movers of the original act, because he attended the East End markets daily. There was always some confusion and frustration about people not doing the right thing, and trying to regulate it was very difficult. I wondered why, with the Pooraka complex now in use, we do not need this sort of act there.

The last matter with which I have some concern is the Rural Industry Assistance Act. I know that the Rural Assistance Branch has been dismantled, but why repeal the act? Considering the parlous state of farming in this state, there could be a time in the future when the government may need to grant assistance to rural industries again. I say keep the act in place for the future. I would also like to know how much debt is outstanding from the old rural assistance schemes, although I know that the minister would not have that information on his sleeve.

I have been in this place for 10 years and, back in 1993, when we came into government we were very concerned at the level of unpaid loans in the scheme. I know that over the years fairness and equity had to be considered in these matters, and there were attempts by the previous minister (Hon. Dale Baker) and staff, particularly two who were brought in especially to assess the situation in relation to unpaid loans, to ensure that those who could afford to repay should do so. It is interesting as a piece of history. The minister may or may not wish to put that on the record, and may prefer to talk to me privately about it.

While I support the bill in principle, why is it necessary to repeal four of these old acts? They could be reactivated in future, particularly when we are experiencing pretty difficult times. The minister knows as much as anyone in this place how difficult it is out there right now. There is a lot of pessimism on the land right now, with poor commodity prices, poor seasons, a 10-year dry spell and ever-increasing costs.

Many of these acts have served us well, and I wonder why they are to be removed from the statutes at this time. As I say, perhaps I am over-reacting or being a bit nervous, but I would be pleased if the minister could address these questions, and then I would support the bill.

The Hon. R.G. KERIN (Deputy Premier): I thank the deputy leader and the member for Schubert for their support of the bill, and I will get to the questions that were asked of me. The member for Schubert said that the acts have served us well. Some have, but a couple of the others have never actually been used. It is true that a couple were a little cautious about our getting rid of the Fruit and Vegetables Act, but we really have moved on to a different time. This act has not been used in the past 15 years or so.

As the deputy leader said, the fruit and vegetable industry is close to her electorate and is a very important industry. What is happening at Virginia at present is very positive, and the announcement today of more water out there is very welcome. The Virginia Horticultural Centre has done a lot in helping to educate farmers. We have certain Farmbiz programs going on in that area, and quite a bit of money is going into both farmers and processors doing quality assurance and some of the ISA work, so the market is starting to work very well.

In regard to whether anyone is putting forward poor quality stuff, it is different nowadays from what it used to be. Either people are buying sight seen or they have contracts containing the specifications. The market is set up in such a way now that it normally refers back to certain standards, and the fact that the act has not been used in the past 15 years shows that. Also, a lot of work has been done in relation to export standards on storage, etc.

The industry as a whole, including the couple who asked questions, accepts the fact that, since the act has not been used in 15 years and we have moved on to another day and age, it should be repealed. On top of that, with fruit and vegetables a market basket survey is done that checks for pesticide residues, etc., which also helps to make sure that the consumer has confidence in what is going on.

The member for Schubert raised an issue about the Agricultural Holdings Act, which is no longer relevant, and asked about the Landlord and Tenant Act, which gives the tenant the right to assign a tenancy to another party and, from there, the protection comes from either a share farming agreement or the actual lease. That covers that, so that act is no longer relevant. The honourable member also asked about the Garden Produce (Regulation of Delivery) Act, initially put in place to make sure that those just outside the East End precinct did not open earlier and get the jump on the others.

With the way the Pooraka market is situated and with the fact that it opens very early anyway, things are done differently. Initially, when the relocation occurred there was an industry proposal to give the same protection out there, but 12 years later they have never gone further with that proposal. As members know, food sales nowadays occur at all hours of the day and night; we live in a different time, so that act was also seen as sitting there and not being used.

The member for Schubert asked about the Rural Assistance Act. There has been a plethora of these types of acts over the years. The first Rural Assistance Act related to agreements signed back in the 1970s, and there are new agreements nowadays on how rural assistance is given, so these acts are no longer used. The honourable member also asked about the debt. While I do not have the figures, the debt repayment has been quite good over the past few years. Certainly, the number of arrears have been quite low.

I see those every month or so and look at how many are 30 to 60 days and 90-plus, and the levels have dropped remarkably over the past couple of years. That debt level has dropped dramatically.

Mr Venning: How much is outstanding, do you know?

The Hon. R.G. KERIN: No, but I will obtain that information for the honourable member. I thank members for their support: it is good to have a cleanup of the statute books occasionally involving acts that are not being used.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.G. KERIN: I move:.

Page 1, lines 15 and 16—Leave out 'Natural Resources and Regional Development' and insert:

'and Resources'.

Amendment carried; clause as amended passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

PRICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 711.)

Mr ATKINSON (Spence): During the Second World War, the commonwealth government fixed the price of many goods. Many Australians of that era had bad memories of war profiteering during the First World War, so the commonwealth government was compelled in the interests of patriotism, morale and sharing the load to introduce wide-ranging price controls.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr ATKINSON: The commonwealth's constitutional justification for its nationwide price controls was the defence power in the Commonwealth of Australia Constitution Act. With the end of the Second World War, the commonwealth had to find a new constitutional justification for its price controls. Tens of thousands of servicemen returned home, many of them married and sought to build new homes. Demand for many goods including building materials rose sharply. Prices of some goods rose accordingly; others subject to price control were not able to be supplied in sufficient quantities to meet demand.

Prime Minister Ben Chifley sought to extend war time price controls and for that purpose proposed a referendum to amend the Constitution to permit the commonwealth parliament to pass price control laws in peace time. As an aside, the Labor member for the Burra and Clare areas in the House, Bill Quirke, refused to campaign for the prices referendum because, he said, it was too much like Soviet socialism. This led to commissar Clyde Cameron visiting the Clare ALP sub-branch, closing it down and expelling Bill Quirke from the party. In 1962, Sir Thomas Playford was able to form his last government with Bill Quirke's vote.

Mr Clarke: He became a minister, didn't he?

Mr ATKINSON: As the member for Ross Smith said, he became an LCL minister after being a Labor member for the Burra and Clare area. The seat was called Stanley.

Mr Venning: He was a great fellow.

Mr ATKINSON: A great fellow. In fact, the late Jim Toohey said that he went to the meeting at Clare with Clyde Cameron and he had no idea that Clyde was going to just close down the branch without any natural justice, and he always thought that it had been a slight overreaction to Bill Quirke's failure to campaign for the prices referendum. Anyway, the prices referendum was defeated.

Mr Clarke: And we missed out on winning in 1962.

Mr ATKINSON: Indeed, that is the short answer: we did not form a government in 1962. The prices referendum was defeated, and defeated again in 1973. In 1948 the Playford government acted to fill the void created by the commonwealth's inability to legislate for price control. It passed the Prices Act, which we are now amending. Under section 19 of the act the Governor in council may declare goods of a particular kind to be subject to the act. This means that people who sell these goods must keep proper accounts of the costs of producing or acquiring these goods for sale and the price for which they are selling them.

The government tells us that 46 kinds of goods are declared—and I would like the minister to confirm that this is so. If the government is convinced of the need for price control from the information gathered from the section 19 records it can, under section 21, fix a maximum price for declared goods. A penalty of $10 000 applies to persons who sell these goods above the maximum price. The government also tells us that there are only four declared kinds of goods about which maximum prices have been fixed, namely, freight charges on carrying goods to Kangaroo Island via Sealink; infant and invalid foods; medical services; and tow truck services.

The government is moving to amend the Prices Act prompted by the 1995 Council of Australian Governments, which called on state governments to review all legislation that restricts competition. Following this review, the government has resolved to retain the Prices Act as a useful reserve power which carries only small administrative costs.

The principal change that the government wishes to make is to relieve the sellers of declared goods from the need to keep proper accounts of the costs of producing or acquiring those goods for sale and the price for which they are selling them. The need to keep these records is, by the bill, confined to goods and services in respect of which a maximum price has been fixed. I can understand the government's change, but could it not have been achieved more expeditiously by revoking the declarations in respect of the 46 kinds of goods? I would like the minister to answer that question in his reply if he does not wish to have a committee stage.

The Hon. I.F. Evans: What was the second question?

Mr ATKINSON: Could not this burden on those people who are retailing declared goods—declared goods but not goods in respect of which a maximum price has been fixed, the 46 declared goods—have been lifted by simply revoking those declarations administratively except in the case of the four categories of goods subject to a maximum price? Given that the government hardly ever fixes the maximum price of goods any more, why would it be gathering all this information in respect of declared goods?

The bill also amends section 30 which forbids the alteration of the container or package size of declared goods without the minister's consent. This provision is now confined to goods in respect of which maximum prices have been fixed. I notice that the bill also makes the $10 000 penalty for violation of the act a maximum penalty of $10 000 lest the provision be interpreted as mandatory minimum sentencing. I do not know why the bill removed from section 50a a 12 month limitation on commencing an action under the act. Perhaps the minister could explain this in his reply. If the minister answers those three questions satisfactorily, the opposition would be happy to support the second reading of the bill.

Mr CLARKE (Ross Smith): I was interested in reading the second reading explanation with respect to this bill, and support the amendments put forward for the reasons advanced. I probably could have done this in the committee stage but, perhaps to save time, the minister may be able to explain it by way of reply to what I have to say now. It seems to me that the powers under the Prices Act are such that they would be great enough if the government so decided to in fact include the power of setting maximum rates for medical practitioners.

The reason I raise that is that we in the Adelaide metropolitan area have the advantage of medical centres, a large number of which bulk bill their clients. That is not true in country areas. In fact, cartels operate in country areas. In particular, a recent experience that I know about in the early part of 1998—and as far as I know it still applies—occurred

in the Riverland area, in particular Berri and Renmark, where there is but one medical centre. It is a partnership operated by a number of doctors. There are no other doctors in the region. Any doctor who moves into that area automatically seems to gravitate to the Riverland Medical Centre. Once there, they set whatever is the going rate. There is no bulk billing. They operate in Berri and Renmark. They might operate under a different name in Renmark but they are controlled by the same people.

Back in April 1998, when the scheduled fee for a general consultation in Adelaide was $21.50, in Renmark and Berri, a general consultation cost $30.50, and if you did not have the cash on you and asked the doctor to wait for the Medicare cheque—only a matter of four weeks—you paid another $6.50 on top for late payment. So, for a general standard consultation, it cost the average punter in the Riverland area $37 versus $21.50 here in Adelaide because we have more genuine competition amongst the medical fraternity and, in particular, the establishment of the medical clinics who specialise in bulk billing.

I wrote to the ACCC and tried to use the Trade Practices Act to support my argument. To my horror, I received a reply from the ACCC to say that medical practitioners were exempt from the Trade Practices Act of price collusion because they are a partnership. Because they are a partnership, they do not fall under the Corporations Law or the corporations power of the commonwealth. It seems to me that here is where a Liberal government, supposedly alert to the needs of its rural constituencies, could play a very real role in assisting its rural constituents by imposing price regulation, a maximum price fee with respect to medical services that are offered.

I am not saying it would come easily, or that the medical profession would not suddenly see you demonised as Joseph Stalin in terms of trying to conscript the medical profession, but the truth is, as everyone knows who has anything to do with regional or rural South Australia, the cost to the ordinary citizen in terms of just standard medical procedures is outrageous, and they get away with it on the pretext that there are too few country doctors, and we have to allow them to rip us off in the bush in order to get the doctors there.

I know that the state and commonwealth governments have introduced various schemes by which they hope to encourage more doctors into rural areas. Many of those were introduced by the member for Adelaide when he was Minister for Health. They can be commended, but there are other things to be done as well in terms of encouraging doctors to go to regional areas. The Riverland is only two hours drive from Adelaide. It is not exactly the end of the earth in terms of services and facilities for doctors and their families.

The interesting point is that, despite the fact that we have adopted an attitude with the medical fraternity that they can rip us off to attract doctors into the regional and rural areas, it has largely failed in attracting doctors to those more remote areas than Adelaide. They have still charged—in this simple case I give in the Riverland—about $16 more for a standard consultation where the client required bulk billing. That is a huge mark-up, and there is still a shortage of doctors in rural areas. So simply by gilding the lily and putting more gold in their pockets has not addressed the issue of getting more doctors in rural and regional areas.

A recent report commissioned by the ACCC, which was published during the course of 1998, spelt out a number of those reasons, because it was looking at the agreement that the Health Commission has here in South Australia with the Australian Medical Association with respect to private doctors and what they could charge the Health Commission using government hospitals in rural and regional areas.

I commend the 1998 reports to the House. They are quite instructive and they go into some detail on the reasons why it is difficult to get medical practitioners into those areas. However, they also came to the same conclusion as I—and I do not have it in front of me to refer to—that is, simply by putting more gold into the pockets of medical practitioners did not address the issue of the shortage of doctors in rural areas and that rural customers were being exploited because of their vulnerability with respect to that matter.

If the commonwealth does not have the powers in this area under the Trade Practices Act, because these medical practices and the like are partnerships and, as I said, fall outside the ambit of the constitution, the corporations power of the commonwealth, then I think it is something to which this government—and I do not expect the minister to give an immediate response—with its pretence of looking after the rural interests of this state, could give serious consideration in terms of determining a maximum price for services. I would urge the government through the Prices Commissioner to instigate a wide ranging review of the medical charges in rural and regional South Australia and come up with some recommendations regarding the price differentials between Adelaide and outlying regions and an indication whether those price differentials are fair in all the circumstances.

We should specifically ask the Prices Commissioner to discount this issue of allowing the doctors to rip us off to attract them into these remote areas. As I said, in terms of the numbers of doctors, general practitioners, working in regional and rural South Australia, it has barely altered an iota by allowing them to rip us off. It has been the types of schemes that the government, both state and federal, have introduced over the past few years which have seen a slight increase in those numbers, but they relate more to doctors wanting to fill part of a greater level of their fraternity and mixing with their common professionals in these areas. Often it deals with the spouse who has employment often in professional areas, who wants to be able to carry on their profession and who might not be able to do it in more remote areas. There is a problem when children reach secondary schooling—whether or not adequate educational levels of schooling can be obtained for those children in the areas in which they live versus coming to the city. There is a whole range of areas with which I am sure you, Mr Acting Speaker, are better acquainted than I.

Mr Atkinson interjecting:

The ACTING SPEAKER (Mr Venning): Order!

Mr CLARKE: I must say that a pineapple would be too good. In conclusion, in terms of the government quite rightly retaining the flexibility and maintaining this act for the flexibility that it has and providing a possible deterrent effect that it has on industry, if it thinks it wants to play up and exploit a particular monopoly (or near monopoly position)—indeed, the medical profession in this state has a monopoly position—it is my contention that the medical fraternity in rural and regional South Australia exploits rural and regional South Australians something shocking. I can understand a 10 per cent loading or something of this nature on a standard consultation, but a difference of $16 over a base price of $21 is the greatest rip-off that one could imagine, and in any other service or goods that are supplied it would create outrage and immediate government intervention. However, the medical fraternity has the strongest trade union of any organised group in this country and obviously this government is too timid to deal with them. I would appreciate perhaps the

minister, either by way of his reply or in committee if necessary, stating whether or not the government would consider getting the Prices Commissioner to have an overall review of the costs of medical services to rural and regional South Australians.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the members for their contributions. In response to the member for Ross Smith, I am happy to refer his particular view to the minister for health for his consideration. No doubt he will consider that as part of the overall health debate statewide—

Mr Clarke interjecting:

The Hon. I.F. EVANS: I think the minister for health needs to make—

Mr Clarke interjecting:

The Hon. I.F. EVANS: Actually, the Attorney has—

Mr Clarke interjecting:

The ACTING SPEAKER: Order! The minister will be heard in silence.

The Hon. I.F. EVANS: I am happy to refer it to the appropriate minister on behalf of the member for Ross Smith. In relation to the member for Spence's questions, I understand there are just over 50 goods/services and that is mentioned in *Hansard* in the other place. In relation to the declarations being removed, that was the recommendation of the competition review, and so it was decided to remove those and remake four or five with two or three of those having some fixed component. In relation to the time limit, we are ridding ourselves of the 12-month time limit under this proposal. Further legislation will be introduced at a later date and the time limits will be picked up in that measure in relation to summary offences being two years and expiation offences six months.

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

SOUTH AUSTRALIAN HEALTH COMMISSION (ADMINISTRATIVE ARRANGEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 667.)

Ms STEVENS (Elizabeth): This bill makes significant changes to the administrative structures presently described in the South Australian Health Commission Act 1976. The bill radically changes the present functions of the South Australian Health Commission, transferring virtually all of them to the minister, who may then delegate them to others. This bill has a new set of functions for the South Australian Health Commission. It has been presented to the parliament as containing administrative changes, but it is a significant change with respect to responsibility and planning for the delivery of health services in our state. It effectively dismantles the South Australian Health Commission as we know it.

The opposition is not on the face of it opposed to these changes. We have always been in favour of constructive reform to the health system and certainly have supported initiatives that increase transparency, accountability and effective operation of government systems. However, we have also firmly stated our position that reform of the health system should occur with full consultation and debate. In 1995 the former health minister attempted to rush through this parliament a new arrangement for health services in South Australia. His bill embraced privatisation and wide, centralised control by the minister. He did not consult effectively; he tried to bluster his way through; and, in the end, despite the best efforts of the opposition, health service stakeholders and the community to improve his legislation to remove the offending parts and more appropriately recast its contents, he pulled the bill. At that time the opposition stated its commitment to constructive reform with full community consultation. We, too, believed and still believe that things have moved on from the 1970s, when the South Australian Health Commission was established, and that it is time to consider new arrangements that more appropriately reflect the needs of health services in the new century.

The present minister came to the portfolio in 1997 and has presided over a new administrative structure, the Department of Human Services. Then, I believe, was the time to outline a new vision for the delivery of health services in conjunction with the other parts of the new portfolio. Sadly, this has never occurred. Instead, we have had a piecemeal approach with a drip feed of amendments to the principal legislation and never any overall plan or direction articulated. Indeed, the changes that we have seen appear to have been reactions to situation that have arisen, rather than taking the lead in terms of delivery and planning of health and human services. It suggests a 'work it out as we go along' approach rather than any long-term strategic objectives.

The legislation before us now seems to have come about as a result of the serious concerns raised by the Auditor-General in his last two reports, and I will quote from those reports as they apply to these matters. On page 23 in the conclusions of his 1998 report, the Auditor-General stated:

> The legislation applicable to the South Australian Health Commission, the South Australian Housing Trust and the South Australian Community Housing Authority was not amended to facilitate the restructuring of the human services portfolio in the manner that the restructuring has occurred.
>
> One result of not amending the existing statutory arrangements is that management of the Department of Human Services, consistently with the government's stated objectives in establishing the department and transferring the staff on the one hand and the statutory and other legal constraints in servicing and dealing with the statutory authorities on the other, will be very difficult.

He goes on to state:

> Those constraints will need to be paramount in the thoughts and actions of departmental management. If the administrative intermingling of the department's resources with those from the statutory authorities precludes the statutory authorities exercising their powers or fulfilling their duties in accordance with their enabling legislation, including with the degree of independence contemplated by that legislation, then the intention of parliament will have been defeated.
>
> The memorandum of understanding that has been signed as between the Chief Executive of the Department of Human Services and the Health Commission points to such an intermingling.

In my opinion, the arrangements currently adopted raise serious questions as to the legality and propriety of the financial arrangements for the expenditure of public monies. He finally recommends:

> I respectfully suggest that government urgently review the arrangements put in place, and either seek parliamentary endorsement of them, to the extent required, or regularise them to the extent necessary to respect the statutory and accompanying framework of legally required accountability that is applicable having regard to the enabling legislation together with the other requirements that may be relevant as outlined in this report.

One year later in his 1999 report, under the section 'Public governance: appointment of Chief Executive Officer of the South Australian Health Commission pursuant to section 68 of the Constitution Act 1934 (SA) and section 19A of the

South Australian Health Commission Act 1976', the Auditor-General made the following recommendation:

> Given the potentially serious consequences of any future ruling of the Supreme Court to the effect that Ms Charles's [who was the CEO] appointment was unlawful, this is a matter of public importance and should be put beyond doubt by way of legislative amendment of the South Australian Health Commission Act 1976. Any amendment to the South Australian Health Commission Act 1976 should, for the reasons discussed herein, have retrospective operation.

After the publication of both those reports from the Auditor-General, the opposition asked questions about this matter, and it is pleasing to see that at last it is being dealt with in this bill.

In receiving a briefing on the bill, I asked what consultation had occurred with stakeholders in relation to the matters that the bill contained. The reply was that none had specifically occurred in terms of the wider health services sector but that the minister had written to all health units. At this point I have received no feedback at all from anyone, which makes me think that people have probably not had the opportunity either to hear about the minister's letter or certainly to give it much serious consideration. It concerns me that there has been no consultation process of any note. After all, this act administers over one-third of the state's budget and is of interest to all South Australians. The opposition intends to seek the views of all stakeholders and, while we give provisional support to the bill in this House, that may change, depending on the views expressed to us as part of this process.

I turn to the legislation before us. As I have said, the effective result of the legislation is to place with the minister almost all the present powers of the South Australian Health Commission, and certainly all those powers in relation to the planning and delivery of health services. The South Australian Health Commission has a new set of functions and has been retained as a corporate body. The functions have been described as 'high level functions' by the minister in his second reading speech and related to safeguarding the health of South Australians both generally and specifically.

These 13 functions include the provision of advice and information; investigation and reporting on matters relevant to public or environmental health or to health services within the state; conducted inquiries; and public awareness, development, fostering and promotion of proper standards of public and environmental health in the state. Almost all the functions are at the request of or to the extent determined by the minister. As a result of the change in function there is now no longer a need for a CEO in the South Australian Health Commission and this section of the current act has been repealed.

The Auditor-General's concern, relating to the validity of actions taken by the current Chief Executive Officer since her appointment, set out in his reports (to which I have already referred) are addressed through a transitional amendment which validates all actions taken and decisions made by the current Chief Executive Officer.

The minister in his second reading explanation stated that the commission has retained several very significant functions and powers in relation to the Food Act 1985. These include the prohibition of the sale, movement or disposal of food that is not fit for human consumption and ordering the destruction of that food under the Food Act 1985. The commission will also be responsible under this act for publishing or requiring someone to publish a warning against the risk that food is unfit for human consumption. Similarly, the commission will continue to exercise some important powers relating to controlled notifiable diseases under the Public and Environmental Health Act 1987.

In relation to administrative arrangements, the minister makes the point that, even though in practice these two legally separate bodies have merged their functions, nevertheless the accounting arrangements and financial reporting on the amounts specifically spent on each function must continue to be kept separate under current legislation. Continuing to maintain separate accounts for the Health Commission and the Department of Human Services is administratively inefficient and consumes excessive amounts of staff time. It also increases the possibility of an accounting error occurring which may be misleading.

The minister also states that it is not possible to subsume the financial reporting requirements of the Health Commission into those of the Department of Human Services through a simple mechanism; instead, it is necessary to transfer many of the functions of the Health Commission to the minister who will have the ability to delegate those functions to the Chief Executive Officer of the Department of Human Services. The chief executive of the Department of Human Services will then be responsible for financially reporting on the department as a whole. The minister says that the amendments contained in this bill will achieve these changes and reflect what is now occurring in practice.

The opposition has always supported constructive reform of the health system. With regard to the comments of the Auditor-General over the past two years, the opposition has continued, over that time, to press the minister on what he intends to do about rectifying and regularising serious matters raised by the Auditor-General. The opposition is disappointed in the minister's piecemeal approach to reform of the health system and believes that it indicates a lack of long term strategic vision for health and human services in South Australia.

The opposition is concerned at the lack of consultation with the community of South Australia in relation to these measures. The opposition is not opposed to the changes that are encompassed in the bill before the House. We see value and sense in them. We therefore support the bill in this House but may alter that position subject to feedback we receive in the intervening time before this bill's reaching another place.

The Hon. DEAN BROWN (Minister for Human Services): I thank the member for Elizabeth for her comments in relation to this bill. I appreciate the support that she is giving to this bill in the House of Assembly. I want to touch on a number of points raised by the honourable member in her contribution. First, the honourable member argued that we should have a vision, and that the first thing I should have done when I became Minister for Human Services was to abolish the Health Commission, change the administrative structure and put the people into a department. I point out to the honourable member that, from my considerable experience as a minister, one of the best ways of creating absolute confusion and reducing the quality of services to the public is do nothing but reshuffle all of the staff you have in your respective area of responsibility.

I have seen successive governments rush in and say, 'We have a vision and we will relocate all of the staff from this structure (which is an incorporated body) through to a department.' You then spend the next two to three years systematically working through who will get what position

and everyone fighting each other in terms of the new pecking order.

Ms Stevens: That is what you've done.

The Hon. DEAN BROWN: That is not what we have done. In fact, we formed the new Department of Human Services and we brought in, under the umbrella of the Department of Human Services, the Health Commission, the Housing Trust, the South Australian Community Housing Association, FACS (Family and Community Services), which is now named Family and Youth Services, and some other units. But what we did not do was to try to create an entirely new structure and relocate everyone into that structure.

I am very grateful that we did not do that, and we did not do it on my instructions because, over the past 20 years, I have seen governments in this state burn up millions of dollars in doing just that with no change in the delivery of service at the end, not to mention years of effort wasted by everyone then filling out application forms for their new position. People right through the system spend all their time worrying about what position they will have in this new structure.

Ms Stevens interjecting:

The Hon. DEAN BROWN: It is not. We introduced a new executive structure but we brought all these various bodies together under the umbrella of the Department of Human Services. I think that when the honourable member has had some ministerial experience, if she ever gets some—

Ms Stevens: The minister does not need to be rude and patronising.

The Hon. DEAN BROWN: I am not trying to be rude or patronising: I am just highlighting that if the honourable member gets that experience she will find that the benefit is there if you do not just go about changing structures; you try to keep the structures as stable and consistent as possible but change the focus you are trying to achieve. That is exactly what we did. We picked the areas that were important, and the most important aspect was the integration of housing and family and community services with health. We put enormous effort into that. In fact, we have achieved, I think, a very effective outcome.

I highlight the fact that in various regions of South Australia we said to the people, 'Sit down on a regional basis within your present structure and determine how you will integrate your services. Do not go off and suddenly try to create a new organisation with all new appointees to those positions within the organisation: simply determine how you are going to effectively achieve, within your present positions, the integration and coordination of the services.' I believe that we set out with a very clear vision of what we wanted to achieve and we achieved that very quickly. In fact, everyone acknowledges that we achieved very quickly the integration and coordination of those services across what is a huge area of government, representing just under 40 per cent of the total state budget.

I assure the honourable member that the last thing I wanted to do upon attaining the position of Minister for Human Services was say that I was going to abolish the Housing Trust, the Health Commission, the South Australian Community Housing Association and Family and Community Services and create all these positions within the Department of Human Services.

The second issue the honourable member raised was the Auditor-General's Report. Firstly, if the honourable member reads both last year's and the previous year's reports, the issue of concern is one involving a legal argument. We have an Auditor-General who is a qualified and very experienced legal practitioner. We have a Solicitor-General in this state who, equally, is a very experienced and qualified practitioner. I respect both of them personally and in terms of their legal judgment. Both of them, though, had a different legal point of view. I am not a legal practitioner, and the last thing I was going to do was sit down and try to judge whether one legal practitioner or the other, the Auditor-General or the Solicitor-General, both of whom have statutory positions and are very highly regarded in the state, was right and the other wrong.

In the end, since the Auditor-General was offering advice and since we took advice from the Solicitor-General as we as a government department were required to do—and that was counter to the advice from the Auditor-General—we believed that the best way of resolving it was to change the legislation, as recommended by the Auditor-General. That is why the act is before the House. If ever there was an argument about why this House and another place should now support this legislation, it is the fact that it was recommended by the Auditor-General. Certainly, that enhances the argument in favour of this legislation.

The third factor the honourable member raised was consultation. The honourable member herself acknowledged the fact that this issue was raised by the Auditor-General about 18 months ago. Since then, there has been further development of the argument with the Solicitor-General, and then the Auditor-General came back and commented in his annual report last year. If anyone else wanted to enter the legal argument between the two, they had the opportunity to do so over that 18-month period. In terms of—

Ms Stevens interjecting:

The Hon. DEAN BROWN: It is not. They asked us to change the act, we came in and changed the act and then the honourable member wants to criticise us. In terms of consultation, the key issue here is that this act deals with two principal issues, one of which is the position of the CEO of the department. As I said, that has now been an issue for public debate for some 18 months. The other issue was the requirement that we found over the accounting procedures required. Under the Health Commission Act we were required to carry out a great deal of financial accounting work. We were required to do the same for the Department of Human Services. We thought it appropriate to rationalise that under the Department of Human Services. That is exactly what we are doing, and I do not think the honourable member is disputing that.

Ms Stevens: It's the process, that's all.

The Hon. DEAN BROWN: Exactly.

Ms Stevens interjecting:

The Hon. DEAN BROWN: Both of these are related to the process of how we simplify the CEO's position and the accounting procedure. Frankly, I would not have thought it was an issue in which many outside bodies would have a particular interest. However, I have written to all the incorporated bodies—

Ms Stevens: When?

The Hon. DEAN BROWN: I will check. It was the beginning of last week. I wrote to all the incorporated bodies and explained that the act is being changed. I explained the changes we were making and invited them to comment. Certainly, I will consider their views, but I have done this as quickly as I can. As soon as the bill had been drafted by cabinet it was ready for introduction into the House. Rather than spend two months waiting to get a response on an issue on which I do not think there will be very strong views, I sent

out the details as well as introducing the measure in the parliament. I might add that one or two questions were raised, but there has been no major argument at all about what we are doing.

Ms Stevens: They don't know yet.

The Hon. DEAN BROWN: Yes, they do; they have all received my letter. The fourth issue was that the opposition seems to have changed its position on this matter. Back in 1995-96, if I remember rightly, when the former Minister for Health introduced legislation, the opposition was vehemently opposed to the abolition of the Health Commission.

Ms Stevens interjecting:

The Hon. DEAN BROWN: You opposed the legislation and the abolition of the Health Commission. Then, in its 1997 election policy, the opposition said it was considering changing its policy on the abolition of the Health Commission. It appears to me that as an opposition it has no ideas about what it wants to achieve for health. Members opposite are saying, 'We will chop and change the structures and make out we are trying to improve health services.' As I said in my earlier comments, simply chopping and changing the structures under which people occupy positions is an absolutely inappropriate way of achieving an improvement in the delivery of service.

Ms Stevens interjecting:

The DEPUTY SPEAKER: Order! I wonder if the chat across the floor might cease. There are not very members in the House, but it is not that cosy. I think we can expect the debate to continue in its appropriate manner.

The Hon. DEAN BROWN: I certainly appreciate the support for these amendments, and there are a lot of consequential amendments. However, I come back to the main argument for retaining the Health Commission: I believe that the Health Commission is recognised in the broader community in terms of providing public health advice, and on that basis I believe there is a very strong case indeed for maintaining and building on that high reputation of the Health Commission.

Let me give an example. The Health Commission is now recognised around Australia as the pre-eminent body in terms of identifying and tracking down cases of food poisoning. One has only to look at the way in which the South Australian Health Commission, through the Public and Environmental Health Branch, has been the body that has identified various food poisoning cases nationally. We have identified such cases in this state well ahead of the states where the primary source of the infection occurred. An example of that was the peanut butter scare. It was South Australia that forewarned Queensland of the poisoning occurring with peanut butter.

There was another case involving Victoria, where we identified the fact that there was a contaminated food product in the market and alerted that state some three days before they themselves identified it. Because we have the procedures in place and because there is mandatory reporting and mandatory assessment of the reports that come through on food poisoning—concerning which there is a conference each week and we look at the epidemiology of the evidence that comes through—we have been able to get onto this matter very quickly indeed in South Australia. The classic example of that, which is applauded throughout the whole of Australia, was the identification of the salmonella poisoning of Nippy's orange juice and how right at the beginning we had initially identified a problem but, secondly, very quickly indeed traced the source of that food poisoning. Our Health Commission staff, through the Public Environmental Health Branch, have an excellent reputation. Therefore, in terms of reassuring the public, it is very important indeed that we maintain the Health Commission as the body to do that.

There are a number of other areas where I believe that same principle applies. That is why I have argued that with certain powers the Health Commission should be retained, particularly powers in terms of public and environmental health within South Australia. We want to build on that and not suddenly change a name for the sake of doing so in terms of making out that we have suddenly reformed the service we are providing. This is about building on the quality of service provided, about maintaining consistency and about making sure that we use the quality service effectively, at the same time enhancing the reputation that the Health Commission has established in those areas.

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

The Hon. DEAN BROWN: I conclude my remarks on the second reading debate by thanking the honourable member for her contribution, and I urge all members of the House to support the bill through both the second and third readings.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

Ms STEVENS: This clause provides that a member of the commission is entitled to remuneration, allowances and expenses determined by the Governor. What is the level of that remuneration and who are the current members of the Health Commission?

The Hon. DEAN BROWN: We are now on clause 10, which is past this point. I am looking at clause 10, but I think the honourable member has asked a question about clause 8. If the honourable member could repeat the question, I will be happy to give a reply.

Ms STEVENS: Who are the current members of the Health Commission? Clause 8 talks about entitlement to remuneration, allowances and expenses. What are those at this time?

The Hon. DEAN BROWN: Christine Giles is the chair. I am sorry, but I am not sure whether it is three or five members of the Department of Human Services in total. But they are not paid: they receive their remuneration as executives of the Department of Human Services. They are senior executives of the Department of Human Services and get paid as such, not as health commissioners, even though they are health commissioners.

Ms STEVENS: Under the new arrangements will they still be paid only as executives of the Department of Human Services? The bill before us provides that they are entitled to remuneration, allowances and expenses determined by the Governor.

The Hon. DEAN BROWN: The government has a ruling that, where a member employed under the Public Sector Management Act receives a payment under that act and sits on another board or commission, that member is not entitled to payment unless specifically approved by cabinet. The general answer is that if they are people within the Department of Human Services they would not be paid.

Ms Stevens: Or another government department?

The Hon. DEAN BROWN: Or another government department.

Clause passed.

Clause 11 passed.

Clause 12.

Ms STEVENS: Clause 12 relates to repealing section 16 of the principal act and substituting new section 16, which relates to the functions of the commission. Before I ask my question, I want to make a couple of comments in relation to what the minister said in closing the second reading debate. I must say that I am quite surprised at how my earlier remarks were misinterpreted by the minister in his reply.

I recall saying that when the present minister came to the portfolio in 1997 there was put in place a new administrative structure—the Department of Human Services—and then was the time to outline a new vision for the delivery of health services. The minister immediately interpreted these remarks as my suggesting that the Health Commission be abolished, the South Australian Housing Trust be abolished and a number of other major structural entities that presently exist be removed; there would be terrible confusion, staff morale would have gone out the window and general mayhem would have reigned.

All I was saying was that at that time the minister ought to have outlined a vision of what he had in mind for the new department. Outlining a vision means giving a direction, a philosophical framework, and not that there would have been immediate wholesale disassembling of the present structures. It is the outlining of broad parameters of the direction of the government and no sensible person in that position would have immediately disintegrated the present structure. You would have a time line obviously in which to do the things needed to implement the vision. That is clearly what I meant, but it was misinterpreted by the minister.

The second point he made was in relation to the opposition's position in the last bill before this House which was introduced by the former minister. The minister tried to make the point that the opposition was all over the place and had no idea what it would do. In relation to that bill, he said that we were against the removal of the Health Commission but that our 1997 election policy talked about the removal of the Health Commission and now we appear to be generally supporting what he is doing. I point out to the minister—because he obviously has not clearly read the debates in relation to the former minister's bill—that the opposition was in favour of constructive reform. We were absolutely against many things that the former minister had in his bill such as the privatisation aspects of the bill, the proposals in terms of regionalisation, the lack of consultation that was evident in that bill and a number of other aspects.

In the course of that debate we suggested about 55 amendments to the minister that we hoped he would accept so that we could work through some of the issues. As it turned out he was not prepared to accept those amendments, particularly those in relation to privatisation of public hospitals, so the bill failed. The opposition has not had differing positions at all. We have had a consistent position, that is, we are in favour of constructive reform. We have always taken that position and we are taking it again today with this bill.

My final point is in relation to consultation. The minister in response to my criticisms of the consultation that has been undertaken in relation to this bill wanted to say that, because the issue of the appointment of the Chief Executive Officer of the Department of Human Services and the Chairman of the Health Commission has been an ongoing concern over two years for the Auditor-General, anyone who wanted to do so could have entered the argument and could have had something to say about it. That is an incredibly poor excuse for his own lack of process to expect that members of the public could get involved at that level.

I do not believe that the minister has anything to be ashamed of in what he has put before us, since the bill largely contains sensible provisions and I would expect that he would get support for them, but writing a letter to people one week ago is not taking consultation seriously. It is a pity that the minister did not consult properly. I look forward to hearing from health units and other stakeholders in the health system, including community groups, their concerns or suggestions in relation to this bill. I think the lack of consultation is symptomatic of the way in which this government tends to proceed. It does not believe in taking the people with it and it is not prepared to go through the proper process to achieve a result with which everyone can live.

Clause 12, which inserts new section 16, outlines the new functions of the commission. When I read through the functions there is no specific reference to the monitoring of quality of the health system. I would like the minister to comment on that, particularly in light of the national issues in relation to quality and safety in health care. I am surprised that quality care, monitoring and the strategic systemic approach to quality of the health care system was not explicitly put down in terms of the functions of the commission.

The Hon. DEAN BROWN: First, if I misunderstood what the honourable member was saying in her second reading speech, I apologise. I thought she was implying that as soon as I became minister I should have abolished the Health Commission and wound it into the Department of Human Services—

Ms Stevens: No.

The Hon. DEAN BROWN: —and wound all the other institutions in as well. That was my understanding. I thought the honourable member said that this is something that I should have done, that these changes should have been made when I became minister 2½ years ago.

Ms Stevens interjecting:

The Hon. DEAN BROWN: Well, I think she needs to be careful because we are doing things now because they are commonsense approaches that need to be taken. If I misunderstood, I apologise. The honourable member has raised the point in terms of quality and that there is no responsibility for the commission to look after quality issues. In fact, that is not the case at all. Paragraph (c) provides for proper standards of public and environmental health in the state. Paragraph (g) provides:

> . . . investigate and report on any matter relevant to public or environmental health or to health services within the state.

Paragraph (h) provides:

> at the request of the minister, to conduct inquiries into any aspect of public or environmental health, the provision of health services or the care of the public (or of any section of the public);

There are a number of other areas as well. I think there are plenty of areas where quality is of major importance, particularly in paragraph (c) where there is a specific responsibility for maintaining standards. 'Standards' is all about quality. I think quality is very clearly covered and I am quite satisfied with that.

Clause passed.

Clause 13.

Ms STEVENS: This clause repeals section 17 and substitutes a new section 17. Currently, section 17(2)

provides that the commission should review each delegation at least once in each year. I notice that is not carried through in the new section. Why is that the case?

The Hon. DEAN BROWN: In drafting legislation, general standards apply and what applied when this Health Commission act was previously drafted is no longer the general standard, so that is not the standard clause. That does not mean that there is not a responsibility. In fact, there are responsibilities, for instance, annual reporting responsibilities.

Ms Stevens interjecting:

The Hon. DEAN BROWN: It is not needed. It provides that the commission should review each delegation at least once in every year. Now the responsibility has been delegated on a permanent basis and therefore there is no need to go back and review those delegations.

Clause passed.

Remaining clauses (14 to 52) passed.

Schedule 1.

Ms STEVENS: The minister has spoken about the new commission retaining certain powers in relation to the Food Act and to the Public and Environmental Health Act. Were all the powers in relation to those two acts mentioned in his second reading explanation, or would he expand on which parts of those acts are still the responsibility of the commission?

The Hon. DEAN BROWN: The powers that remain with the South Australian Health Commission are really the big powers (for instance, those involving the Nippy's type of case) and those powers are contained in sections 25, 26 and 27 of the Food Act. Therefore, I think I am right in saying that if, for instance, a Nippy's type of case occurred again we would use the Health Commission, under the Food Act, as the body giving advice. When I went through it and argued the case for the powers we should retain, the Nippy's case was a very good example of why we decided to retain the Health Commission and put those specific powers in there. As I said in the second reading debate, the Health Commission has a national standing in terms of detecting food poisoning. I think it is important to maintain that reputation under the Health Commission. Under the Public and Environmental Health Act, the key sections are sections 31, 32, 33 and 36.

Ms STEVENS: I have not looked through all other 19 bills to check all the changes. Are there any other bills that have substantial changes other than just substituting 'minister' for 'Health Commission' and providing various administrative arrangements? If there are, what are they?

The Hon. DEAN BROWN: First, I would make an offer to the honourable member. If she would like to spend more time with the specialists within the department going through those sorts of detailed powers, between the debate in this House and that in another place, I am only too happy to facilitate that. There are many amendments to many acts and it is difficult to follow. Those to which I have been referring are the two important ones. Most of the other amendments are simply substituting 'minister' for 'Health Commission' so that the minister, rather than the Health Commission, has responsibility.

With respect to the case involving Nippy's, we thought it was important that the Health Commission was provided with specific powers. The chair of the Health Commission issued instructions almost on an hourly basis. That is important because the minister may not be available: he may be in the country, interstate or elsewhere, and you need people there who are able to administer those powers sometimes on an hourly basis and make very quick and important public health decisions. Certainly that was the case with Nippy's. Obviously if the CEO of the department is absent, the power can be delegated to an acting CEO, but you do have other people to whom it can be readily delegated.

You need to understand some of the thinking behind the reason for doing it this way. It has not been an ad hoc decision. We have given it some considerable thought and looked at a range of different models and tried to come down to one which, in my personal experience and that of the department, we think will work effectively.

The CHAIRMAN: The chair wishes to advise the committee that in schedule 1 there are a number of typographical errors regarding the numbering of clauses between pages 24 and 29 (in clauses 14 to 19) which will be corrected.

Schedule passed.

Schedule 2 and title passed.

Bill read a third time and passed.

CHILDREN'S PROTECTION (MANDATORY REPORTING AND RECIPROCAL ARRANGEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 664.)

Ms STEVENS (Elizabeth): There is no greater responsibility of a civilised society than to ensure the protection of its children. The Children's Protection Act 1993 was introduced by the previous Labor government, and these amendments both strengthen that act and enable the care and protection of children to extend more adequately throughout all Australian states and New Zealand.

The first amendments deal with the addition of pharmacists to the list of mandated notifiers of suspicion of abuse. I understand that pharmacists were on the list prior to the 1993 act, but were omitted in that act. I fully accept the reasons why they should be reinstated, and the opposition supports this move. In relation to the rest of the amendments, the bill implements national agreements for the efficient transfer of child protection orders and proceedings for children who cross borders between the states, territories and New Zealand.

I understand that all parties have signed the new protocols established in 1999 for the transfer of child protection orders and proceedings. I also understand that at this time New Zealand has passed the legislation and that all other jurisdictions in the country are in the process of so doing. It is important that, if intervention has occurred anywhere in Australia to protect a child and if for some reason there was movement of a child to another state or to New Zealand, the orders that were in place in the original jurisdiction are compatible and transferable and that appropriate protection and support are in place, wherever the child is.

The minister in his second reading speech explained the considerable difficulties experienced in the past in the transfer of child protection orders across jurisdictions due to differences in state, territory and New Zealand child welfare legislation. I will go through the issues he raised in his speech.

Considerable difficulties have been experienced in the past in the transfer of child protection orders across jurisdictions. This often meant that a child under the guardianship of the minister in a particular state could not remain with foster parents who were relocating to another state. In some cases,

the most appropriate placement for a child under guardianship was with extended family members living interstate. In such situations it was often very difficult to ensure that the interstate department, which had no mandate to accept the responsibility, provided the appropriate support to the child and the placement.

The transfer of care and protection proceedings between jurisdictions was even more difficult. For example, the South Australian authorities may have commenced an investigation into serious child abuse or may have lodged an application for a care and protection order in the Youth Court, but the parents removed themselves and the child interstate. It has not been possible prior to this legislation for such child protection proceedings to be transferred to the jurisdiction to which the family have relocated. Therefore, the amendments provide for the transfer of child protection orders and the transfer of child protection proceedings, and the opposition fully supports them.

It is obviously critical that the legislation that we have in place is strong enough to provide the protection needed by children. However, equally important is that the legislation is supported by systems which ensure that it can be implemented effectively. We can have the best legislation in the world but, if we do not have adequate systems or adequate resourcing of those systems, obviously it will not be implemented effectively.

I looked at the annual report of the Department for Human Services for 1998-99. The figures for child abuse notifications given therein showed that there were 13 132 notifications of child abuse in South Australia in that year. In 1997-98, there were 11 651 notifications, a 15 per cent increase on the figures for 1996-97. The notifications of child abuse are therefore increasing.

It also could be argued that, with the addition of pharmacists to the list of mandated reporters, we might expect even more notifications. The questions are whether these notifications will be investigated effectively; whether appropriate measures to ensure care and protection of children will be put in place; whether there will be sufficient resourcing for the people and agencies that are to carry out these investigations to enable them put in place the care and protection measures; and whether they will be adequately resourced to enable them to do the job? On that score there is cause for considerable concern at this present time.

Over the past years—in fact I think just about every year in the budget estimates process—I have raised in this House questions about the adequacy of the government's response to child abuse notifications. Last year in estimates I asked a number of questions in relation to the investigation and action following child abuse notifications, and I would have to say that the answers I received were unsatisfactory.

I would like to revisit some of the questions that I asked in relation to child protection during estimates last year. I asked the minister to advise how many child abuse or neglect reports are not investigated because of insufficient staffing resources in family and youth services to do this. As part of that question, I said that I had information to the effect that the Gawler family and youth services office had taken no action on more than half of the reports on children in its area; that the Elizabeth office had taken no action on 20 per cent; and that the Noarlunga office had taken no action on 15 per cent. In particular, these notifications fell into a particular category. They were called RPIs (Resources Prevent Investigation). I never received a satisfactory answer to that question.

Another question I asked related to the report on government services 1999 by the Australian Productivity Commission, in which it was stated that there had been a 15.4 per cent increase in child protection notifications in South Australia in 1997-98. I went on to say that the number of individual children notified per 1 000 children aged 0-16 is 22.5 for all children, yet 81.5 per 1 000 for indigenous children—four times as high. I asked the minister what action he was taking in relation to child protection prevention and support for indigenous children and their families. Would the minister give us information on this tonight, and will he tell us what difference this has made and whether there has been any difference in the number of confirmed cases of child abuse amongst indigenous children as a result of the actions he has taken?

Furthermore, that same paper reported on child protection effectiveness indicators. In South Australia in 1997-98, nearly 30 per cent of the children who had been found to have suffered child abuse and neglect with the case closed after the investigation were subsequently renotified, investigated and found to have been reabused. That is a damning indictment. This information is not something which I have dreamt up or which was passed on to me informally: it came out of the Productivity Commission's report on government services in 1999. I asked the minister to advise what action he was taking to ensure that children do not suffer repeated incidents of abuse. I would be keen to hear again tonight precisely what action he has taken and whether in fact we have been able to lower that disgraceful percentage of 30 per cent of children being reabused.

In the most recent annual report from the Department of Human Services under the heading of 'Child protection reforms' we are told that 'FAYS is continuing with a major reform of its child protection services.' The report mentions centralising notifications of child abuse and states that the agency has improved public accessibility and enhanced consistency in determining reports. It states:

> The differential response system has enabled a higher proportion of notifications to be responded to and has ensured a rapid and coordinated inter-agency response to children in current and eminent danger. While notifications of child abuse have risen steadily over recent years, there has been a smaller increase in the number of children where abuse or neglect is confirmed. Follow-up services were provided to families where abuse or neglect is confirmed and where there is a high risk of further abuse. The structured decision making system for child protection intervention has been implemented in all district centres. An integrated early intervention program is being implemented in the northern suburbs—

I am pleased about that, but it needs to be wider than that and better resourced—

> to address the needs of children and families where there is a low risk of abuse but the needs of the family are high.

There is little detail and few specifics there. I am sure that every member of this House who has an electorate office has people coming to them with their concerns about FAYS and its lack of response; and I am sure that when members heard those words (and they can pick up the report and read it for themselves) they would have been rolling their eyes. I would like to know some specifics. I would like answers to the specific questions I asked during the Estimates Committee. I would like to know what the minister has done, whether it has actually made a difference and the extent of the difference it has made.

Mr SCALZI (Hartley): I too wish to make a contribution on this very important bill. Like the member for Elizabeth,

as a former school teacher I witnessed too often the effects of child neglect and child abuse. Children should have a right to feel safe, a right to be protected, a right to their childhood. They have a right to know and a right to grow. Unfortunately, that does not always occur. The education system and many of our services should be commended on many of the programs that are in place to ensure that children are protected. When I was a teacher I was very much aware of programs that were in place. Anti-harassment programs and protected behaviours and all those programs are fine; however, if there is no consistency between state and territory and in this case New Zealand (and I commend the minister for including it), so that child protection orders can apply from state to state and other jurisdictions, then all the goodwill programs come to nothing.

As a teacher I was very much aware of how important it was to have the knowledge of a student's background from their previous school. I know that at times information can be used wrongly, especially when someone wants a fresh start but, where a child has been abused or neglected and not protected, it is essential that that information be transferred. How much more important could it be that, when a child is under protection orders, that child be protected not only in South Australia but also in Victoria, New South Wales, the territories or Queensland? I do not know the actual statistics, but members would be aware that the mobility of today's population, including young people, is very high, so there is definitely a need for this sort of provision in protecting children.

I was listening to the member for Elizabeth when she said that indigenous students face a threat four times greater than that of the average population, and gave the alarming statistic of the 30 per cent who face abuse for the second and third time. I do not doubt the authenticity of those statistics, but they are very alarming. If that is the case, then this bill, which will ensure that there is consistency in the states throughout Australia and, in this case New Zealand, is certainly a very welcome change, as is the provision to include pharmacists on the list of those people who have to report suspected child abuse. I think it is something that all members would support. As a parent I know how important these sorts of provisions are for children who are not as fortunate as our children to be brought up in a home which is safe and which gives the ability to dream and grow.

For those reasons I support this bill. In our day and age, as I said, when mobility from one state to another is commonplace, it is only right and proper to ensure that children are protected and that the necessary resources are in place for that to occur.

Mr CLARKE (Ross Smith): My contribution tonight will be short, which is no doubt merciful to most. I commend the work of the shadow minister. I paid particular attention to what the shadow Minister had to say about the notifications of child abuse and neglect and the follow-through or lack of follow-through occasioned by the lack of resources on the part of the department. I do not think any of us in this place would dispute that the most important task of any government is the protection of our children, again, for all the reasons put forward by the member for Hartley: to allow them to grow; to allow them to enjoy their childhood in safe care; and to give them an opportunity in life.

Unfortunately, the information that I get from those who are mandated by law with respect to notification of child abuse, whether they be teachers, people in the medical profession, or others, is that they get increasingly disheartened as a result of the department's lack of resources in this area. I remember not that long after I became a member of parliament, in 1994, talking to some workers from Family and Community Services, as it was then known, who told me that effectively, as a result of cutbacks in the department's budget, if there was a notification that a child was physically at risk in terms of their very lives the matter was investigated within 24 hours.

However, on other less pressing issues in comparison to that, but nonetheless extremely pressing in terms of beliefs that a child may have been subjected to physical or sexual abuse, the time period for those investigations stretched out dramatically. That scenario has been illustrated only too well by the member for Elizabeth, our shadow minister, in the statistics she gave tonight. This bill does extend the list of people who are to be mandated to notify of possible child abuse or neglect. We can increase that as much as we like but, unless there are the resources within the department to follow through adequately in a timely fashion all the notifications that are received, this act means nothing.

The act has all the right sounding words and sentiments behind it but, if the government of the day does not put muscle behind it by way of sufficient resources in terms of staff to investigate the allegations and to take corrective measures when they believe it is necessary, then they are just so many pious—

Members interjecting:

The ACTING SPEAKER (Hon. R.B. Such): Order! The chatter taking place on my right should cease. The member for Ross Smith.

Mr CLARKE: Thank you for your protection, Mr Acting Speaker. I, too, am very interested to hear the minister's response to the shadow minister's questions. More particularly, the department will be interested, because it bears the brunt of criticisms from the general community about the lack of protection for our children in such instances.

Mr Atkinson interjecting:

Mr CLARKE: I suggest that the honourable member place himself under the protection of the Guardianship Board. As I said, before I was rudely interrupted, the departmental officers bear the brunt of these criticisms. Not only they but teachers and others are frustrated because they are obliged, by law, to notify the authorities of suspected abuses but, when nothing happens, it dulls their senses. If they believe that nothing will happen, that no thorough investigation will occur, they not so much turn a blind eye but increasingly shrug their shoulders and say 'Well, what can we do?' and more children become at risk.

On the other hand, allegations of abuse may be wrongly founded, activated by malice; and those who have been accused of such dastardly crimes also need, in a very timely fashion, to have their reputations and piece of mind restored by the department's adequate and speedy response in terms of an investigation of those allegations so that those people can have their names cleared if they happen to be innocent, rather than have the matter drag out over many months and be put through interminable emotional trauma for being wrongly or falsely accused.

Without taking up further time of the House, I look forward to the minister's response, in particular as to what the government intends to do about adequately resourcing the department because, as a government, any government, we have no greater duty than to protect the weak and the vulnerable. We must give that as our first priority with

respect to the allocation of resources. That is something with which the community itself must wrestle in terms of what level of funds or revenue they will be prepared to provide to ensure that these essential services are maintained.

The commonwealth should also assist in these areas because, at the end of the day, the community pays a very heavy price if we do not intervene at an early stage where abuse is occurring. The children in question grow into adults and become dysfunctional within society through no fault of their own because we, as a society, have not been able adequately to protect them, with all the social ills that flow from it that are much more costly than if we had properly resourced the department at the beginning to protect our young.

Ms RANKINE (Wright): The aim of this legislation is to improve the community protection of our children. As the member for Elizabeth said, it is probably one of the most important pieces of legislation with which we must deal. Clearly, the protection of our most vulnerable, and children must clearly be included in this, is a major benchmark in assessing or judging any society. A lot of fear is often expressed on issues such as child protection, but much of that is unwarranted. How often have we heard people say, 'Parents cannot discipline their children any more; their rights are being taken away'? This is untrue and silly.

Children are not our possessions. We do not own them and, just as men do not and never have owned their wives and partners, we do not own our children, yet historically there has been a right for men to discipline their wives—and, to a large degree, their children—with force. This is clearly unacceptable. No parent has ever been charged, as far as I am aware, with loving, caring or protecting their children or for teaching them the lessons of life—the rights and wrongs. But violence and abuse are not acceptable. That is not discipline and it is not teaching our children respect.

I recall several years ago reading an article in the *Advertiser* about a situation where a young boy was brought home by the police for having shoplifted. His father was, rightly, angry and disappointed in his child, but he took to the boy with a cricket bat. If I recall the story correctly, he hit that child 44 times with the cricket bat. He was charged and found not guilty by the presiding magistrate, who said that dad had perhaps gone a little bit too far but had the right to discipline his child. I was clearly appalled by that, and any reasonable thinking person would also have been appalled by it.

I am happy to support the government's inclusion of pharmacists in the list of mandated notifiers. I agree that they are in a key position to detect child abuse. The minister has stated quite correctly that pharmacists are often in a position to detect situations of abuse at a very early stage. As we have heard from other members, early intervention is critical. It is critical because too often we read of situations where detection and intervention occurred too late, where a young child has either died or suffered abuse which to the vast majority of parents is incomprehensible. Early intervention can save lives and it can save families.

In relation to the list of mandated notifiers, with the inclusion of pharmacists, the following are also listed: medical practitioners, registered or enrolled nurses, dentists, psychologists, members of the police force, community corrections officers, social workers, teachers and approved family day carers. There is also an all-encompassing section which allows for any other person who is an employee of or volunteer in a government department, agency or instrumentality or a local government or non-government agency that provides health, welfare, education, child care or residential services wholly or partly for children, being a person who is engaged in the actual delivery of those services to children or holds a management position in a relevant organisation, the duties of which include direct responsibility for or direct supervision of the provision of those services to children.

I would like the minister to advise me what the government does to ensure that those officers in that general category are actually aware of their responsibilities. This is a matter that I consider to be particularly important, because there are a number of instances where this clearly does not happen and where it appears very often that those officers charged with that responsibility are quite unaware of it. I am aware that a number of reports are made in relation to child abuse, but there have been lots of cases, cases in which I have been involved, where they have not been considered serious enough to follow up. The workload of those workers is such that only the most serious are able to be investigated. That, again, highlights the issue of resources. It also highlights the issue, as the member for Elizabeth said, of re-abuse rates, which are absolutely and totally unacceptable.

In relation to the transfer of protection orders and proceedings between states and territories and also New Zealand, it seems an eminently sensible thing to do. Clearly, child protection, the need and our responsibility for child protection does not stop at our border. I have another issue in relation to this, however, on which I would be pleased to take the minister's advice. In his second reading explanation the minister said:

> An application to the Youth Court for a judicial transfer of an order or proceeding will not necessarily require the consent of interested parties.

By that, I assume—and would like the minister's clarification—that he could transfer a child without the agreement of the guardians or parents. The minister goes on to say:

> However, there are extensive review and appeal provisions to ensure that any person who has a legitimate interest in the child's welfare has mechanisms for their concern to be raised.

I would like to know what they are. In his second reading explanation of clause 4, the minister talks about the requirement that proceedings for an offence against this provision must be commenced within two years of the date of the alleged offence; so, it is removing that requirement. I would like to be assured that that does not give the investigating officers leeway to delay investigation of those cases. I understand that the intention is probably to ensure that proceedings can still be initiated on a longstanding offence, but I need to be assured that that is not a delaying tactic used for investigation because, obviously, quick action is imperative.

Last Monday I attended one of my local kindergartens for the unveiling of a mural. This mural was prepared and developed by a young year 12 student at the Salisbury East High School, Tamara Osborn. She did this mural in conjunction with the children at that centre. It depicted the kindergarten, the children's drawings thereof, animals and, interestingly, the Cobbler Creek Recreation Park of which I have spoken so often in this House. It was a truly collaborative effort. The children loved their participation with this young girl, and clearly that was reciprocated. Tamara Osborn deserves enormous praise for her efforts, and clearly she brought a lot of credit on young people in our area, on her school and on her family.

The title of Tamara's project was 'Our children, our future'. Through her work I believe she indicated enormous awareness and maturity that many adults in our society clearly do not have. Her concern, care and affection for the children she worked with was clearly returned. It was very heart-warming to witness.

The member for Elizabeth has raised the need for essential, proper and effective systems to be put in place to support our children who are suffering and, in particular, their families. The member for Ross Smith also spoke about this. Early intervention is a real factor in ensuring that young people do not suffer any more than is absolutely necessary. This is also particularly important as we enter into agreements with other states and territories. With those few words, I also offer my support for this bill.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contribution to the debate this evening. I appreciate that members have raised the broad issue of child protection and the administration thereof. I might add that, whilst a second reading debate is allowed to be fairly open and free and there is no restriction, we are in fact dealing with specific amendments. The debate is supposed to focus on the amendments before the House and not cover every single area of administration of child protection in South Australia, nor repeat all the questions raised in last year's Estimates. However, I am willing to touch on a number of issues that have been raised and will certainly do so.

First, members need to appreciate that, through a number of years of hard effort of broader community education, there is now a much greater awareness of child abuse. Whereas 10, 15 or 20 years ago this would have been something that was brushed under the carpet, where very few people would have talked about it, where children would have come to school with very severe bruising and clear abuse had occurred, and nothing would have been done about it, now the law requires mandatory reporting, and there has been significant headway, particularly in the last 10 years. When this legislation was being debated some years ago I can recall the very considerable effort and time that this parliament—not just in this chamber but perhaps even more so outside the chamber—put in a bipartisan way into dealing with these issues.

That change in public awareness is a credit to the leadership given by the people at the time and, more particularly, to what has been achieved by the staff since then. As a result of that, there is a much higher rate of reporting than would have been the case a few years ago. The member for Elizabeth reported the increase that has occurred in recent years. That largely reflects—and I am reporting here the expert advice from the department—the growing public awareness and growing public willingness to report suspected cases of child abuse.

That increase in statistics should not be interpreted to mean that child abuse is increasing by about 15 per cent a year, because the expert advice from the department is that that is not the case at all. There may be a small increase or it may be static, but the very significant increase in reports is simply part of the improved processes that have been put in place, the greater public awareness and the greater willingness of people now to report potential cases of abuse.

The comment keeps coming up—and came up last year in the Estimates Committee—that cases are reported but there is no follow-up. For about 30 per cent of the cases that are reported, it is inappropriate and they do not require follow-up. A lot do, but about 30 per cent of the cases do not. Therefore, members should not assume that, just because there has been a report, automatically there has to be a follow-up; that is not correct. You must allow for about 30 per cent of the cases that do not require further follow-up.

One of the significant improvements that has occurred is the far better targeting of the services that we now provide. Through that better targeting we are reaching those who are most affected, those undergoing the more severe cases of child abuse and, therefore, we are getting better value for the services we are providing. Also, there is no doubt that, through the extra resources we put in, we have much earlier intervention than we had before. Recently, I sat down with a counsellor in this area who told me that previously we tended to have very severe cases of abuse and invariably the breakdown of the whole family unit before any action was taken.

Now they are identifying a problem family with perhaps some abuse of the children occurring, and they move in at a much earlier stage with early intervention, partly due to the reporting process. As a result of that, in many cases they are able to resolve the problems that exist. It may be a father abusing the children, and so the male partner in the family unit is counselled and, as a result of that counselling, the abuse then stops. That is the ideal outcome where you have cases of abuse occurring. The earlier the intervention, the more effective targeting of counselling services to help those people, therefore the better result that comes out of it.

Very closely linked with that is the linking of families with appropriate services. This same counsellor told me that when abuse has occurred, when it has been reported, they sit down and invariably try to get the people to acknowledge what has been going on and then very effectively link the perpetrators of the abuse with the appropriate services. At the same time, the whole family invariably has some form of counselling, albeit different types of counselling from different parties.

Another improvement that has been made is that we are in the process of installing much better information systems than we have had in the past. In the past the Department of Human Services, which included Family and Youth Services, has not had adequate computing services. There has not been an effective network, and we are in the process of trying to link many offices and ensure that we have better computer-based information around the whole of the FAYS department.

Another important point is that through better monitoring of notification rates we have been able to redistribute the staff to areas of higher abuse. That is very important in terms of making sure that we have the staff where the maximum demand is, but in the past that has not always been the case. A number of quite specific changes have occurred and, as a result, the quality and effectiveness of the service that is provided has been improved.

I thank members for their contribution to this debate. I appreciate their support for the bill and I now urge the House to put the bill through the second and third readings.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms RANKINE: In my second reading speech I referred to the mandatory notifiers. Section 11(2)(j) refers to:

> any other person who is an employee of, or volunteer in, a government department, agency or instrumentality, or a local

government or non-government agency, that provides health, welfare, education,

etc. What does the government do to ensure that people in that all-encompassing category are aware of their responsibilities? It is my impression that a number of people in agencies are not aware and do not act necessarily on cases that should be reported.

The Hon. DEAN BROWN: For that broad category of people the Department of Human Services provides training on child abuse and neglect, how to identify it, how to report it and what the obligations are. We run a three day course specifically for those types of people, so that they are not just aware of their obligations but also know how to exercise the power that they have.

Ms RANKINE: Is that for all new appointments that come into a specific agency, and would the Housing Trust be included as a mandatory reporting agency?

The Hon. DEAN BROWN: For example, teachers before they become registered are required to undertake the three-day course, and moves are now under way for Housing Trust staff also to undertake that training course.

Ms RANKINE: Has that not been the case previously in relation to the Housing Trust?

The Hon. DEAN BROWN: In the Housing Trust, in the past the opportunity has been there, information has been provided and I guess it has been on a voluntary basis. However, they are looking at mandating that in the Housing Trust.

Ms RANKINE: The minister stated in his second reading explanation, referring to clause 4:

> It also proposes removing the requirement that proceedings for an offence against this section must be commenced within two years of the date of the alleged offence.

Can we have an assurance that that provision is just not about giving the department longer time to investigate those offences? I understand that it is appropriate for someone to be able to report it some time afterwards and have it investigated, but it is not appropriate to give officers longer to get around to it.

The Hon. DEAN BROWN: In fact, we are lengthening the period under which a person can be prosecuted for failing to report. We are improving the powers of forcing those people to report. This should be seen as a further improvement in our ability to prosecute those people who have an obligation to report but who fail to do so. It is now a two-year period in which to do so.

Ms STEVENS: A particular incident was reported to me involving a person who is intellectually disabled. Abuse had been reported at a residential facility where the person was staying. The person was 18 years old (and therefore older than those covered by the act, anyway) but, that aside, in correspondence that the mother received from FAYS some interesting statements were made. I will repeat them and ask questions in relation to them because it followed that report. The letter from the worker at Elizabeth FAYS states:

> Family and Youth Services only remains involved in child protection matters when abuse has occurred to a child or children when they have been in the care of family members.

The minister wrote the following letter to me in October 1999:

> FAYS will continue to receive and investigate reports of allegations of child abuse and neglect irrespective of the relationship between the child and the person believed responsible for the abuse. At the same time, it will be essential that all government and non-government organisations who are responsible for the care of children work towards a position where they are able to fully discharge their obligations with respect to their duty of care to those children. Increasingly, the role of FAYS will be one of support, advice and guidance, rather than an investigatory role. In this way I believe that we shall achieve a greater focus on the protection of children who are in situations of 'care' outside the family setting than could ever be provided by FAYS alone.

Can the minister assure the House that children in government and non-government residential settings will not be excluded from investigations of maltreatment by FAYS? This would also apply to children who are in foster care situations.

The Hon. DEAN BROWN: I appreciate that the honourable member is reporting a specific case. I think the honourable member is referring to a case where there was residential care.

Ms Stevens: Respite care.

The Hon. DEAN BROWN: But it is residential care still.

Ms Stevens: Yes.

The Hon. DEAN BROWN: Our responsibility is to ensure that the people running those facilities clearly understand their duty of care. Therefore, there is much more effort, if you like, at the very beginning, highlighting the responsibility of people who operate and administer the care and supportive care in a residential care facility. Our role is to ensure that we monitor that the duty of care is in fact carried out. It is a little like training them to do it and making sure there is a clear understanding at the very beginning in order to avoid the abuse, rather than running around trying to identify the abuse. It is something like quality control. Under the old method of quality control, someone sat at the end of the production line and threw out everything that did not come up to scratch. People then found that a far better way of ensuring quality control was to train the people to think in terms of quality control and to lift the quality of everything done within the workplace, and so you have total quality management.

This is in many ways identical, because it is all about quality management. In this case it is about the appropriate duty of care on the part of people within the residential care facility. It is a matter of training them appropriately so that you minimise the cases of abuse.

Ms STEVENS: I absolutely agree that that is what needs to happen and that all agencies need to fully understand their obligations with respect to duty of care—and I am sure it is very important to do that. Are you saying that those agencies will investigate themselves?

The Hon. DEAN BROWN: No.

Ms STEVENS: My question was whether the minister could assure me that, if a notification of abuse in those situations occurs for a child under 18, FAYS would investigate that matter as they would for every other child.

The Hon. DEAN BROWN: Yes, they would investigate that as they would for any other child.

Ms STEVENS: In relation to the pharmacists coming on line in terms of being a mandated notifier, is it your expectation that this will bring more notifications? You have introduced another category to notify. What implications will that have for resourcing?

The Hon. DEAN BROWN: As to the issue of pharmacists being part of the mandatory reporting, there was some debate about this several years ago when the list was first drawn up. In fact, many pharmacists do it now on a voluntary basis. We are not expecting a huge increase in the number of reports out of this, because most pharmacists have already probably picked it up as part of their obligation, even though

the law did not require them to do so. This is probably more formalising something and, as I mentioned, it was not as if it had not been talked about and the expectation had not been created previously: it had been.

Clause passed.

Clauses 5 to 9 passed.

Clause 10.

Ms RANKINE: The minister's second reading explanation states:

> An application to the Youth Court for a judicial transfer of an order or proceeding will not necessarily require the consent of interested parties.

That is if there is not a comparable order between states, so it needs to go to the Youth Court. It continues:

> However, there are quite extensive review and appeal provisions to ensure that any person who has a legitimate interest in the child's welfare has mechanisms for their concerns to be raised.

Will the minister give us the details of those mechanisms?

The Hon. DEAN BROWN: There are certain rights for appeals against Youth Court decisions. If they wanted to, a person could exercise those rights of appeal and, if need be, go to a higher court than the Youth Court. Those would be the sorts of cases we are looking at, but only where the person has the legal right to take the matter further.

Clause passed.

Remaining clauses (11 and 12) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

> That the House do now adjourn.

Mr HILL (Kaurna): Tonight I wanted to talk briefly about the Murray River, which has obviously been an issue that has been gripping everyone in South Australia for the last few months. As we all know, it is an important issue for South Australia and one that needs a well thought out and consistent approach. Certainly that is the view of the Australian Conservation Foundation, which recently gave evidence to the select committee. I cannot tell the House what the evidence was because we are bound by an act of secrecy. However, I can report what the gentleman from the Australian Conservation Foundation, Mr Tim Fisher, told the media—

An honourable member interjecting:

Mr HILL: Not the Tim Fischer, the good looking Tim Fisher—immediately after the select committee. Regarding the current government's handling of the issue, he said:

> South Australia lacked a vision for the River Murray and Premier John Olsen was making gratuitous attacks over the health of the river.

He went on to say, according to the *Advertiser*, 'South Australia is dragging the chain.' He further said:

> South Australia does not yet have a position to take to the Murray-Darling Basin community on what it wants from the river, in particular, what SA needs to sustain its wetlands, the river system, the lakes and the Coorong area, not to mention the Murray mouth which is in danger of closing as we speak.

He went on to say, 'I think South Australia needs to get its house in order before it starts criticising other states too much.' He then goes on to say it is reasonable for South Australia to criticise other states but re-emphasises that point. That is pretty fair comment by Tim Fisher from the Australian Conservation Foundation.

The Olsen government seems to me to be all over the place on the issue of the Murray River. It really discovered the river issue very late in the piece. It discovered it after the salinity audit report was brought down and after I had moved on behalf of the opposition for a select committee to be established to look at the Murray River issue. When I raised that issue, a number of government back benchers rose to speak on the issue, but the environment minister, the Minister for Primary Industries and the Premier decided not to speak on it. It was not an issue that they thought was relevant or important. However, in the days and weeks that followed, when the media decided there should be a campaign around it, the government, and in particular the Premier, decided to jump on the bandwagon. Certainly, the Premier—

The Hon. Dean Brown interjecting:

Mr HILL: I was going to say, Minister for Health, that the current Premier certainly got on the bandwagon well after you were on the issue because, back in 1994 when you were Premier, you said, 'There could be no greater gift to future generations of Australians, and no more important symbolic gesture, than the restoration of the River Murray.' I think some persons in this parliament perhaps have been providing me with a range of background material to let me know about the former Premier's role in this because, although my pigeon hole has been not quite flooded with material about the former Premier's role in this, certainly I have been getting material to highlight to me his great deeds.

I well recall, before the 1993 election, in a very smart move, the former Premier raised the issue of the Murray and, as a candidate, party assistant secretary and one who was assistant campaign manager for the Labor Party, I thought it was a very smart issue and one I should have made more of personally. I do not think he is to be criticised on this. His position has been consistent, but I think the current Premier has jumped on this bandwagon and seems to me to have been all over the place on it. It is very hard to know what the current Premier's position is. One minute he seems to be wanting cooperation and bipartisanship; the next minute he is jumping into the interstate governments, attacking them and telling them what to do. In the media he is telling us he will introduce legislation which would allow him to control what the other states did to the river in their states. That is a very interesting constitutional matter which I hope he brings to the parliament—I would like to see a debate on that.

It is interesting that the Premier has a lot to say on all of these issues, but last week when the Centre for Economic Studies produced a four point plan about what should happen to the river, on the television interview I saw, the Premier said, 'No comment.' I commend the Centre for Economic Studies to the parliament. I do not normally agree with the Centre for Economic Studies—it is a conservative think-tank—but, in this case, it had a very lucid and very sensible analysis of the issues in relation to the river. It made four points that should be considered. The first of those was that the irrigators should be taxed. I am not surprised that the Premier did not want to address that issue, because no doubt a lot of the irrigators are conservative voters and he may well have offended some of his voters, but it is a—

The Hon. Dean Brown: In 1995, we imposed a catchment levy on all the Murray River area.

Mr HILL: This is true.

The Hon. Dean Brown interjecting:

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

Mr HILL: Thank you, Mr Speaker. I think it is good sometimes to have a more informal discussion. The Centre for Economic Studies is saying that the tax should be equivalent to the environmental damage caused by the irrigator, not just a flat—

The Hon. Dean Brown interjecting:

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

Mr HILL: It is a great shame that the former Premier is still not the Premier because no doubt all these problems would be fixed by now. However, I make the point that the Centre for Economic Studies says that the irrigators should be taxed at the level which would compensate the state for the damage done by their irrigation, not just a levy which is on a per capita basis. Some irrigators would need be taxed at a greater level than others. The centre also suggests that irrigators should be given tax credits for any good works they do and then suggests that the government might want to purchase environmental flows or fund capital works. Some of these things of course—

Mr Williams interjecting:

Mr HILL: Well, I always believe in being rational in relation to the environment as well as the economy. It was interesting that, when the Centre for Economic Studies came up with these suggestions, the Premier was nowhere to be seen—and these were hard concrete suggestions that were being made. The Premier seems to be all over the place on this matter. He likes to attack the eastern states, but when it comes to looking at what is happening in South Australia the Premier gets very defensive. He attacks us on our side and accuses us of being disloyal to South Australia. Last week, for example, the Minister for Water Resources in response to a dorothy dixer from the member for Hammond said:

> All effluent is now either ponded and disposed of well away from the river or reused on pastures where it will have minimal impact. The impact of dairy shed effluent on the river has been minimised and gives the lie to the opposition's wild allegations of a cocktail of manure and urine and chemical fertilisers being pumped into the river.

The following day I asked the Deputy Premier to comment on that statement. He said:

> I think I answered a very similar question on Tuesday, at which time I outlined a lot of work is still to be done down there. The consultation has been carried out and we are about to start it.

That is a direct contradiction to what the Minister for Water Resources said because the Deputy Premier says, 'a lot of work is still to be done down there'. We know that is true because the Lower Murray Irrigation Action Group Association tells us that there is a lot of work to be done—and I commend that group which consists of private citizens and members of the Department for Environment, Primary Industries and other government bodies, including SA Water.

They say that four things are needed. We need a water allocation policy. They say that the lower Murray swamps are currently unmetered; allocation quantity has yet to be resolved; and water tradability policy has to be resolved. In terms of rehabilitation, they say that 70 per cent of the area is managed by SA Water; infrastructure is in poor condition and is largely unchanged since establishment in the early 1900s. They say that structures leak or are non-existent. They say that, in some cases, efficiency cannot be improved without infrastructure rehabilitation. In relation to water quality regulation they say that drainage water contains 190 tonnes of nitrogen, 50 tonnes of phosphorous, 100 000 tonnes of salt, and bacteria and the volume of drainage water that is returned to the river is approximately 80 gigalitres a year.

In terms of corporate restructuring, they say that SA Water is working with the LMIAG (which is the body to which I referred) and appointed Kinhill and QED to investigate stakeholder views of future management. Their recommendations include: government needs to state the requirements and time frames to provide direction; all areas should move to self management at the same time; an overarching organisation such as the Lower Murray Water Trust should be formed; a package of information on the cost needs to be prepared; agreement needs to be reached on the terms and conditions of self management; the Lower Murray Water Trust should be established early to provide the focus for coordinated negotiations; and on it goes. A range of things have been suggested by this important committee, yet when we come in here and ask what is going on, the Minister for Water Resources says, 'Look, it is all resolved. No effluent is going back into the river; it is all being ponded.' I heard only today about one farmer.

Time expired.

Mr CONDOUS (Colton): On Tuesday morning driving to work at a slow crawl along Greenhill Road because of the traffic jams caused by the 500 car race which is about to happen, I was listening to radio station 5AA and Tony Pilkington. He happened to raise an issue about Eddie McGuire's football show last Thursday evening. I also happened to see that show and I was delighted that he raised this issue because I thought that at least someone else was thinking along the same line as I. In that football show last Thursday night there was a segment called 'Street Talk' in which Sam Newman goes into the streets and talks to people about something that has happened in football the previous week.

On this occasion he was visiting Adelaide because, at the time, neither of the local AFL teams had won a game, and therefore he thought it would be a good time to get a bit of exposure in the city. The thing to which I objected was that the people he selected to talk to were of a low level of intelligence and during the interviews he then proceeded to ridicule them because of their lack of intelligence. The first person he interviewed was an ethnic gentleman who was in Hindley Street and who was highly intoxicated. Every time he asked a question all the fellow could do was to come forth with a bit of a grunt and a moan, and he asked questions continuously just to emphasise to his viewers that this bloke was nothing short of a moron.

The second person he interviewed was an Aboriginal woman, who through misfortune had a few teeth missing. When he asked her what she was doing in Adelaide, she told him that she had brought her six children from the Northern Territory to Adelaide to give them a better chance in life. The woman, quite obviously, was not a film star but Newman said, 'You are a very beautiful woman,' and then went on to say 'but I would have to get a second opinion on that.' During the entire interview he continued to ridicule her either because of her Aboriginal background or because she was not the most intelligent person whom one could meet.

The next person who was interviewed was in a group of three men. He was one of those fellows who was able to speak with very little movement of his lips. Newman then ridiculed him because his lips were not moving while he was

talking. He then proceeded to place himself in front of the man, treating him like a puppeteer's doll, and moved his own lips to indicate that the person he was interviewing was a ventriloquist because of his inability to be able to talk properly. The next interview was with an overweight young student. He made a complete mockery of him, ridiculing him about his weight and his lack of intelligence.

He then interviewed a man and woman in their early 40s who had recently become engaged. She had been married on three previous occasions. Again, they looked like typical Australian battlers and pretty simple folk, but to ridicule them even more than just the interview would have done, the camera then focused on their legs and feet to show that the man's trousers were at half mast and that they were both wearing $20 runners from one of the local supermarkets. All I have to say to Mr Newman is, 'Sure, they would like to wear the $300 shoes that you wear but they are not earning in excess of $1 million a year.' That was the sort of thing that went on. Finally, he decided that he would interview Peter Hoare, who is famous for having broken into this parliament, and he allowed him two minutes of viewing time. I stayed there hoping to understand what Mr Hoare was trying to say, because I thought it was an opportunity to see what level of intelligence the man possesses, but in the two minutes that he spoke I could not understand one word.

It goes to show that the whole program was built not on getting people from the street who could carry on an intelligent conversation but simply on selecting those unfortunate people who exist in every city in Australia and continually ridiculing them. I think the show was an absolute disgrace. People might ask why I did not turn it off if I felt so badly about it. There is a simple reason for that: I do love my Aussie rules football. I am passionate about it and I like to know what is going on, and I think it is only fair that I be able to watch the program. However, I thought that that segment of the show was an absolute disgrace. The underlying message that Mr Newman failed to understand was that people, no matter what their level of intelligence may be, all have feelings, but he did not care one iota whether or not he hurt, upset or humiliated them, as long as he got his viewers laughing. The people he was interviewing had a low IQ, and that was all he was interested in.

All I can say to Channel 9 viewers is that, if that is the sort of interviewing and humiliation you want to put on your fellow Australians, I think we are a pretty sad lot and it is about time we had a good, hard look at ourselves. When you look at Mr Newman or if you have known him over the years as I have, you can see that his ego is bigger than Ayers Rock. He has this assumption that God created him as Heaven's gift to the female population. Since his facelift he looks absolutely strange; his eyes have gone peculiar and his cheekbones seem to have moved dramatically. I believe that his boss, Kerry Packer, should take action immediately, because humiliating Australians of low intelligence to provide entertainment for viewers is in very bad taste—but, then, Sam Newman would not have any compassion for struggling Australians. I have one simple message for him: get a life, Sam, because the one you have lacks the human touch or compassion for your fellow Australians.

Motion carried.

At 9.25 p.m. the House adjourned until Thursday 6 April at 10.30 a.m.