LEGISLATIVE COUNCIL

Wednesday 2 October 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.17 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 45, 107, 111, 112, 114, 118, 123, 125, 127-9, 132, 134, 135, 138, 139, 141-7.

NAIRNE PRIMARY SCHOOL

45. **The Hon. CAROLYN PICKLES:**

1. When will the Nairne Primary School benefit from building works funded by the Capital Works Assistance Scheme?

2. Will a feasibility study into the possibility of a multi-purpose hall for Nairne Primary School be undertaken in 1995, and if not, why not?

The Hon. R.I. LUCAS: The Government has approved a $1.4m redevelopment of the Nairne Primary School which will include:

- relocation of retained transportable accommodation
- provision of new solid six teacher unit
- provision of new administration facility including canteen, to bring to current standard the school's provision
- provision of new library resource centre to bring to current standard the school's provision
- general site development to tie together the facilities, and
- modification and upgrading of the existing solid accommodation to current standards.

As the school has been advised, due to existing borrowing commitments and other school project commitments under the capital works assistance scheme, it was not possible to include a multi purpose hall within the redevelopment project.

It has now been suggested to the school that it complete its planning and lodge an application under the capital works assistance scheme for consideration in the 1997-98 financial year.

To assist the school's application process, I have requested that Facilities Management Services within DECS, arrange for a feasibility and cost report to be undertaken in February 1997.

CONSULTANCIES

107. **The Hon. R.R. ROBERTS:** Has the Minister for Transport, Minister for the Arts and Minister for the Status of Women, or any of her officials, engaged the services of any public relations firm or individual?

1. What is the name of the firm or individual?
2. What was the nature of the service provided?
3. When was the service provided?
4. How much was paid for each service?

The Hon. DIANA LAIDLAW:

Department of Transport

2.	3.	4.	5.
Christopher Rann & Associates	Media liaison—various road-related projects	1/1/94—1/1/96	$25 915
Michels Warren	Promotion of new 'SmartPed'pedestrian crossings	May 1995	$3 931
Kortlang	Northern tourist roads communications plan	March 1996	$7 900
Kortlang	Occupational Health & Safety marketing strategy	September 1995	$50 000
O'Reilly Consulting	Southern Expressway communications	January 1995—June 1996	$80 539

TransAdelaide

1. No.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

Passenger Transport Board

The Passenger Transport Board (PTB) engaged the services of Michels Warren on 1 August 1995. Michels Warren provided a number of services:

- Media training for senior PTB staff in August (cost $750) and September (cost $525). The total cost of media training was $1 275.
- The design services of Michels Warren were used to develop the Metroticket identifier (total cost $22 699 for August 1995 through to May 1996). The design services were also used to produce a style guide (total cost $14 011 between December 1995 and May 1996).
- Development of a communications strategy for tender announcements was undertaken by Michels Warren. The total cost of the development of the strategy was $17 366.50 for the period August 1995 through to January 1996.
- A total of $1 029.75 for the period August 1995 to May 1996 was spent on miscellaneous items such as faxes, couriers and photocopying etc.
- The total expenditure for the period was $56 381.25.

Ports Corp South Australia

1. Yes.
2. John Mitchell Public Relations.
3. John Mitchell Public Relations has been retained by Ports Corp to provide public relations consultancy services for Ports Corp's local and international coverage. This involves assisting in developing media coverage, editorial and feature stories, journal editorial and support to the Corporation's quarterly newsletter.
4. Commencement date of November 1995, over a two year period with a right of review at the end of the first year.
5. $10 146 for the period November 1995—June 1996.

The commercial arrangement incorporated in the Ports Corp's contract is for a fee for service to be paid to John Mitchell on an as required basis.

Ports Corp has a public relations budget which is administered as part of its marketing activities.

Transport Policy Unit

1. No.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

Department for the Arts and Cultural Development

Central Office

1. Yes.
2. Jane Jose (Christopher Rann and Associates)
3. Preparing a proposal for a community consultation consultancy re: Carrick Hill.
4. March 1996.
5. $1 000.

State Library of South Australia

1. Yes.
2. Hannaford, Benson and Ainslie. It became Benson Ainslie.
3. Provision of public relations, media and publicity services.
4. 1 January 1994—7 March 1995.
5. $48 500.

Art Gallery of South Australia

1. Yes.

2. Christopher Rann and Associates.
3. Public Relations, re-opening of the new Gallery extensions.
4. 1994-1995.
January and February 1996.
5. $839.
$8 101.

Office for the Status of Women
1. No.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

BUS SERVICES, SOUTHERN

111. **The Hon. T.G. CAMERON:** With regard to transport in the South of Adelaide—

1. What is the Minister doing to ensure that there is a proper level of integration between contracted bus service deliverers in the South as was the case when Premier Buses had the contract to run both the Aldinga and Victor Harbor services, when passengers were able to transfer between the two services at the Noarlunga turn-off at Old Noarlunga, but are now not able to transfer as the Aldinga service is provided by Transit Regency?

2. What action is the Government taking to provide for common ticketing across the different services?

3. Once contracts are written, what incentives exist to ensure that different contractors take on broader responsibilities, eg. to network across the southern region, to liaise with Council's volunteer transport services and to trial new services which may cut across two or more contract areas?

4. What mechanisms are in place to ensure that the contractors effectively consult with local community groups and consumers?

5. Are two public meetings a year sufficient to adequately judge community views?

6. What resources will be made available by the Passenger Transport Board to fund trial services?

The Hon. DIANA LAIDLAW:

1. With the assistance of a grant from the Passenger Transport Research and Development Fund, which I approved in January 1996, a feasibility study of passenger transport services is being conducted by the Southern Region of Councils.

I understand commercial operators in the Willunga Basin area have been meeting regularly with the Southern Region of Councils to provide input into this study. One of the recommendations of the feasibility study currently under review by the Passenger Transport Board suggests that a group be established consisting of Transit Regency, TransAdelaide and Premier Roadlines to improve the integration of services and where possible undertake joint community consultation.

2. Each passenger transport service provider in the South of Adelaide operates their services at a fare considered appropriate. Although an integrated ticketing system in the South may provide some benefits to the passenger, at this stage, an integrated ticketing system is not proposed due to the increase in costs.

3. As the contractors operate on a commercial basis, it is in the interest of operators to undertake additional tasks to increase their customer base—and revenue. The integration of passenger services is considered to be one of these tasks.

4. The contracts for Non-Metropolitan Regular Passenger Services require the operator to establish a Regional Customer Advisory Panel. The panel should comprise a minimum of five members who represent the interests of the region. It has been recommended to operators that they include representatives from the following groupings:

· Local Government (one reserved position)
· A regular passenger (one reserved position)
· Community Passenger Networks
· Secondary Contractors
· Health Groups
· Country Women's Association
· Any other local Community Groups

The contracted operator is required to forward the minutes of all Regional Customer Advisory Panel Meetings to the Passenger Transport Board. The panel provides an opportunity for the operator to consult with community representatives on any proposed changes to services. Although the operator is not obliged to accept the panel's advice, any non-agreement will be documented in the minutes.

Also, all Non-Metropolitan Passenger Service Contracts require operators to maintain the agreed minimum service standards, which include service frequency and routes. The contractor is not able to reduce the quality of service provided without prior approval from the PTB, and any changes to the routes require the operator to notify the public fourteen days prior to implementation.

5. The commercial operators are required to consult with their Regional Customer Advisory Panels at least twice a year. However, the operators will need to provide evidence that they have consulted with their passengers prior to any recommendations for service and route alterations. For this reason, it is believed that the Regional Customer Advisory Panels will meet more often.

6. If a community group, commercial operator or the Regional Customer Advisory Panel proposes a new service designed to meet an unmet demand, the proposer may apply to the Passenger Transport Research and Development Fund for funding to support a trial service. However, any support provided will be on the basis that the trial service will be self-funding after a reasonable period of time.

COMMERCIAL ROAD, PORT NOARLUNGA

112. **The Hon. T.G. CAMERON:**

1. Is the Minister aware of the appalling accident rate over recent years (6 deaths in 2½ years) at the point of intersection of Commercial Road, Weatherald Terrace and Saltfleet Street, Port Noarlunga?

2. What action has the Minister taken to make this area safe?

3. (a) Will the Minister—
(i) place a roundabout at the intersection;
(ii) place more 60 km/h signs in the area?
(b) If not, why not?

4. (a) Will the proposed upgrading of the Saltfleet Street Bridge include safety improvements at this intersection?
(b) If not, why not?

5. When will the proposed upgrade of the Saltfleet Street Bridge be completed?

6. Is it true that a recent speed camera crew booked over 100 motorists for exceeding the speed limit at the intersection during the course of one day?

The Hon. DIANA LAIDLAW:

1. According to accident statistics available to the Department of Transport since late 1990, one fatal accident has been recorded at this intersection. The incident in question occurred on 6 November 1993 at 4.00 a.m., and involved a vehicle colliding with a stobie pole. It is acknowledged that other serious fatal accidents have occurred in the Port Noarlunga area, but they are not recorded as occurring at this intersection in particular.

2. DoT has advised me that the intersection of Commercial Road, Weatherald Terrace and Saltfleet Street fulfils the Australian Standard requirements for traffic control. The intersection is 'safe' in the accepted sense of the word, provided that motorists obey the signs and exercise due care when driving, taking appropriate regard of traffic and weather conditions.

However, DoT is about to initiate planning investigations for the realignment of Gray Street and Saltfleet Street, as well as the upgrading of Commercial Road. The proposal to realign Gray Street may involve approximately half a kilometre of a new two lane road on vacant land marginally to the east of the existing Gray Street, to provide a direct link between Gawler Street and Saltfleet Street in Port Noarlunga.

3.(a)(i) A roundabout would not be an appropriate form of traffic control. The majority of accidents at this intersection have involved rear-end collisions—and this type of accident is not likely to be corrected by roundabout control.

(ii) DoT records show that there is a 60 km/h speed limit sign facing south-bound traffic approximately 500 metres north of the intersection, and another facing north-bound traffic approximately 570 metres south of the intersection. However, DoT has agreed it would be appropriate to enlarge the sign facing north bound traffic, and duplicate this by installing a further sign on the opposite side of the road, also facing north bound traffic, to provide greater impact.

(b) For the reasons previously outlined in 3(a)(i) and (ii).

4. The Gray Street realignment proposal includes the reconstruction and upgrading of the Saltfleet Street Bridge across the Onkaparinga River, which is currently narrow and subject to a 25 tonne load limit. The detailed planning process for each of these proposed projects will include an investigation of opportunities to

improve safety along these routes and at the intersection, using appropriate traffic management measures.

5. It is anticipated the Gray Street and Saltfleet Street realignment proposal, which includes the Saltfleet Street Bridge reconstruction, will be completed by the end of 1998, subject to the necessary funds being available to meet this time schedule.

6. The Minister for Police has advised that a speed camera was operating on Commercial Road, Port Noarlunga, 100 metres north of Penzance Street (between Penzance and Saltfleet Streets) on 3 July 1996.

The camera was set up from 7.40 a.m. to 9.40 a.m. (two hours). In that time 13 infringements were detected.

NOARLUNGA THEATRE

114. **The Hon. ANNE LEVY:** With regard to the Noarlunga College Theatre—

1. How many patrons have used what was known as the Noarlunga College Theatre since it was placed under private management?

2. How many 'dark' nights have there been since the management of the theatre was privatised?

3. What payment was made by the Government to the private management of the theatre?

4. Has this payment been accounted for, and has it provided theatrical experiences for people in the southern areas?

5. (a) Has the Government signed a contract with Mr Bob Lott?
(b) If so, what are the key features of this contract?
(c) If not, why not?

6. (a) What plans does Mr Lott have for the theatre for the 1996-97 year?
(b) What subsidy, if any, will be provided to Mr Lott for this period?

The Hon. DIANA LAIDLAW: In May 1995 the State Government reached an agreement with Adelaide Commercial Theatres Pty Ltd to lease and manage the Noarlunga Theatre.

In the twelve months since the agreement commenced, there have been 204 bookings of the theatre, including performances by the Adelaide Symphony Orchestra, Junction Theatre and Patch Theatre, local performing arts groups and schools. Films are also screened regularly, at a subsidised cost to patrons.

The costs, to these users, of hiring the theatre has not been increased. However, I am advised that after twelve months the Noarlunga Theatre is now trading profitably which is pleasing to note.

At the time the agreement commenced, the Government made a contribution to cover establishment and marketing costs, and has paid the salary of the Theatre Manager for one year. This period has now expired.

On 30 June 1996 the Minister for Employment, Training and Further Education and the two directors of Adelaide Commercial Theatres Pty Ltd signed a formal Heads of Agreement letter. The letter contained the normal features of standard lease contracts prepared for DETAFE by Crown Law.

Adelaide Commercial Theatres Pty Ltd does not envisage any changes for the Noarlunga Theatre for the 1996-97 year. It will continue to run as it currently does, as a successful performing arts venue and community resource for the southern area. No further subsidy will be provided to Adelaide Commercial Theatres Pty Ltd.

LILLEY, Mr D.

118. **The Hon. R.R. ROBERTS:**

1. Has the General Manager of SAMCOR, Mr Des Lilley, attended any meetings with the Canadian firm Better Beef Limited?

2. What dates were the meetings held?

3. Where were the meetings held?

4. What was discussed?

The Hon. R.I. LUCAS:

1. Yes, and I assume your question related to meetings held in Australia.

2. A number of meetings were held involving the Asset Management Task Force during the weeks beginning on the 4 December 1995 and 27 May 1996.

3. Meetings were held in Adelaide at the offices of the AMTF, SAMCOR, and other venues.

4. Issues discussed included the operation of SAMCOR, livestock supply, and matters relating to the industry. I am advised that neither offer terms, lease terms and conditions, nor any other aspect of the bid by Better Beef was discussed at any of the meetings at which Mr Lilley was present.

123. **The Hon. R.R. ROBERTS:**

1. If the General Manager of SAMCOR, Mr Des Lilley, has travelled to Canada at Better Beef Limited's expense, was the travel reported to the Minister for Primary Industries, the Treasurer, the Chairman of the Asset Management Task Force or the SAMCOR Board?

2. When was it reported?

3. Is it considered appropriate for a public official to accept such gratuities from private companies involved in bidding for government enterprises?

The Hon. R.I. LUCAS:

1. The General Manager of SAMCOR, Mr Des Lilley, did I understand, travel to Canada to visit Better Beef Limited at their expense. The Treasurer, the Minister for Primary Industries and the AMTF were not aware of this travel until recently. I understand the chairman of SAMCOR was advised of this travel before it was undertaken.

2. As above.

3. While the acceptance of such an offer of travel in the course of a sale process is undesirable, to offer the travel is not corrupt or unlawful and the travel was undertaken with the knowledge of the Chairman of SAMCOR.

Mr Lilley played no part in the Asset Management Task Force's management of the tender process, and in particular played no part in the evaluation of tenders or preparing any recommendations to Government. The sale procedures used by the AMTF for all asset sales specifically precludes management participation in this stage of the process.

COMMERCIAL ROAD, PORT NOARLUNGA

125. **The Hon. T.G. CAMERON:**

1. What plans does the Government have to upgrade Commercial Road between the Onkaparinga River at Port Noarlunga and Maslin Beach?

2. If no final plans have been made, what options are the Department of Transport examining?

3. (a) Will any upgrade involve the introduction of four lanes?
(b) If so, which sections?

4. (a) Will any sections of the road be maintained as two lanes?
(b) If so, which sections?

5. What is the timeline for the upgrade?

6. In which order will the upgrade of the various sections of the road be undertaken?

7. When will the work be completed?

8. What is the anticipated cost of the upgrade?

9. What budget provisions have been made already?

The Hon. DIANA LAIDLAW: This response answers identical questions asked by the Hon. T.G. Cameron numbered 125 and 146.

Following representations from the member for Kaurna, Ms Lorraine Rosenberg, detailed planning investigation for this project has commenced. This investigation aims to define the need to upgrade and/or widen or upgrade Commercial Road between Onkaparinga River and Maslin Beach Road.

The detailed planning investigation study will investigate opportunities for:

- Improving traffic flows and movements along this route;
- Facilitating movement between Commercial Road and Main South Road;
- Improving safety along this route and at intersections, using appropriate traffic management measures;
- Minimising the conflicting demands of through traffic and access from adjacent properties;
- Providing for cyclists and pedestrians;
- Minimising the impact of stopping buses on smooth traffic flows; and
- Enhanced streetscaping and landscaping.

Associated with this investigation, a communication process will be conducted to seek input from stakeholders and the community. Also a specialist consultant will be engaged to undertake an Aboriginal heritage survey in consultation with the Kaurna community.

This study will determine the nature of upgrading and widening along this segment of Commercial Road, and will assess the social, environmental and economic impacts.

PROGRAM ESTIMATES

127. **The Hon. T.G. CAMERON:** With reference to the Program Estimates, the program description on page 284 is titled 'Organisational Support', but there is no corresponding line on pages 276 or 277. Is the line which should be looked at in fact the 'Support Services' line?

The Hon. DIANA LAIDLAW: In the Program Estimates for 1996-97 the title 'Organisational support' on page 284 should read 'Support Services'. The corresponding line in the 'Resources Summary' on page 277 is the 'Support Services' line.

BOATING, RECREATIONAL

128. **The Hon. T.G. CAMERON:**

1. What progress is being made in the development of a code of practice for the use of boats on inland waterways?

2. Does this mean that there is consideration of our hills reservoirs being opened up for recreational boating?

The Hon. DIANA LAIDLAW:

1. In October 1994 the Harbors and Navigation Act 1993 came into effect. The Act and supporting regulations, specify requirements for the use and navigation of vessels on all of the State's navigable waters which include inland waters.

In particular the River Murray Traffic Regulations of the Uniform Shipping Laws Code are incorporated in the regulations under the Harbors and Navigation Act and apply to all vessels navigating inland waters (not just the River Murray) including reservoirs.

In light of this legislation the development of a code of practice for the use of boats on inland waterways is unnecessary.

2. While the State's reservoirs may be navigable waters they are not intended for recreational boating and access for this (separate) purpose is not provided. Should boating be permitted on reservoirs sometime in the future, then the provisions of the Harbors and Navigations Act and regulations would apply.

OIL SPILLS

129. **The Hon. T.G. CAMERON:** What process is going to be followed in the preparation of the State Oil Spill Contingency Plan and will the Metropolitan Fire Service be involved, particularly given that they have a well equipped fire boat, the *Gallantry*?

The Hon. DIANA LAIDLAW: The State Oil Spill Contingency Plan is being compiled by the State Committee of the National Plan to Combat Pollution of the Sea by Oil.

The State Committee is chaired by the Manager, Marine Safety Section of the Department of Transport and comprises representatives of Ports Corp SA, Environment Protection Authority, Department of Primary Industries SA (Fisheries), SA Police Department, Australian Maritime Safety Authority, SANTOS, Mobil Refining Australia Pty Ltd, Department of Admin Services Distribution, State Emergency Service, SA Metropolitan Fire Service and Mines and Energy SA.

A draft contingency plan has been prepared and is consistent with the terminology and structure of the State Disaster Plan. It is envisaged the Oil Spill Contingency Plan will be adopted as an annexure to the State Disaster Plan to enable the resources and management infrastructure of the State Disaster Plan to become accessible for oil pollution control and mitigation in the event of a significant oil spill in State, and particularly coastal waters.

An integral part of the Oil Spill Contingency Plan is the identification of land and marine resource which can be mobilised in the event of an oil spill in our waters. The *Gallantry* has for some time been fitted with the necessary equipment for this purpose and is moored in close proximity to stockpiles of oil absorbent and dispersant materials. In addition the crew of the *Gallantry* have been trained in the deployment of oil containment boom and in the use of oil absorbent and dispersant materials.

The *Gallantry's* responsiveness and effectiveness for this role has been trialled and utilised on several occasions.

In summary, therefore, the Metropolitan Fire Service is represented on the State Committee of the National Plan to Combat Pollution of the Sea by Oil and involved in the preparation of the draft State Oil Spill Contingency Plan. The value of the *Gallantry* as a resource for the control of spilt oil and minimisation of environmental damage has been recognised, utilised and incorporated in the draft plan.

PORTS CORPORATION

132. **The Hon. T.G. CAMERON:**

1. Is the proposal of the Ports Corporation to expend $4.5 million upgrading the port facilities at Cape Jervis and Penneshaw to accommodate larger vessels contingent upon additional operator (Super Flyte Ferries) deciding to start a freight and passenger based Cape Jervis/Penneshaw service?

2. (a) Will the fee structure for the use of the facilities ensure full cost recovery for their construction, operation and maintenance?

(b) How will the arrangement differ from that which the Super Flyte Ferry operates for the $7 million new facilities proposed for Glenelg?

3. Will the Government be providing the Ports Corporation, or the operators, any subsidy in relation to the construction or use of the new facilities?

4. Will the Ports Corporation be involved in the operation of the new ferry facilities at Glenelg?

5. If the Ports Corporation proceeds with its plans to sell bulk handling facilities at Port Adelaide, Port Giles, Wallaroo, Port Pirie, Port Lincoln and Thevenard to South Australian Co-operative Bulk Handling Ltd, can the Minister guarantee that there will still be reasonable access to the jetty or wharf areas where the facilities are located, for other freight or passenger transport or recreational use?

The Hon. DIANA LAIDLAW:

1. Kangaroo Island Sealink has indicated that the company will be seeking to increase the size of their vessels in the near future. The budget provisions by Ports Corp for upgrading the facilities at Cape Jervis and Penneshaw are based on the proposals by Kangaroo Island Sealink. The budget provisions are not contingent on the introduction of an additional operator (Super Flyte Ferries) commencing a freight and passenger based service between Cape Jervis and Penneshaw.

2. (a) Ports Corp operates to a commercial charter and will be seeking full commercial rates of return covering construction, operations and maintenance from any investment to upgrade its facilities at Cape Jervis and Penneshaw.

(b) The South Australian Tourism Commission has provided the following information in relation to the operation of the Super Flyte Ferries from Glenelg.

A fee per passenger journey is paid by the Kangaroo Island Fast Ferries (KIFF) to the Minister for Tourism for disbursement to the owners of facilities used by KIFF. The fee is set at $2.50 per passenger for the 10 year life of the Agreement between KIFF and the Minister, with allowance for CPI increases.

The fee is used to pay the Glenelg jetty licence, the Kingscote jetty licence, the licence for the use of the interim berth being constructed in the mouth of the Patawalonga and administrative costs incurred by the South Australian Tourism Commission.

Any residual, anticipated to be approximately ½ of the total fees collected, will be returned to consolidated revenue and, as such can be considered as a repayment of berth construction costs and as a pool of funds for maintenance and repair of the berths at both Glenelg and Kingscote.

There are several other points that must be made, namely:

(1) The $7 million is not being spent solely on the construction of the interim berth for KIFF. A large portion of the money is being spent on works that are required for the development of the marina for the Holdfast Shores development. The work has been put forward so a safe harbour can be provided for KIFF in the near future.

(2) The exact cost of the KIFF component has not been costed separately but is a small component of the $7 million allocation.

(3) The interim berth that is being constructed will be available for use by other vessels when KIFF is not using it. KIFF only has priority access to the berth at specified times, not exclusive rights.

3. Refer to the response for question 2(a) above. Ports Corp will be providing facilities on a commercial basis and will not be seeking any subsidy from the Government for the provision of facilities at Cape Jervis and Penneshaw.

4. Ports Corp will not be involved in the operations of the new ferry facilities at Glenelg. Ports Corp responsibilities are limited to the ports vested to it—and the Glenelg facilities are not vested to the Ports Corp.

5. The sale of the bulk loading facilities currently being negotiated between the Asset Management Task Force and the South Australian Co-operative Bulk Handling Ltd will include all plant and equipment associated with those facilities but will not include the sale of any of the associated jetties or wharves which will remain the property of Ports Corp. Ports Corp will however provide the purchaser of the bulk loading facilities with licences and leases where appropriate for access to and use of the associated jetties and wharves.

Where other freight is being handled across a wharf or jetty this freight movement will continue to be accommodated under normal commercial arrangements between Ports Corp and the shipper.

Recreational use of jetties and wharves associated with the bulk loading facilities is already restricted, in particular in areas immediately adjacent to the bulk loading facility infrastructure and when vessels are being loaded or discharged. These restrictions will continue to be applied. Any further restrictions to public access to the associated jetties and wharves will be determined by occupational health and safety and public liability risk considerations.

JETTIES

134. **The Hon. T.G. CAMERON:**

1. What steps has the Minister taken to ensure that the removal of ladders, steps and lifebuoys from jetties will not jeopardise the safety of persons using the jetties?

2. Will the Minister give an undertaking that she will continue to pursue her efforts to have the life-saving devices remain where they are and guarantee the conformity throughout our beachside suburbs?

The Hon. DIANA LAIDLAW: By far the greatest risk to jetty users comes from diving or jumping from jetties. The accidents that do occur are often devastating to the individual and can represent a very significant cost, not only to the individual and his or her family but also, potentially, to the Government. I believe it is quite appropriate to discourage this practice—and one of the most effective ways of doing this is to avoid providing easy access from the water to the jetty.

At this time, the Department of Transport (DoT) is not removing ladders and steps which are in sound condition, but if they deteriorate to the point that they should not be used, they are being removed and not replaced.

Despite recent media articles to the contrary, DoT has not been removing lifebuoys from jetties and I have instructed that when found to have been removed illegally, lifebuoys be replaced. The Government did receive Crown Law advice some time ago that indicated the Government's liability would be diminished if lifebuoys were not provided, however, this advice has been referred back to Crown Law for a more detailed consideration of the matter.

The cost of replacing lifebuoys is borne by the recreational jetties program.

EMPLOYEE OMBUDSMAN

135. **The Hon. T.G. CAMERON:**

1. (a) Has the Minister for Industrial Affairs, in relation to my Question on Notice No. 88 of 28 May 1996, endeavoured to contact the Employee Ombudsman to inform him that under section 104 of the Industrial and Employee Relations Act 1994 he already has the power to inspect, without complaint, the premises of persons who employ outworkers?

(b) If not, why not?

The Hon. K.T. GRIFFIN:

1. (a) Through the Department for Industrial Affairs I have contacted the Employee Ombudsman regarding his right under section 104 of the Industrial and Employee Relations Act 1994 to inspect premises where outworkers are employed regarding an employment or industrial matter.

(b) Not applicable.

WATER QUALITY

138. **The Hon. SANDRA KANCK:** In relation to the quality of water as it has left filtration plants of the Engineering and Water Supply Department and SA Water:

1. In the past five years, how often have concentrations of chlorine and alum exceeded the guidelines of the National Health and Medical Research Council (NH&MRC) or any South Australian based standards?

2. What have been the readings of concentrations of chlorine and alum at all filtration plants as at 1 December and 1 June each year since June 1991?

3. What steps are being taken to ensure compliance with other pathogen limits set by the NH&MRC or under consideration by that body, such as viruses, helminths, cysts and fungi?

The Hon. R.I. LUCAS:

1. It is assumed that the question relates to the concentrations of free residual chlorine and aluminium in the product water from the water filtration plants in the metropolitan Adelaide area—Barossa, Little Para, Anstey Hill, Hope Valley, Happy Valley and Myponga, and to the levels of residual monochloramine and aluminium in the product water from the Morgan water filtration plant.

Generally, over the past five years, the water provided from metropolitan water filtration plants did not exceed the 1996 NH&MRC guideline maximum for free residual chlorine of 5 milligrams/litre (mg/L).

The guideline level for aluminium is 0.2 mg/L and this is based on aesthetic grounds only. Aluminium is present in source waters as part of the mineral content of suspended soil particles. During flocculation and filtration in the water treatment process the aluminium levels are reduced significantly to the range of values represented by the results given in the tables below. Occasionally, (0.7 per cent of samples), aluminium residuals exceed the guideline level of 0.2 mg/L, which is usually the result of sudden changes in water quality in the River Murray (e.g. a rapid increase in turbidity) or reservoirs (e.g. stormwater inflows). These events are short term and do not cause any difficulties in distribution or to customers. If significant water quality deterioration was maintained in the long term, some discolouration of the water may be evident.

The 1996 NH&MRC guidelines specifies a maximum value for monochloramine residual in a chloraminated supply of 3 mg/L.

The concentration of monochloramine in the product water from the Morgan water filtration plant exceeded the 1996 NH&MRC guideline value of 3 mg/L on 217 of 275 occasions (79 per cent). This was necessary to ensure that there was sufficient disinfectant in the Morgan Whyalla pipeline to protect water in distant sections of the supply from colonisation by *Naegleria fowleri*, the causative organism of amoebic meningitis.

2. The values for free residual chlorine or monochloramine and aluminium as at 1 December and 1 June (nearest sampling dates) each year since June 1991 are as follows:

Note (all tables): Since 1 January 1996 for metropolitan water filtration plants aluminium residuals are soluble aluminium residuals.

Water filtration plant product water	Free chlorine residual mg/L	Monochloramine residual mg/L	Residual Aluminium mg/L
Barossa			
June 1991	1.1*	-	0.128
December 1991	0.8*	-	0.170
June 1992	0.7*	-	0.118
December 1992	2.4	-	0.106
June 1993	2.8	-	0.122
December 1993	2.4	-	0.171
June 1994	1.4	-	0.107

Water filtration plant product water	Free chlorine residual mg/L	Monochloramine residual mg/L	Residual Aluminium mg/L
December 1994	2.2	-	0.037
June 1995	2.4	-	0.068
December 1995	1.6	-	0.094
June 1996	1.9	-	0.054
*- Monitored at Sandy Creek			
Little Para			
June 1991	-**	-	0.067
December 1991	0.7	-	0.134
June 1992	-	-	-**
December 1992	0.7	-	0.047
June 1993	-	-	-**
December 1993	0.6	-	0.079
June 1994	-	-	-**
December 1994	0.6	-	0.054
June 1995	0.7	-	0.034
December 1995	0.3	-	0.041
June 1996	-	-	-**
**-Little Para WFP out of service most years from April to October.			
Anstey Hill			
June 1991	0.9	-	0.051
December 1991	0.8	-	0.105
June 1992	0.7	-	0.094
December 1992	0.6	-	0.132
June 1993	0.5	-	0.112
December 1993	0.8	-	0.153
June 1994	1.1	-	0.145
December 1994	0.5	-	0.079
June 1995	0.6	-	0.066
December 1995	0.5	-	0.118
June 1996	0.9	-	0.059
Hope Valley			
June 1991	-	-	0.032
December 1991	-	-	0.178
June 1992	-	-	0.099
December 1992	1.0	-	0.060
June 1993	0.5	-	0.064
December 1993	1.2	-	0.214
June 1994	1.8	-	0.060
December 1994	1.5	-	0.101
June 1995	0.6	-	0.046
December 1995	1.1	-	0.145
June 1996	1.7	-	0.072
Happy Valley			
June 1991	1.1	-	0.065
December 1991	1.2	-	0.132
June 1992	2.0	-	0.085
December 1992	1.3	-	0.166
June 1993	2.2	-	0.083
December 1993	2.2	-	0.137
June 1994	1.1	-	0.164
December 1994	2.0	-	0.087
June 1995	1.0	-	0.129
December 1995	1.5	-	0.065
June 1996	2.3	-	0.080
Myponga			

Water filtration plant product water	Free chlorine residual mg/L	Monochloramine residual mg/L	Residual Aluminium mg/L
June 1991	-**	-	-**
December 1991	-**	-	-**
June 1992	-**	-	-**
December 1992	-**	-	-**
June 1993	-**	-	-**
December 1993	1.8	-	0.303
June 1994	1.8	-	0.034
December 1994	1.3	-	0.032
June 1995	1.7	-	0.030
December 1995	0.8	-	0.090
June 1996	2.0	-	0.075
Morgan			
June 1991	-	4.0	<0.03
December 1991	-	3.6	0.090
June 1992	-	4.1	0.017
December 1992	-	4.3	0.291
June 1993	-	4.6	0.025
December 1993	-	4.5	0.050
June 1994	-	4.3	0.012
December 1994	-	2.4	0.008
June 1995	-	3.5	0.040
December 1995	-	3.8	0.178
June 1996	-	4.1	0.008

**- Myponga water filtration plant was commissioned in November 1993.

3. The treated water from all water filtration plants is monitored for the presence of indicator microorganisms, coliforms and faecal coliforms, as required in the 1996 NHMRC guidelines. Water is also monitored for the amoeba *Naegleria fowleri* (responsible for the disease primary amoebic meningoencephalitis, or 'amoebic meningitis') after filtration at Morgan.

The guidelines do not require examination for pathogens. The guidelines state that the decision to test for pathogens in the filtered water on a regular basis depends on the requirements of the local health authority, in this case the South Australian Health Commission. Except for the need to ensure that northern supplies are free from *Naegleria fowleri*, the commission has not required SA Water to test water filtration plant product waters for the presence of other pathogens such as viruses, helminths, cysts and fungi.

VENETIAN BLINDS

139. **The Hon. P. HOLLOWAY:**

1. Has the Minister's attention been drawn to an article that appeared in the *Advertiser* on 4 July 1996 which claimed that certain batches of venetian blinds imported from Taiwan and China and made from PVC can cause lead poisoning in people who had them installed in their homes?

2. Can the Minister say whether or not such venetian blinds are for sale in South Australia and, if so, will he ensure they are restricted from sale?

3. Will he also provide the public with information about any brands of contaminated blinds which may have been sold in South Australia and will he take action to ensure they are recalled?

The Hon. K.T. GRIFFIN:

1.

- At the time the 'Advertiser' released the article on 'Lead poisoning from PVC blinds', the Queensland Office of Consumer Affairs was aware of the United States reports, through the Internet, purchasing several brands of PVC blinds for analysis.
- The Queensland Government Chemical Laboratory was commissioned to undertake toxicological tests to determine whether unacceptable levels of lead were present in the blinds.
- On 4 July 1996 the Federal Bureau for Consumer Affairs facsimiled the South Australian Office of Consumer and Business Affairs (OCBA), advising they were awaiting the test results from the Queensland Government Laboratory. The Bureau also expressed concern that any investigation should be co-ordinated and any action taken should apply nationally.
- Several inquiries were taken by OCBA from concerned consumers and suppliers of mini-blinds. Inquirers were advised that tests were being undertaken and following the outcome of such tests the Federal Bureau would advise of the most appropriate course of action. This information would be released to the community.

2.

- The type of mini-blinds in question have been available in South Australia through various retail outlets such as Target, K-Mart, Freedom furnishings, Bunnings, Home hardwares and many small bargain shops and markets.
- Following test results from the Queensland Government Chemical Laboratory the Federal Bureau for Consumer Affairs (FBCA) requested a health agency perspective on the potential impact of lead dust exposure to children in the 0-6 year age group.
- A statement was released on 22 July 1996 by the Australian Environmental Health Directors Forum. The consensus statement was endorsed by the Chief Health Office of each jurisdiction in Australia.
- The forum concluded that:

'While PVC mini-blinds do have the potential to contribute to childhood exposures to lead, they are only one of a number of potential indoor sources including paint, wallpaper and normal household dust. The contribution to the total exposure burden by PVC mini-blinds can be markedly reduced by simple maintenance and cleaning every few months.'

and—

'There is insufficient health evidence that the contribution to the total lead burden is such that would warrant recall of these products. It would be prudent to require that new PVC mini-blinds imported have low level lead levels or are labelled appropriately to advise parents of young children to clean the blinds regularly.'

- A number of suppliers have indicated they will only supply 'lead free' blinds. It is understood they are now available in some stores. Consumers should look for labels such as 'new formulation', 'non leaded formula', 'no lead added', or 'new non leaded formulation'.

- Accordingly, the aim should be to reduce the lead content in all PVC products. Commonwealth, State and Territory consumer product safety agencies intend to work closely with the plastics industry in Australia to achieve this objective before considering any regulatory action.

3.

- As the Health Forum indicated, there is insufficient health evidence that would warrant recall of these products.
- 'Lead free' blinds are now available in some stores and consumers should look for labels such as 'new formulation', 'non leaded formula', 'no lead added', or 'new non leaded formulation'.
- Furnishing specialist, Spotlight, undertook a *voluntary* recall on the range of mini-blinds sold through their outlets. Spotlight's Melbourne office advised they have sold over 600 000 units over the last five years.
- The majority of mini-blinds are low cost items (around 10-15 dollars) and often do not display a brand name. If a consumer sought a refund from their supplier they may be required to provide proof of purchase, which is not always retained by a consumer.
- United States Consumer Product Safety Commission has publicly recommended that consumers with young children remove old PVC blinds from their homes. They have not initiated a recall program.
- The Federal Bureau has no intention of pursuing a recall on these products or to undertake regulatory action.
- As the aim should be to reduce the lead content in all PVC products, the Commonwealth, State and Territory product safety agencies intend to work closely with the plastics industry in Australia to achieve this objective and ensure products display sufficient information to alert users to the content of the material and the need to maintain such products.

SPEED CAMERAS

141. **The Hon. R.R. ROBERTS:**

1. How many speed camera infringement notices were issued in 1993, 1994 and 1995?

2. How many speed camera infringement notices have been issued thus far in 1996?

3. How much revenue was generated by speed camera infringement notices in each of these years?

4. What proportion of infringement notices were issued in the Adelaide statistical division and what proportion were issued in the rest of South Australia in each of those years?

5. What proportion of the revenue generated by speed camera infringement notices was generated by notices issued in the Adelaide statistical division and what proportion was issued in the rest of South Australia in each of those years?

The Hon. R.I. LUCAS:

1. The number of speed camera infringements issued in 1993, 1994, and 1995 calendar years was as follows:

1993	214 836
1994	158 720
1995	131 601

2. The number of speed camera infringements issued to the 30 June 1996 was 93 840.

3. The revenue generated, including the Victims of Crime Levy, by speed camera infringement notices in 1993, 1994, 1995 and to 30 June 1996 was as follows:

1993	$17 240 424
1994	$14 038 935
1995	$11 894 628
1996	$ 7 706 093

4. The proportion of speed camera infringement notices issued in the Adelaide statistical division and the proportion issued in the rest of South Australia was as follows:

Year	Adelaide Statistical Division	The Rest of South Australia
1993	97.7%	2.3%
1994	98.5%	1.5%
1995	98.7%	1.3%
1996	99.0%	1.0%

5. The proportion of revenue generated by speed camera infringement notices issued in the Adelaide statistical division and the proportion issued in the rest of South Australia in each of those years was as follows:

Year	Adelaide Statistical Division	The Rest of South Australia
1993	97.7%	2.3%
1994	98.3%	1.7%
1995	98.4%	1.6%
1996	99.1%	0.9%

DECS BUDGET

142. **The Hon. CAROLYN PICKLES:**

1. Of the $30.5 million annual budget for curriculum this year—
   (a) How much will come from State resources?
   (b) How much will come from the Commonwealth (National Equity Programs); and
   (c) How much will come from other sources?

2. How many staff in the curriculum division are involved in developing and monitoring special programs such as 'Cornerstones' and the 'Literacy Action Plan'?

3. (a) How many staff are engaged in developing and monitoring equity programs?
   (b) How much of this work is funded by the Commonwealth?

The Hon. R.I. LUCAS:

1. Of the $30.5 million annual budget for curriculum services this year—
   (a) $28.753 million will come from State resources.
   (b) $1.810 million will come from Commonwealth resources of which $696 000 is specifically for National Equity Programs.
   (c) $30 000 will come from other sources.

2. The literacy team comprises 12 officers. Two of these positions are funded from State recurrent funding. As this Government places such a high priority on early assistance and literacy, available 'off the top' salaries are being expended in this area.

While each of the 12 officers has had some involvement in Cornerstones work, six officers work almost exclusively on the Cornerstones program, including the provision of support to schools to implement early assistance plans. One of the six officers is a Guidance Officer funded from Programs funding. Three of these officers are funded by the special purpose Early Assistance Program, part of the Early Years Strategy. The other two are 'off the top' salaries. These 'off the top' officers include one short term position responsible for developmental work for the Cornerstones program, one officer responsible for evaluation of the Cornerstones program, support for the National School Literacy Survey and management of the Reading Recovery pilot program.

A further two officers who work on early assistance planning and the development of materials for early years teachers are funded by the Commonwealth through the Early Literacy Component of the National Equity Programs for Schools.

Three officers have more general responsibility, including some of the work outlined in the draft Literacy Action Plan. This includes identifying and/or developing materials about literacy in all areas of study, literacy assessment and equitable literacy practices. The two positions from recurrent funding are responsible respectively for the management of the Literacy Focus Schools Program and development of materials about literacy. The position funded through the 'off the top' salary provides program management and coordination, policy support and advice and materials development.

The last position is a State funded English as Second Language Liaison Curriculum Officer who works with the literacy team at Fulham Gardens Curriculum Centre and liaises with Newton Curriculum Centre and other agencies.

There is also an administrative officer (0.6) who works to support Early Assistance and the Cornerstones program.

3. (a) At present there are 12.4 officers employed in the Equity Section. All officers are engaged in developing and monitoring equity programs.

One principal curriculum officer is responsible for the management of these teams	1.0
The officers work in the following teams:	
Students with disabilities	2.4
Gender Equity	3.0
Poverty and Isolation	5.0
Students at Risk	1.0
Total number of officers	12.4

   (b) Of these positions 7.4 positions are funded by the Commonwealth:

Students with Disabilities	0.4
Gender Equity	1.0

Poverty and Isolation	5.0
Students at Risk	1.0
Total number of positions	7.4

DECSTECH 2001

143. **The Hon. CAROLYN PICKLES:**

1. What are the names of all consultants being used by the Department for Education and Children's Services on the DECStech 2001 project?

2. What services are being provided by these consultants?

3. What are these consultants being paid?

4. What is the project budget for consultants for 1996-97?

The Hon. R.I. LUCAS:

1. No consultants are currently being used.

2. No services are being provided.

3. No payment is involved.

4. No plans are in place at this time to use external consultants.

TANCRED

144. **The Hon. T.G. CAMERON:**

1. Why did the Ports Corporation consider it unnecessary to carry out an inspection of the vessel *Tancred* prior to offering it for sale?

2. If the Crown Solicitor's office confirmed that such an inspection was unnecessary—

(a) Is the Minister prepared to allow the Opposition to see the advice?

(b) If not, why not?

The Hon. DIANA LAIDLAW:

1. The vessel was distrained or arrested on 22 December 1993 after a broken mooring line caused the vessel to become a potential navigational hazard. By a written notice on 6 October 1994 I advised the owner at his last known address of the situation and requested action by 17 October 1994.

As no action was taken by the owner, I declared the *Tancred* a 'wreck' on 13 April 1995 and authorised the Ports Corporation to exercise its powers under the Harbors and Navigation Act 1993, Division 2, Clearance of Wrecks, section 25(1) and (3).

Under my direction, and using its powers under section 27 of the Ports Corporation Act 1994, the corporation offered the vessel for sale as the vessel lies—that is, in existing condition with faults and with no expressed or implied guarantee or warranty for condition, working ability or performance.

As is customary in such circumstances, the funds from the sale of the *Tancred* will offset the corporation's costs of distraint, mooring and disposal of the vessel, with the balance of any profit or loss from sale being held for the owner.

the corporation did not carry out a detailed inspection of the vessel as it was not obliged to do so. In particular, the Occupational Health, Safety and Welfare Act 1995 and regulations did not require an inspection.

2. The normal practice with advice from Crown Law is that it is considered confidential and is not shown to members of either House or tabled in Parliament. There appear to be no circumstances in this case which would justify departure from this practice. I can assure the honourable member that the corporation's actions were consistent with Crown Law advice.

TRAFFIC LIGHTS

145. **The Hon. T.G. CAMERON:** 1. Has there been any change to the traffic light sequence at the intersections of South Road, Flaxmill Road and Wheatsheaf Road, Morphett Vale in the last six months?

2. If so, what was the reason for the change?

3. What is the rate of reported crashes at this intersection for the last six months?

4. Are there any changes planned for the signal sequence or the road engineering at this intersection?

The Hon. DIANA LAIDLAW:

1. The traffic signal sequence has not been altered in the last six months.

2. Question does not apply.

3. Accident statistics are not yet available for the previous six months. However, for the two years to the end of 1995, there were 47 reported collisions at this site (including seven crashes involving personal injury). The majority of collisions (27) were rear end which is common at most signalised sites, and very difficult to eliminate. For the other accidents, there are not significant numbers for any particular movement or type of collision.

4. In response to a separate investigation, the department is planning to make a minor change to the intersection operation during the current financial year. A three aspect left turn lantern will be installed for traffic approaching from Wheatsheaf Road. This will provide increased protection for pedestrians crossing South Road on the southern approach.

COMMERCIAL ROAD, PORT NOARLUNGA

146. **The Hon. T.G. CAMERON:**

1. What plans does the Government have to upgrade Commercial Road between the Onkaparinga River at Port Noarlunga and Maslin Beach?

2. If no final plans have been made, what options are the Department of Transport examining?

3. (a) Will any upgrade involve the introduction of four lanes?
(b) If so, which sections?

4. (a) Will any sections of the road be maintained as two lanes?
(b) If so, which sections?

5. What is the timeline for the upgrade?

6. In which order will the upgrade of the various sections of the road be undertaken?

7. When will the work be completed?

8. What is the anticipated cost of the upgrade?

9. What budget provisions have been made already?

The Hon. DIANA LAIDLAW: This response answers identical questions asked by the Hon. T.G. Cameron numbered 125 and 146.

Following representations from the member for Kaurna, Ms Lorraine Rosenberg, detailed planning investigation for this project has commenced. This investigation aims to define the need to upgrade and/or widen or upgrade Commercial Road between Onkaparinga River and Maslin Beach Road.

The detailed planning investigation study will investigate opportunities for:

- Improving traffic flows and movements along this route;
- Facilitating movement between Commercial Road and Main South Road;
- Improving safety along this route and at intersections, using appropriate traffic management measures;
- Minimising the conflicting demands of through traffic and access from adjacent properties;
- Providing for cyclists and pedestrians;
- Minimising the impact of stopping buses on smooth traffic flows; and
- Enhanced streetscaping and landscaping.

Associated with this investigation, a communication process will be conducted to seek input from stakeholders and the community. Also a specialist consultant will be engaged to undertake an Aboriginal heritage survey in consultation with the Kaurna community.

This study will determine the nature of upgrading and widening along this segment of Commercial Road, and will assess the social, environmental and economic impacts.

STURT STREET PRIMARY SCHOOL

147. **The Hon. CAROLYN PICKLES:** Given that in 1995 enrolments at Sturt Street Primary School peaked at 210 students, and at Gilles Street Primary School peaked at 144 students, totalling 354 students—

1. What is the maximum number of students able to be accommodated at the Gilles Street site?

2. How will the number of students at Gilles Street be controlled?

3. How many places will be allocated to the New Arrivals Program (NAP) at Gilles Street and if all students cannot be accommodated at Gilles Street, where will they attend?

4. Will city residents be given preference over commuters at Gilles Street?

5. If children of city residents cannot be accommodated at Gilles Street, where will they attend?

6. Given advice to the Minister concerning the shortage of facilities at Gilles Street, will the Minister give a guarantee that arrival and departure times and recess and lunch times will not be staggered?

7. How much will transport costs increase for NAP students as a result of the transfer to Gilles Street Primary School and what bus services will be available to the school?

8. What specific educational reasons were considered by the Minister in making his decision to close Sturt Street Primary School?

9. What specific savings will be made from the decision to close Sturt Street Primary School?

10. What is the budget for capital works necessary at the Gilles Street site to accommodate the increase in students?

11. What decisions have been made for the relocation of curriculum staff now located at Gilles Street Primary School and what will be the cost of transferring this staff?

12. Given that—

(a) the closure of Sturt Street is opposed by the schools parent body, the teachers at the school, multicultural communities, the Adelaide City Council and a large number of other individuals and interest groups, and that the closure was not recommended by the Department for Education and Children's Services; and

(b) that when the decision was made, the Minister did not know the cost of relocating students or the cost of relocating curriculum staff;

will the Minister now reverse his decision and work constructively with the community for the continuation of Sturt Street Primary School?

The Hon. R.I. LUCAS:

1. Advice from facilities officers of the Department for Education and Children's Services (DECS) is that Gilles Street Primary School facilities, if used to maximum capacity, could accommodate between 350 and 390 students.

2. I am advised that anticipated enrolments for 1997 provided by the Principal of Gilles Street Primary School are five mainstream and 10 New Arrival Program (NAP) classes, which is significantly lower that the maximum referred to above. I am also advised that, at this stage, officers of DECS do not believe that demand at Gilles Street will be high enough to require major management changes to control numbers.

3. In making the decision to close Sturt Street Primary School, I indicated that its New Arrivals Program would be moved to Gilles Street. I am advised that the maximum number of NAP classes at Sturt Street in 1996 is 10, averaging 13 students per class, and the same number of NAP students can be accommodated at Gilles Street in 1997. Should the demand for the Gilles Street NAP program become excessive, students will be accommodated at the next most convenient NAP Unit or, if the administrators of the NAP consider it appropriate, a new NAP Unit could be established at a suitable location.

4. At this stage, it has not been deemed necessary to consider restricting enrolments at Gilles Street Primary School. Should the school need to be zoned in the future, consideration will be given at that time to the criteria for eligibility of enrolment. I understand that current zoning processes in DECS give heavy weighting to the distance between a student's school, and their place of residence so that city residents are likely to be given preference.

5. I am advised that at present Sturt Street and Gilles Street between them have only around 60 students who are residents of the city. Officers of DECS advise that they are confident Gilles Street will be able to accommodate all city residents in the foreseeable future.

6. This is a matter for local school management and I am advised that the principal and staff of Gilles Street are not expecting to have to introduce such arrangements for 1997. However, it should be noted that a number of school sites already use staggered recess and lunch times as part of their accepted program.

7. I am advised that the same number of NAP students may access Gilles Street by bus in 1997 as accessed Sturt Street by bus in 1996. In such case, there would be no increased transport costs.

Gilles Street Primary School can be accessed by normal TransAdelaide buses running along King William Street and Pulteney Street.

8. A key educational reason for my decision was the inability of Sturt Street Primary School to attract an adequate number of mainstream students. The number of mainstream students at Sturt Street Primary School has been low for many years, and the current group of around 60 students is not large enough to ensure the best educational partnership between the mainstream and the New Arrival students, who make up the majority of the school's population.

The transfer of the New Arrival students to Gilles Street will provide increased opportunities for NAP students to mix with mainstream students of their own age, a factor which is recognised to be a positive influence in the acquisition of English.

Gilles Street will also be able to offer its combined student population improved curriculum offerings in areas such as technology and the arts.

9. I have indicated previously that until the Government concludes its decision-making regarding the potential use of the Sturt Street site, the final decisions in relation to some of the economic issues cannot be made.

General advice was available indicating that potential expenditure on facilities at Sturt Street Primary School of up to $500 000 would be required to sustain the operation of the school. Included in this estimate is backlog maintenance, and the need to significantly upgrade specific areas of the school including administration, and general and specialist teaching areas.

The transition of programs to Gilles Street Primary School will recover operational and administrative costs representing salaries not required, such as principal salary, and the recurrent services cost of operating a separate school. Depending on decisions made regarding the potential use of the Sturt Street site, these savings are potentially of the order of $100 000 annually. As I indicated on 23 July 1996, the final decisions relating to economic issues cannot be made until the future of the Sturt Street site is decided. If the Government were to sell the Sturt Street site, considerable funds would become available for the Capital Works Program. However, if the Government chose to continue to use the Sturt Street site for educational reasons, such as consolidating some curriculum units onto the Sturt Street site, this would enable other properties and assets to be sold.

10. I am advised the cost of necessary capital works is about $200 000. However, in the interests of providing first class facilities for all students, the Government is considering additional expenditure for further improvements.

11. I am advised final decisions on these matters have not yet been made.

12. Some of the assumptions in this question are incorrect. The decision which I made on 11 April 1996 will be implemented. I am advised that the staff of Sturt Street have accepted this decision and want to work constructively for the best possible transfer of the NAP to Gilles Street Primary School.

I am also advised that the Gilles Street staff and community have expressed their full support for the NAP unit, and are already working to ensure that it is integrated into their school community in a positive and welcoming manner. I am advised that educational programs offered at Gilles Street Primary School in 1997 will be of great benefit to both the NAP and mainstream students.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Motor Accident Commission—Charter.

MOTOR ACCIDENT COMMISSION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Deputy Premier and Treasurer in another place today on the Motor Accident Commission Charter.

Leave granted.

PIG AND POULTRY PRODUCTION INSTITUTE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place on a new research centre for the pig and poultry industries.

Leave granted.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement about the Criminal Law (Undercover Operations) Act 1995.

Leave granted.

The Hon. K.T. GRIFFIN: In April 1995 the High Court decided an appeal in the case of *Ridgeway* in favour of the accused. In brief, Ridgeway had served time in prison with a man named Lee. Lee was released and deported to Malaysia. Unknown to Ridgeway, Lee then became a registered informer for the Malaysian police. When Ridgeway was released, he arranged with Lee for the importation of heroin into Australia for commercial gain. Lee informed the Malaysian police, who then contacted Australian Federal Police. The relevant authorities arranged for the controlled importation of the heroin into Australia and its delivery to Ridgeway, who was then arrested and charged with possession of prohibited imports which had been illegally imported.

In general terms, the High Court held that the police had committed the serious crime of importing the heroin into Australia and that their criminal behaviour so tainted the evidence of the commission of the crime that all of that evidence would be excluded. There being no admissible evidence against Ridgeway left, the prosecution was stayed as being legally impossible to continue.

On 30 May 1995, in the trial of Marashi and Jaksimoni in the District Court for the sale of heroin, Judge Bishop held that the principle in *Ridgeway* applied to the trial and excluded all of the evidence. Inevitably, that meant the acquittal of the accused. This case concerned what is known as controlled buying. In general terms, when police are given information that a person is selling drugs, they pretend to be a buyer and determine whether the person will sell drugs to them. If so, they may make a number of buys with a view to identifying the seller's source of supply. That was the method used in this case. Judge Bishop, applying *Ridgeway*, held that the purchasing police officers committed the crime of procuring or aiding the sale, and that therefore the evidence was tainted and should not be admitted.

As Attorney-General, I was faced with a powerful legal problem. The facts of the matter were that the police had been using controlled buys operationally for many years in the reasonable and legitimate belief that this course of action was perfectly legal. The decision of the High Court in *Ridgeway* operated retrospectively, as is the case with judicial rulings, because the court purports to declare the law as it has always been. It followed that, if the decision in *Marashi v. Jaksimoni* stood, about 100 past and current prosecutions were at risk.

I decided that it was not possible to sit idly by and risk legal chaos and the paralysis of the policing of drug trafficking. I determined to find a fair and appropriate legislative solution. The result was the Criminal Law (Undercover Operations) Act 1995. It passed Parliament in what may well be record time. I want to place on record my continuing gratitude to all members of the House, from all sides of politics, for the spirit of cooperation and fairness that they showed in achieving that aim. I undertook to report to the House at an appropriate time on the results of the legislation, and that is what I am doing now.

First, since it is not possible for the prosecution to appeal an acquittal, the only way in which the question of law decided by the trial court in *Marashi v. Jaksimoni* could be reviewed was by a case stated. The Director of Public Prosecutions attempted to have this done, but failed for technical reasons to deal with the questions asked. Had the decision been reviewed, I would very likely have been in a position to report to the Parliament before now. As it was, however, there was no review by way of case stated, and so I had to wait upon events. In particular, I had to wait to see how the courts dealt with the legislation and the general issue.

In the meantime, I can assure the Parliament that I took steps within my office to ensure that when I was notified of a police undercover operation, as the legislation required, the notification was confidentially handled and kept secure. The details of these reports which the statute requires me to give to Parliament are appended to this statement. I now seek leave to table the details.

Leave granted.

The Hon. K.T. GRIFFIN: I ask the Parliament to note that there were two operations, the approvals for which were dated before 30 June 1995 but which were delivered to my office after 30 June 1995. Technically, I think that these should have been the subject of report to the House on 30 September 1995. I regret that that was not done.

The Court of Criminal Appeal has considered the questions at issue twice since the legislation was enacted. In Martelli, which is an unreported case on 20 November 1995, the Court of Criminal Appeal held that the High Court in *Ridgeway* did not contemplate the wholesale rejection of the sort of evidence produced by the 'controlled buy' method of criminal investigation simply because the police may have committed a criminal offence in the course of the investigation. They held that *Ridgeway* was supposed to apply only in rare and exceptional cases of grave or calculated illegality, and not in such routine cases. Justice Cox, who delivered the judgment of the court, said of the decision in *Marashi v. Jaksimoni* that 'no sufficient reason was shown, in my respectful opinion, for excluding the prosecution evidence in this case.'

In *Martelli*, the trial was held before the legislation and, indeed, the decision in *Ridgeway*. However, in December 1995 the Court of Criminal Appeal considered the legislation in *Albu v. Gheorghita*—again that is unreported—on 13 December 1995. The court restated the principles just announced in *Martelli* and held that in this case the retrospective operation of the Act effectively authorised the controlled buy, because it was one which fell within the principles set out and would have been authorised under the Act.

I delayed reporting the status of these matters to Parliament because in April 1996 the validity of the Act was challenged in a District Court trial in the matter of *Camozzato*. In the result, the court ruled that the Act was valid and no appeal was lodged. The House should note that to date the Court of Criminal Appeal has yet to consider a case which was authorised under the legislation. I should also report that, while the Commonwealth Government had announced its intention to legislate on the decision in *Ridgeway*, the Bill was delayed first by reference to the Senate Legal and Constitutional Legislation Committee, and then the 1996 election. I understand that the new Government has decided that the Bill could be improved and that, so far as I am aware, has not yet been passed by the Parliament.

Elsewhere in Australia, *Ridgeway* appeared to have little impact, at least so far as reported decisions were concerned. In *Gudgeon*—(1995) 133 ALR 379—the accused was convicted of conspiracy to import cannabis, in the course of which an undercover police officer arranged for a container containing 192 kilograms of cannabis to be cleared through

Customs and delivered to a designated place. The operation differed from *Ridgeway* in that the undercover police officer did not arrange or conduct the importation, merely facilitated the importation arranged by the accused. The trial was held before *Ridgeway* was decided and on appeal the Queensland Court of Criminal Appeal upheld the conviction. The majority again placed emphasis on the necessity for the accused to show such grave illegality by law enforcement authorities that the public interest in the conviction and punishment of the accused is outweighed.

In England, on facts very similar indeed to those in *Ridgeway*, the House of Lords, the ultimate court of appeal, has decided that the prosecution should not be stopped in the public interest—that is a case of *Latif v. Shahzad* (1996) 1 WLR 104. Their ruling was based on the doctrine of abuse of process rather than, as in Australia, upon discretionary evidentiary rules because their evidentiary rules are statutory and they did not discuss *Ridgeway* at all. I mention the decision because it is interesting that the House of Lords applied the same general principle as the courts of appeal have done after *Ridgeway*. That is as follows:

> Weighing countervailing considerations of policy and justice, it is for the judge in the exercise of his discretion to decide whether there has been an abuse of process, which amounts to an affront to the public conscience and requires the criminal proceedings to be stayed (page 112).

That part of the doctrine of abuse of process remains untouched by the Act. The Act also leaves entirely untouched any rule of evidence that would give a trial judge discretion to exclude evidence that has been obtained in such a way as to render a fair trial impossible or improbable, or that shocks the conscience of the court. That omission was entirely deliberate. In the result, my opinion is that the experience of the legislation so far is that the Parliament has produced a set of rules which work, which are fair and which preserve the ability of courts to condemn any truly excessive misconduct in the criminal investigation process. But I think that there are other advantages in what the Parliament has done.

First, it has set out the rules and principles which are applicable when police set out to 'entrap' a person and commit criminal offences in doing so. Secondly, it makes police reasonably accountable to the Parliament in so doing and hence places a healthy premium on police thinking through whether or not the commission of offences is really necessary in any given case. One of the beneficial effects of this is that it gives a greater degree of certainty than would otherwise have been the case. I will describe an example which proves the point. In *Massey*, (1994) 77 A Crim R 39, the appellant pleaded guilty to a charge of taking part in the supply of heroin. The appellant was a prison officer. Police, with the cooperation of a prisoner, set a trap for the appellant. The prisoner procured the appellant to supply him with heroin. The police supplied $200 to buy the heroin. In fact, the whole subject of drugs was introduced by police arrangement.

The majority of the Court of Criminal Appeal of South Australia upheld the conviction and rejected arguments of entrapment. The High Court refused leave to appeal. The court distinguished *Ridgeway* because:

> The conduct of the police did not create the offence actually committed by the applicant nor did the police conduct itself constitute an essential ingredient of the applicant's offence.

The court continued:

> In these circumstances, the only question is whether the police conduct was of such grave illegality that the public interest in the conviction and punishment of the applicant was outweighed by other considerations demanding the exclusion of the evidence of the police conduct.

As I have said, this discretion remains untouched by the Act. But how is one to tell whether the police conduct constituted an essential ingredient of the offence? What is an essential ingredient of the offence? How can one tell whether the police 'created' the offence? In a sense, in *Massey* the police clearly did create the offence. That must be a different sense from that meant by the High Court. While leaving the extraordinary discretion alone, the legislation bypasses these other questions, the answer to which lies buried somewhere in the pages and pages of judicial prose and, presumably, in future such pages.

The Act not only gives some certainty to this area of law, but it also addresses the right questions—notably, whether the accused would have committed the crime anyway or whether the police inveigled an otherwise innocent person into criminality. In all the circumstances, at this moment it seems to me that the legislation is working well and has a defensible place in the criminal law of this State.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the first report of the committee 1996-97.

I also bring up the report of the committee 1995-96.

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

> That Standing Orders be so far suspended as to enable Question Time to be extended by one hour for the purpose of considering the Auditor-General's Report.

Motion carried.

LEGIONNAIRE'S DISEASE

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement by the Minister for Health given this day in the other place on Professor Mike Lane's report into the Legionnaire's issue on Kangaroo Island, together with Professor Lane's report.

Leave granted.

QUESTION TIME

CHILD CARE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about child care.

Leave granted.

The Hon. CAROLYN PICKLES: At the last Federal election, the Liberal Party was at pains to promise that quality child care, affordable and available on an equal basis to all Australians and established by successive Labor Governments, would remain. What was the result? Just like broken promises made by the State Liberal Government, that promise was worth nothing, and John Howard will cut $504 million from child care over the next four years. Operating subsidies for community child care centres will be almost eliminated and family benefits have been cut and capped. The National Association of Community Based Child Care Centres states

that parents will face catastrophic fee increases, in some case of up to $50 a week. My questions to the Minister are:

1. Does the Brown Government support the reduction of assistance for child care?

2. Has the Minister protested to the Federal Government over these cuts, and is the Minister taking any action to alleviate the effects of these cuts on South Australian families?

The Hon. R.I. LUCAS: Obviously, the South Australian Government would like to see the maximum amount possible of funding, both Commonwealth and State, spent on education and children's services. They will be difficult decisions that I, as Minister in this State, will have to answer for in relation to State funding, and to which Commonwealth Ministers will have to respond in relation to the difficult decisions that the Commonwealth Government has in cleaning up the financial mess left by Mr Beazley and his fellow colleagues in the Federal arena.

The Hon. K.T. Griffin: A real mess.

The Hon. R.I. LUCAS: A real mess. The $8 billion Beazley black hole.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: It has gone up to 10, that is right. It went up to 10—found another two. The $10 billion Beazley black hole. We thought we had a mess to clean up in South Australia but, sadly, the Commonwealth has equally got a mess left by colleagues of this State Labor Opposition. The State Government's position is that it wants to see the maximum amount of money possible spent on education and children's services, and that, of course, applies to child care. We want to see as much money as possible spent on child care, whilst we acknowledge the difficult decisions that the Commonwealth Government—

The Hon. T.G. Roberts: What can we do about it?

The Hon. R.I. LUCAS: I suspect the Hon. Terry Roberts cannot do much, as he could not do much when he was part of a State Labor Government.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: That was the royal 'we', was it? I did not realise the honourable member was a royalist. The Hon. Mr Roberts is a royalist; he is talking about the royal 'we'.

An honourable member interjecting:

The Hon. R.I. LUCAS: He can be whatever he wants to be, we are a free society. As I said, the State Government wants to see as much money as possible spent on child care and children's services, whilst acknowledging the difficult decisions that the Commonwealth Minister has had to take. I have expressed a view, as have my officers, that we are not supportive of the notion of reductions in funding to children's services generally and to child care in particular, but at the same time we acknowledge the difficult circumstances in which the Commonwealth Government and Ministers find themselves. The advice I have been given is that it is highly unlikely that the alarmist figures used by the Leader of the Opposition about parents facing a $50 a week child care increase will come to fruition. I can only share with the Leader of the Opposition and other members the advice given to me, namely, that those sort of alarmists—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: My departmental officers, based on discussions with the industry both in South Australia and nationally. I am not sure what role the Leader of the Opposition wants to take, but most of the rest of us do not want to cause unnecessary alarm to working mothers and parents out there who currently have access to affordable, quality child care. Claims being made by the Leader of the Opposition that they will face child care increases of up to $50 a week will cause alarm amongst working parents. I do not want to be a part of unnecessary alarm being aroused in the community by the Leader of the Opposition, striking fear into the hearts of working mums and dads out there in South Australia when, on the best advice available to me, it is unlikely that fees will increase by some $50 a week.

There is no doubting that the mainstream community-based sector believes that there will be some increase in child care costs, and if the Leader of the Opposition was to come in here and use some of the figures that the mainstream people within community child care are talking about, I would have given her and her question much more respect and credibility, but the Leader of the Opposition, if given a choice of four or five figures, will immediately grab the highest figure to try to cause unnecessary alarm and concern amongst working mums and dads out there in the South Australian community.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That is an issue again for the Leader of the Opposition and the Leader of the Australian Democrats, who wants to have his little say in this issue as well. The issue of the costs of child care will be an important one for South Australian child care operators. The South Australian Government is doing a lot in relation to the whole question of affordability and cost of child care, as well as the quality of child care. South Australia has had for many years the lowest penetration of the child care market by private sector operators of any State in Australia and has had the highest average weekly costs of child care of any State in Australia. Whether that was a conscious decision of the previous Labor Government to, in effect—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We have had a very good service, as have other States in Australia.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: A national accreditation system now applies in all States. It is the same system and child care operators are accredited under the same guidelines in all States. I am not sure what the former Minister for the Arts is talking about, but we are talking about a national accreditation system which applies—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: No, it is not a basic minimum. I am not sure what the former Minister for the Arts is talking about, but she may like to refresh her memory, or perhaps for the first time make herself aware of the differences in the national accreditation scheme and the issue of child care regulations and standards which apply in the States and Territories. It is not a question of minimum possible standards under the national accreditation system. We are talking about an accredited system for quality care in all States and Territories, as has been applied and indeed supported and promoted by a former colleague of the Hon. Anne Levy, Senator Rosemary Crowley, in the Federal arena.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: As the former Minister for the Arts, there is no doubt that the Hon. Ms Levy can express her considered view about the quality of care in other States and Territories. That can be her judgment and it is for her to defend that position if she wants to. As Minister I am saying that South Australian mums and dads, in terms of quality of

affordable care, have been paying the highest weekly cost for child care of all families and parents in any State of Australia.

The South Australian Government has been wanting to encourage and promote private child-care operators to operate here within South Australia to increase the opportunities and choice for families for quality, affordable child care. The South Australian Government's position is that we should have a continuation of a mix of community based care and private child care being offered by private child-care operators. In that way South Australian families will be able to choose from quality care which we hope is being provided by both the community based sector and the private child-care sector.

The Hon. CAROLYN PICKLES: As a supplementary question, what action is the Minister taking to alleviate the effects of these cuts on South Australian families?

The Hon. R.I. LUCAS: I have just indicated that. If the Leader of the Opposition is asking whether the State Government will, out of State revenue, pay for any Commonwealth reductions in child care, the answer, as has been indicated on a number of occasions, is that the State Government and the taxpayers of South Australia do not have the money to pick up in any Commonwealth funding—

The Hon. Carolyn Pickles: So the answer is 'No'?

The Hon. R.I. LUCAS: That has been the answer since the State budget was released.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No. The Leader of the Opposition chooses to misunderstand the answer to the question. The South Australian Government is doing a lot, and will continue to do a lot, to provide quality, affordable child care from both the community based sector and the private child-care sector. The Government is taking a range of initiatives—such as improving their management operation through a system called Kids Biz and a range of other initiatives—in terms of trying to assist the community based child-care sector in the light of the funding changes made by the Commonwealth Government.

So the Government is not doing nothing, in the words of the Leader of the Opposition; it is doing a considerable amount to try to assist the community-based sector in the light of decisions that have been taken by the Commonwealth. The answer to the question whether or not the State Government will make up for the funding cutback made by the Commonwealth has been for some months and is again today, 'No, we do not have the money.'

WEST BEACH TRUST

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations, a question about the future of the West Beach Trust.

Leave granted.

The Hon. R.R. ROBERTS: I was recently approached by a colleague of mine, Mr Trevor Girdham, who is from the Australian Workers Union and who was an organiser in the area of the West Beach Trust with particular reference to the West Beach Trust's recreation reserves. My constituent has been given information that there is some doubt as to the future of the operations of the West Beach Trust. In fact, he has been led to believe that the Government is considering changed arrangements with the West Beach Trust. I understand that there has been a vast amount of discussion in response to this matter in at least two forums—the enterprise bargaining unit of the West Beach Trust and, I think following those discussions, trust board discussions.

The concerns of my constituents were exacerbated by a letter which we received from the Minister for Housing, Urban Development and Local Government Relations (Hon. Scott Ashenden) addressed to Ms Annette Eiffe, Chairman of the Local Government Boundary Reform Board, which refers to a letter of 26 June 1996 seeking advice on proposals put to the board by local government councils regarding the future area managed by the West Beach Trust. He concludes the letter (I will not read it all) as follows:

> I believe that your ward cannot ignore the West Beach Trust area, including consideration of any proposals forthcoming from local government for boundary changes which include the trust area.

I understand that a number of councils, including West Torrens, Henley and Grange and Glenelg, have made representations. I also understand that they differ in what they contend. There was some confusion—and this was put to my colleague, Mr Girdham—when he was questioned about whether he was confusing the West Beach Recreation Reserve land coming within a single council boundary as against a council taking over the West Beach Trust's operations. I understand Mr Girdham was adamant that the information he had received was that the Government intended to change the operations of the West Beach Trust—not merely to bring the West Beach Trust into an amalgam of council boundary areas. This has caused some concern. To clear the matter for my constituents, I have a series of questions which I do not expect the Minister representing the Minister in another place to answer immediately. However, I would appreciate this matter being taken up as quickly as possible and an answer, if possible, being provided during the break. My questions to the Minister are:

1. Is the Government looking at selling off the West Beach Trust and, if not, what is the Minister's intention in the letter dated 8 August 1996 (Ref. MLG 391/96) to the Chairman of the Local Government Boundary Reform Board? Can the Minister define the use of the word 'area' throughout his letter?

2. It is understood that submissions have been made to the Local Government Boundary Reform Board regarding the West Beach Trust. Can the Minister advise the content of the submissions, in particular, whether the submissions contain reference to disbanding the existing State level administration of the West Beach Recreation Reserve and replacing it with a local government administered body or any other non-State enterprise, trust, board, etc.?

3. Is the Local Government Boundary Reform Board currently preparing a report to the Minister on the future of the West Beach Trust?

4. Does the Local Government Boundary Reform Board have terms of reference only to boundaries, or can this be extended to include operations?

5. At what stage will the West Beach Trust and the unions be invited or consulted to participate in these processes?

6. Why have the West Beach Trust and the unions not been informed, given that the letter of 8 August 1996 refers to a previous letter of 26 June 1996 from the Local Government Boundary Reform Board?

7. Will the Minister give an assurance that no decisions in respect of the future of the assets of the trust being handed over to local government or being privatised will be taken without full consultation with the board and the unions?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

GAWLER RIVER FLOODS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about Gawler River flooding.

Leave granted.

The Hon. T.G. ROBERTS: As recently as yesterday the *Advertiser* carried a headline entitled 'Torrent of Tension and Turmoil' in relation to the flood damage after the Gawler River had peaked and did its traditional thing of flooding the local residents of Two Wells and, sometimes, Gawler and Virginia. It is not something about which I am pointing an accusing finger at the Government as having happened only recently, as it is something that occurs regularly. If we were residents of that area we would be a bit peeved about the regularity with which it is happening. Also, one would be a little peeved if no flood mitigation programs were in place.

The most environmentally sensitive thing would have been not to allow for housing development in those areas but, unfortunately, the houses are there. They are a fact of life, and residents in that area are regularly changing their carpets, drying them out and sweeping their places out after sometimes as little as 1½-2 inches or 100 millimetres of rain.

The questions I have relate to that problem and whether the Government has in the offing either a mitigation program on which the residents can hang their hopes in the future or a system of levies that can be put in place so that the small amount of rainfall that does present problems in the catchment area and on the plains does not become a flood problem. What remedial action is being considered or planned to prevent any future flooding problems in the northern plains area? If the answer to that question is that plans are in place, what time frame can northern plains residents expect for flood prevention strategies to be implemented to prevent the difficulties which they experience quite regularly, especially in relation to their crops ?

The Hon. DIANA LAIDLAW: I have taken a keen interest in this issue not only for the residents concerned but also for road damage and any call that comes from both State sources and local government for repair to roads. I am aware that considerable costs were incurred at the time of the last flood about three or four years ago in the same area. My advice is that, while there was flooding this time, remedial action over the last two years in terms of levy banks, culverts and a whole range of things has meant that the flood damage for personal and public property is nowhere near as great. The calls on both emergency service time and extra funds for flood repair will not be so great.

Nevertheless, the water catchment boards in those areas and councils will work to ensure that problems such as flooding experienced in the last two days can be addressed even more effectively in case of any future flood, because it is traumatic for the individuals involved. It is also extraordinarily costly. In our dry climate we can make much better use of those waters than see them cause flood trauma and simply be wasted to sea.

So, for all those reasons, the councils and the Water Management Board will work to ensure a much more effective use of those waters so that they cause less damage at the time. Because of the low lying ground it will not always be possible to ensure that on every occasion there are floods in the extreme sense people will not experience some trauma. Certainly, I can assure the honourable member that, from the contacts I have had with road authorities and local councils, flood mitigation work over the last two or three years has been very effective in addressing the recent floods in those areas. However, we would want it to be even more effective in the future. I thank the honourable member for his concerns and questions.

WHITTLES GROUP

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about the Whittles strata management group.

Leave granted.

The Hon. SANDRA KANCK: I have received information alleging that South Australia's largest strata title management company, the Whittles Group, has inflated insurance premiums and maintenance costs on the unit owners whom it represents. The majority of the 15 000 strata unit owners concerned are pensioners on fixed incomes, as was the case with the Alliance strata management scandal exposed in Sydney during August 1992.

The Strata Titles Act requires that the strata corporation insure all buildings to replacement value and insure against liability and tort. To comply with these requirements, Whittles uses the broking house MGA Insurance to place premiums totalling an estimated $1.4 million per annum. These premiums generate commissions worth $370 000 per annum for MGA. MGA is the parent company of Whittles, and both these companies have Mr John George as Managing Director. MGA places much of its Whittles-managed strata insurance policies with Mercantile Mutual Insurance. As it turns out, MGA is 49 per cent controlled by Austbrokers Holdings, which, in turn, is a subsidiary of Mercantile Mutual Insurance.

Investigations show that it is considerably cheaper to approach Mercantile Mutual directly than have MGA broker the deal. For example, on a group of strata titled units in Pennington Terrace, North Adelaide, the MGA-brokered policy with Mercantile Mutual costs $1 840 but, if you or I walked in off the street and asked Mercantile Mutual for the same insurance policy on the same block, the cost would be $1 618. That is a saving of $222, despite the fact that MGA would be in line for substantial discounts by virtue of an agency arrangement with Mercantile Mutual. We estimate that, if the inflated costs we discovered for selected Whittles policies brokered by MGA and held with Mercantile Mutual were reproduced on all policies taken out by Whittles, the practice could be worth $140 000 per annum to MGA.

Unfortunately, this is not the only area of concern raised with me. As strata managers, Whittles is also responsible for the maintenance of the units under its management. This work is contracted out. Not unreasonably, a building contract supervisor has been employed by Whittles to oversee the work performed by the contractors. However, Whittles levies a management fee on contractors to pay for the maintenance supervisor. Documents show this can be up to 5 per cent of the invoiced amount for any works performed. The levy raises approximately $170 000 per annum, but there is no evidence to show that is the amount paid to the maintenance supervisor. My informant tells me—

The Hon. T.G. Cameron: He doesn't get it, does he?

The Hon. SANDRA KANCK: I am sure the supervisor does not get it. My informant tells me that the contractors pass the 5 per cent levy straight back to the unit owners in the form of inflated estimates; hence Whittles' gain is at the expense of the unit owners. My questions are:

1. Does the Minister believe Whittles has a conflict of interest in respect of its obligations to the unit owners it represents?

2. Does the Minister believe that this situation is comparable to the strata title management kickbacks exposed in Sydney during 1992?

3. Does the Minister believe Whittles has been in breach of the Commonwealth's Secret Commissions Prohibition Act by not fully declaring to the owners of strata units it manages the exact nature of the relationship between Whittles Strata Management, MGA Insurance and Mercantile Mutual Insurance?

4. Will the Minister undertake to conduct a thorough investigation into all aspects of the Whittles Group management of strata titles, with particular reference to: (a) the cost of the insurance policies on the titles it handles; and (b) what happens to any funds generated above and beyond the building contract supervisor's fee?

5. Does the Minister believe that there is a need for the registration of strata title managers, as was recommended by *Choice* magazine in December 1994? If not, why not?

6. Will the Minister investigate the need to set up an advisory service for strata unit owners as recommended by the strata managers division of the Real Estate Institute? If not, why not?

7. Has the Minister been asked to investigate these allegations in the past?

The Hon. K.T. GRIFFIN: I am not aware that there have been any of these sorts of complaints and I am not aware that the honourable member has brought these matters to the attention of the appropriate authorities before raising them under parliamentary privilege in this Chamber. I am certainly prepared to have the matters—

The Hon. T.G. Cameron: Surely you will be conducting an investigation? We will have to ask why not, if you do not.

The Hon. K.T. GRIFFIN: I am prepared to have the matters examined. If the honourable member wishes to make more information available, I am certainly prepared to refer it to the appropriate authorities.

Members interjecting:

The Hon. K.T. GRIFFIN: I do not mind who raises information, but this is cowards' castle in here. You can blacken anyone's reputation, even make allegations of criminal offences and breaches of the Secret Commissions Act, and they have no ability to defend themselves. There is no information—

Members interjecting:

The Hon. K.T. GRIFFIN: There is no opportunity for them to defend themselves. I have made this point—

Members interjecting:

The Hon. K.T. GRIFFIN: As a matter of propriety, I have made this observation before, and ultimately, if there is no way in which a particular grievance can be addressed, members have the opportunity to use the parliamentary process. But to come in here and blacken some agency—it does not matter whether it is Whittles or anyone else—without ever having raised the issues with the appropriate authorities, as far as I am aware, is an abuse of the privilege of the Parliament.

The Hon. T.G. Cameron: You weren't backward in doing it yourself when you were in Opposition.

The Hon. K.T. GRIFFIN: I never named people in this Chamber under parliamentary privilege. That is nonsense, and the honourable member knows it is nonsense. There is a proper way in our society to raise these issues, and members have an opportunity to do so. In the end, if they cannot get satisfaction, and they still believe that there is some gross impropriety or some issue of such public importance that the matter and people's names must be raised under parliamentary privilege, they are entitled to do it, but the proper course is to make the information available. The honourable member certainly has not made it available to me, and I am not aware that information has been made available. As I have said, it does not matter whether it is Whittles or anyone else: it could be anybody. Everybody is entitled to have a fair hearing in relation to these matters.

The Hon. Mr Elliott has complained about that sort of thing on occasion before, and he is the one who sought to have some mechanism put in place that would enable people who are named in the way that the Hon. Sandra Kanck has named Whittles to have something put on the record in Parliament to enable them to answer the allegations that have been made. One has to deal with such issues with fairness. If there is a problem, it ought to be properly investigated, and there are ways that can be done before it is all dragged out into the public arena, naming individuals, companies or whatever under parliamentary privilege. I put that on the record.

The matter has now been raised in Parliament and, if the honourable member has information which might assist an examination of the issues, I would be prepared to receive it and to arrange for the appropriate authority to look at the matters that have been raised.

The Hon. SANDRA KANCK: I have a supplementary question. Did the Minister for Consumer Affairs receive correspondence about Whittles in December 1994? If an investigation is to be conducted, by what time will we have a result?

The Hon. K.T. GRIFFIN: I am not aware of it, but I will make some inquiries and bring back a reply.

POLITICAL GRANTS

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Premier, a question on the topic of political grants to interest groups.

Leave granted.

The Hon. A.J. REDFORD: I recently had drawn to my attention a paper prepared by the Institute for Private Enterprise entitled, 'How Labor Targeted Votes and Opinion'. In it, the author says this of the Federal Labor Government:

> By the time it left office, Labor was blatantly targeting opinions and votes of a wide range of interest groups through an array of taxpayer funded grants. The grants would have compromised the independence of most receiving groups. In 1994-95, it identified grants totalling $143 million that went to over 1 300 community groups, including unions and groups purporting to represent environmental, migrant, women's welfare, Aboriginal, sporting, arts and local government interests. The actual total of the grants was closer to $200 million.

The author noted that very few grants received specific authorisation by Parliament and that Parliament was not given the opportunity to scrutinise those payments.

Some examples of grants in 1994-95 included trade unions, $16.5 million; consumer/legal groups, $4.6 million; and local government, $10.4 million. I also note in the report that in 1993 the unions donated $2.2 million to the ALP's re-election campaign. The ACTU, in addition, spent $1.3 million in the election campaign and received $1.2 million in grants. Other notable examples are that that destitute organisation, the Victorian Racing Club, received $270 000. The Eltham Wildcats Basketball Club, $81 000 and ACOSS, $166 000. Some $500 000 was provided to pro-republican organisations. Nothing was provided to monarchist organisations.

The author went on to say that Labor targeted opinions and votes of interest groups and sought their assistance in disseminating the politically correct new left agenda on various issues. In South Australia donations in each of the categories included the UTLC, $228 000—and I ask for members to note that we have 8.3 per cent of the nation's population. The Migrant Resource Centre total in that category was $431 000 out of $23 million, or 2 per cent; the Adelaide Working Women's Centre in the women's category, $58 000 out of $1.2 million, or a half a per cent to South Australia; the Muslim Women's Association, $21 000 out of $1 million Australia-wide for women's groups, or .2 per cent; Mission SA, $289 000 out of $49 million Australia-wide for welfare community groups, or a half a per cent; the Pitjantjatjara, $165 000 out of $6.4 million Australia-wide for Aboriginal groups, or less than 2½ per cent; Hellas Soccer Club, $141 000 and Salisbury Soccer Club, $65 000, so in sport there is a total of $206 000 out of $4.6 million Australia-wide, or less than 4½ per cent. Out of the $10.4 million given to local government—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Out of $10.4 million given to local government Australia-wide only $330 000 went to South Australian councils, or 3.3 per cent of the total Australian grant. In relation to youth, South Australia got only $92 000 out of $4.6 million worth of grants, or about 2 per cent. The HV Evatt Foundation got $261 000 and the Lionel Murphy Foundation received $125 000. There is no mention of the Playford Foundation or the Menzies Foundation. In the light of that, my questions to the Premier are:

1. Does the Premier agree there is a perception of favouritism in relation to the grants to which this report has referred?

2. Does the Premier agree that South Australia has done very poorly out of these Labor grants and, if so, can he offer any reason as to why that is the case?

3. Is the Premier able to do anything to stop the Labor Party from engaging in this sort of rorting again?

4. Will the Premier call for a House of Representatives inquiry into grants funding requirements to expose the full extent of the arrangements and to improve accountability?

The Hon. R.I. LUCAS: I thank the honourable member for his fascinating question. I am very interested in the detail and some further detail that he has provided me with. It makes for very interesting reading. I will be delighted to refer the member's questions to the Premier and bring back a reply.

AUSTRALIAN NATIONAL

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Brew report's implications for Port Augusta.

Leave granted.

The Hon. T.G. CAMERON: The recommendations contained in the Brew report are a disaster for South Australia and particularly for Port Augusta and our northern regions. The South Australian Centre for Economic Studies recently prepared a draft report for the City of Port Augusta which paints a bleak picture for the city if the Brew report is implemented. The study into the potential impact of the Brew report on the economy of the Port Augusta region looked not only at AN operations but at possible flow-on effects for associated suppliers. It estimated that the closure of Port Augusta's AN operations could cost 872 jobs long term and more than $63 million in lost income. The report says that 14 per cent of the total jobs in the city could be at risk. This follows a significant decline in local job opportunities over the past few years, which has already had serious implications for the city's economy. My questions to the Minister are:

1. Will the Minister now admit that the Government was wrong in failing to make a submission to the Brew inquiry when it had the opportunity?

2. What moneys will the State Government appropriate for Port Augusta to assist it to adjust to Federal Government cuts and, if none, why not?

3. What will the State Government do for the workers who will lose their jobs at both Port Augusta and Islington as a result of the Brew report's recommendations?

4. Will the Minister undertake to ensure that full consultations occur with the relevant unions and the City of Port Augusta before any redundancies take place?

The Hon. DIANA LAIDLAW: The report has not yet been released, nor has the Federal Government made up its mind on how it will respond to the facts that have apparently been revealed by the report. Therefore, it is absolutely impossible to provide answers to a whole range of questions as to what assistance this Government would be providing to help the work force adjust, because we do not even know what adjustments will be called for, since the Federal Government has not yet released the report or determined its response to that report. The honourable member will know that, in terms of the State Government's actions to date, various discussions have been undertaken with parties that have expressed an interest in aspects of AN's business or all of AN's business. That is appropriate as we work towards an assessment of what opportunities there are with or without AN's involvement in the future.

I would have thought that that was the responsible course to take in this regard. There have been various discussions with the Public Transport Union and that, in my view, is the appropriate response in this circumstance, so that we learn its sentiments about the future of the business, as we have also had discussions with AN. Those discussions have been helpful in making an assessment of the situation with AN and, until the Federal Government makes up its mind exactly what response it will make to this report, it is neither possible nor appropriate to come up with any firm brokering solutions. However, the Federal Government and the unions know that the Government has been active on behalf of the work force to ensure that we are aware that there are various companies interested in the business.

That is important for the work force, but what is even more important at this stage is that the committee that has been appointed by Cabinet to look at the report completes its investigations as soon as possible and ensures that the Federal Cabinet is in a position to make its final decisions with respect not only to Australian National but also to National

Rail. It is wrong for members to focus just on Australian National issues without looking at what the implications may be for National Rail. That is important because, as members know, so many of the woes that beset Australian National now arise from decisions by the former Government in terms of National Rail.

The Federal Government is well aware and has been reminded of this, and I am sure it is one of the reasons for its caution in dealing with this very sensitive issue rather than behaving in the gung-ho fashion that would be the style of the Hon. Mr Cameron. It is important—

Members interjecting:

The Hon. DIANA LAIDLAW: The Federal Government is well aware, in terms of workshops and the like, that the South Australian Government on behalf of the work force and taxpayers has a whole number—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: As I have indicated in the past, since you are a new member and clearly not familiar with the Act, the Federal Government is a party to the Act. It has been reminded of its powers. The phone is there; the fax is there.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The letter was written: I have read it three times in the Parliament. The submission is hardly relevant in these circumstances. Discussions were held with Mr Brew and with the Federal Minister, and they were all aware of the terms of the Rail Transfer Agreement, which is one of the reasons why they are dealing with this with extreme caution. Caution is a very wise course when you are confronted with a level of debt and the level of prospects for adjustment by the work force. I have urged the Federal Government to release the report and come to a decision as quickly as it possibly can. It is important that it does, because of the trauma and uncertainty over the future and what effect that is having on the work force. That is unsettling. The Federal Government is aware of it, but the implications of what is suggested is revealed in the Brew report are matters that should be treated with due caution. And they are being so treated.

The Hon. T.G. CAMERON: As a supplementary question, has the Minister seen or read a copy of the Brew report, or have any of her staff seen a copy or read the Brew report, or has she received a briefing on the full report?

The Hon. DIANA LAIDLAW: Yes.

HINDMARSH ISLAND BRIDGE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Hindmarsh Island bridge.

Leave granted.

The Hon. P. HOLLOWAY: In concluding her answer to my question yesterday, the Minister for Transport said that we are left with a mess, the financial implications and the legal issues concerning the Hindmarsh Island bridge, and the Attorney invited me to ask him a question about our obligations. So, my questions are:

1. Does the Attorney-General believe that the Brown Government is still legally obligated to build the Hindmarsh Island bridge and, if so, will he provide details of the nature of that obligation?

2. What advice has the Attorney-General sought or received to support that position?

3. Are its legal obligations the sole reason why the Brown Government intends to build the Hindmarsh Island bridge?

4. In the Attorney-General's press statement on 17 September he said:

> While waiting for the Federal Parliament to finalise the matter, the State Government will be undertaking negotiations with the various interests with a view to smoothing the way for decisions on the bridge and development on the island.

Given that, will he say when he intends to negotiate with and on what matters?

The Hon. K.T. GRIFFIN: It is interesting how members of the Opposition now try to redeem themselves in relation to the Hindmarsh Island bridge, since they had the conduct of this right up until December 1993. It rather surprises me that, notwithstanding the obligations that they entered into and the embarrassment that they have suffered as a result of the various inquiries and litigation, they persist with the issues relating to the Hindmarsh Island bridge.

My first exhortation to Opposition members is that they encourage their Federal colleagues to give support to legislation for the Federal Parliament to remove the threat that undoubtedly remains in relation to either injunctions or declarations about the building of the bridge.

What Senator Herron has indicated publicly and in the Federal Parliament is that he will introduce legislation that would once and for all put an end to the prospect of challenge to the building of the bridge. There is no guarantee at this stage that that legislation will go through. Mr Beazley, the Federal Leader of the Opposition, when questioned about whether or not he will support the legislation has hedged his bets. He has acknowledged that the former Minister for Aboriginal Affairs and Torres Strait Islanders, Mr Tickner, fouled it up.

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order!

The Hon. K.T. GRIFFIN: The criticism from the Federal Leader of the Opposition, Mr Beazley, about what happened when he was part of the Cabinet of which Mr Tickner was a member, and in respect of the decisions made by Mr Tickner under the Act, is quite extraordinary. He has really bucketed Mr Tickner—and I suppose with some justification if one looks at the incompetent way in which Mr Tickner handled this particular issue. The fact is that until that legislation is passed the decks are not clear because, contrary to what Mr Beazley has been saying publicly, if Senator Herron did not introduce legislation, if the legislation was not passed, if Senator Herron decided not to conduct a further inquiry or to even make a declaration, which is the ultimate decision that can be taken, then the other side, that is, those who seek to prevent the building of the bridge, might well take him on judicial review to the courts and argue that he had not properly exercised his discretion or his powers or responsibilities under the Federal Act. So, he is in the horns of a dilemma and Mr Beazley, Federal Leader of the Opposition, does not seem to understand that. He says he has legal advice, but I am surprised that he does not acknowledge the reality of the situation and that it could still be the subject of legal challenge.

What I have said publicly and what I say in this Council is that the Government wants to build the bridge, but the Government will not get itself into the prospect of even further costs, damages and injunctions until the Federal Parliament has passed legislation. I do not know when that will occur; certainly, there have been discussions with interested parties. But I am not prepared to put the assets and

the interests of the State at risk by disclosing publicly what legal advice is or is not available, what has or has not been received. It would be contrary to the interests of the State, the people of South Australia, if we were to conduct our side of whatever discussions are occurring in the public arena while others keep their own advice secret and confidential and keep their own positions, like cards, close to the chest.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: I will not disclose to the honourable member, or to anyone else, what our legal advice is. The sooner the Opposition gets it into its head that you cannot conduct negotiations in the public arena, particularly where they are so sensitive and difficult, as these are, the better it will be, both for the Opposition and for the State. It is not in the interests of the State to be speculating publicly—

The Hon. R.R. Roberts: Why didn't the Minister for Transport think of that five years ago?

The Hon. K.T. GRIFFIN: It was quite obvious that the former Premier, Mr Bannon, and his Government got themselves into a real spot of bother because they had Beneficial Finance Corporation lined up to provide security when the whole thing looked like it was going bad, and then they gave a commitment to build the bridge at Government expense and to recover half the costs sometime after Westpac had recovered the money it had expended. The documentation and the arrangements all go back to the days of Mr Bannon, the Hon. Barbara Wiese and others who got their fingers into a pie and made themselves a mess. The fact is that we, as a Government, are trying to sort it out. I do not intend to telegraph punches so that people on the other side and the Opposition can find out what they are and thereby undermine the State's position and the interests of the State.

The Hon. R.D. LAWSON: I seek leave to make a brief statement before asking the Attorney-General a further question on the Hindmarsh Island bridge.

Leave granted.

The Hon. R.D. LAWSON: The Commonwealth Hindmarsh Island bridge report was tabled in the Senate last month. That report by Justice Jane Matthews was ultimately held to be ineffective as a report under section 10 of the Aboriginal and Torres Strait Island Heritage Protection Act, because the court held that the judge was not effectively appointed to make that report. Accordingly, the report was not a valid report under section 10 of the Act. It is however a very comprehensive report. Chapter 14 deals with the concurrent operations of the State Aboriginal Heritage Act and the Commonwealth legislation, and points to the fact that the State Minister had authorised certain work on the Hindmarsh Island bridge subject to the imposition of a number of stringent conditions.

The report referred to the possibility of differing Commonwealth conditions being imposed. The report also referred to the report of the royal commission of Iris Stevens, presented in December 1995, and to the fact that that report found that the alleged women's business, which had been relied upon by Professor Cheryl Saunders in an earlier report, was a fabrication. Justice Matthews in her report concluded:

> The evidence may well make the area a significant Aboriginal area but there is insufficient material from which the Commonwealth Minister could be satisfied that the building of the Hindmarsh Island bridge would desecrate this area according to the Ngarrindjeri traditions.

Justice Matthews further concluded:

> These matters meant that the applicants had failed to provide adequate material to support the making of a declaration under the Commonwealth Act.

These were findings that were clearly not inconsistent with the findings of the royal commission. My questions to the Attorney-General are:

1. Does anything in the report lead him to conclude that the findings of the royal commission were in any way deficient?

2. Does the Attorney agree with the stated approach of the Federal Minister for Aboriginal Affairs to matters arising from this report, which is ultimately ineffective?

3. Does the Government believe that differing legislative regimes between Commonwealth and State to protect Aboriginal heritage is undesirable and, if so, will the Government, in conjunction with the Commonwealth Government, look at providing a more effective and uniform legislative regime for the protection of Aboriginal heritage matters?

The Hon. K.T. GRIFFIN: It was quite clear from the report of the Matthews inquiry that she, at least, felt that the State Minister had acted properly under the authority of the State legislation and that there was an undesirable overlap between the Federal legislation and the State legislation. I think that Aboriginal Affairs Ministers around Australia have acknowledged that that is the case and, even before all the difficulties in relation to the Hindmarsh Island bridge arose, the State and Federal Ministers for Aboriginal Affairs were in fact meeting to consider the operation of the various jurisdictions and Aboriginal and Torres Strait Island heritage legislation.

That was very largely directed towards ensuring that the States have the general day-to-day responsibilities at the Federal level. It was only extreme circumstances that enabled Commonwealth legislation to be invoked. I am not aware of the current status of those discussions between the States, Territories and the Commonwealth, but I will refer that to the Minister for Aboriginal Affairs, and if there is further information to be reported I will ensure that that occurs.

The report of the Matthews inquiry is a fascinating document to read, and it was quite properly out in the public arena, even though Senator Herron would have some considerable difficulty in relying upon it because of the finding of the High Court that Justice Matthews was an ineffective appointment. Notwithstanding that, over $1 million was spent on it and it was appropriate that it be put into the public arena to give a different perspective to the issues which had to be addressed at the Commonwealth level.

There is nothing in the report that would indicate any deficiency in the way in which the royal commission in South Australia was conducted or in the findings of the royal commission. Ultimately, Justice Matthews found that the findings of the royal commission were generally not relevant to her consideration of the issues because the proponent women had sought, and were finally given approval, to withdraw evidence and submissions which they had made in relation to matters which they believed ought to be kept secret. That issue was discussed also in the Federal Court, but generally speaking—

The ACTING PRESIDENT: I ask the Minister to wind up his reply.

The Hon. K.T. GRIFFIN: I will, Mr Acting President. The proponent women sought to have certain evidence withdrawn, and that related to the issue of secret material. As a result, a lot of what was in the royal commission report

thereafter became of no relevance to the other issues that were being raised in the Matthews inquiry.

The ACTING PRESIDENT: I draw members' attention to the resolution carried earlier today which extends Question Time by one hour, although any questions that are asked must relate to the Auditor-General's Report.

DECS INFRASTRUCTURE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer the Minister to the Auditor-General's Report, Part A, pages 93 to 95. In this section the Auditor-General states that the Government sold all the Government's IT infrastructure to EDS for $18.6 million. What was the purchase price paid by EDS for the DECS infrastructure and equipment and what was the book value? In the light of the Auditor-General's comment on page 95 regarding security specifications, what security arrangements will apply to the EDS involvement with EDSAS which contains student records?

The Hon. R.I. LUCAS: In relation to the honourable member's first question, I am still undertaking to get information on that, or else it was an answer to a question that I supplied in the recent parliamentary recess. I am happy to take advice and ascertain whether I have provided the honourable member to with an answer to that question. Certainly, I recall the question being raised by either the honourable member or the Hon. Mr Holloway—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, he has not raised it with me—during the previous parliamentary session, and I undertook to get information and provide some advice to the honourable member on it. I thought I had provided an answer to the honourable member, whomever it was.

The Hon. P. Holloway: What I asked was different.

The Hon. R.I. LUCAS: It may be that the Hon. Mr Holloway asked a question on this issue and I corresponded with him. I recall the issue's being raised and I thought that information had been provided. If it is with the Hon. Mr Holloway it would have been tabled yesterday and would be in the Chamber. I will check and see what further information can be provided.

In terms of what IT security specification documentation exists, and the nature of such in relation to EDSAS and children's security records, I would need to take advice and undertake to provide a reply to the Leader as soon as I can.

SCHOOL FACILITIES, SHARING

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to Part B, Volume I, pages 136 to 137 in reference to the sharing of school facilities. The Auditor-General notes that:

> An audit review undertaken in 1994-95 of the sharing of school facilities identified a number of issues of major concern both at the school and departmental level. In particular, appropriate administrative and financial processes had not been established to ensure finalisation of joint use agreements and compliance with the financial consideration of those agreements.

He goes on to say that:

> A follow-up review during 1995-96 revealed that the department has made some progress in establishing and finalising three of the seven outstanding joint use agreements; however, only one agreement has been signed.

He goes on to say:

> Given the seriousness of the issues raised, the amounts involved, and the positive response to the 1994-95 audit findings, the lack of progress made by the department is of concern. Audit would have expected that more positive efforts would have been made to expedite outstanding joint use agreements and recover all amounts owed to the department in order to demonstrate a high degree of financial accountability.

In reference to departmental response, he makes note that:

> The procedures document is currently with the Minister for Education and Children's Services for consideration. However, many of the recommendations of the document have already been incorporated into current operations.

My questions to the Minister are:

1. Why has the Minister failed to make more positive efforts to date in relation to this issue?
2. What is the reason for the delay noted by the Auditor-General?
3. What action does the Minister now intend to take and what revenue is being forgone because of the failure of the Minister to negotiate these agreements?

The Hon. R.I. LUCAS: I have been waiting a bit over a year for the Leader of the Opposition to ask this question because much of the problem that has been left with me, as the Minister, was created by the previous Labor Government and the previous Labor Education Ministers. The State Government is a strong supporter of these shared campus arrangements, as was the previous Government. Sadly, some of those agreements, which date back to the early 1980s, were entered into without the previous Government finalising the joint use agreements with the shared partners, so that the proposals went ahead but it was left for somebody else to finalise the joint use agreements.

I have issued instructions that, in future, we do not proceed with joint use shared arrangements until the joint use agreements have been finalised. One of the dilemmas we have with one of these campuses is that every time the department sends a proposed draft from our lawyers the partner finds some problem with it, sends it back and rejects it, and all the time the payment is not being made for some of the facilities.

Secondly, there have been some problems, dating back through the 1980s and the early 1990s, in terms of collecting, from partners, shares of ETSA and EWS accounts because the agreements indicate that the partner should share the payment of water and electricity, for example, as utilities. Evidently, for many years, these accounts were not collected.

When the Auditor-General raised these issues a bit over a year or 18 months ago—I could only agree with him and has staff—we had to try to find all the accounts, in some cases for over 10 years. We found that the EWS (I think) did not keep its accounts going back beyond 1987 and, in some cases, we were having to find what the accounts were predating 1987 so that we could get a share of either the ETSA or EWS account that was being charged.

The Government has spent an inordinate amount of time trying to clean up this mess (I think it is fair to describe it as a mess). It is fair to say that, after 12 to 18 months of trying, the Auditor-General acknowledges the progress that the

department and the Government are making. The most recent advice I have, as of last week, is that we believe final accounts will be issued to the shared partners by the end of this month and next month, and we are very hopeful that, within the next one or two months, all outstanding payments will have been made.

A number of these issues have had to be resolved in the light of not enough detailed information about earlier accounts still being available. The Auditor-General's staff have been advised of the discussions that we are having with the various agencies. I am advised that when this issue was raised last year in the Auditor-General's Report some of the claims about outstanding payments have not in fact been proved to be correct; that is, they were not outstanding payments and they had been paid, but evidently some inefficient accounting practices in some agencies of Government—because these agreements have sometimes involved agencies other than the Department for Education and Children's Services—meant that they have not been able quickly to highlight the invoicing or the receipting of moneys that were received from various non-government partners.

In the broad, I indicate that the Government acknowledges that there have been some significant problems in this area, many of which date back to the period of the early 1980s, through the 1980s and in the early 1990s. We believe that we have now set in place processes for the future to try to ensure that these sorts of things happen much less frequently than they used to during the 1980s and early 1990s.

OUTSOURCING

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before addressing my question to the Attorney-General.

Leave granted.

The Hon. R.R. ROBERTS: On pages 81 and 82 of Part A of the Auditor-General's Report, the Auditor-General concludes:

> . . . because of the operation of the doctrine of Crown immunity and privilege, and the existence of statutory duties and requirements in areas such as health care, prisons, and other areas of traditional Government activity the contracting out of Government services raises complex questions of legal entitlements and risks. If these legal entitlements and risks are not properly understood there is a risk that the agencies concerned will:
>
> - unintentionally and inappropriately by operation of law allow the conferral of Crown immunities upon private contractors; and/or
> - undertake the risk of a legal liability arising from the activities of an independent contractor over which it may have insufficient control.
>
> Having regard to the risks that have been discussed in this section, Audit recommends that a precondition to the contracting out of Government services is the carrying out of a legal risks and liability impact assessment. This assessment should be documented and, in my opinion, should be an integral part of all analyses presented to Executive Government regarding all major outsourcing projects.

Does the Attorney-General agree with the legal analysis of the Auditor-General on this point? Have the legal risks and liability impact assessments routinely been carried out in respect of major Government outsourcing contracts over the past two years and, if not, why not?

The Hon. K.T. GRIFFIN: I received the report yesterday, as did everybody else, and I noted this particular observation. I think it does overstate the position, and I am having some work done on it to determine the extent to which the issues raised by the Auditor-General are real and require the sort of approach to which he refers.

Obviously, if there are issues of Crown immunity and private contractors they will have to be addressed by Government, but I do not think that is the position. However, I do not want the Council to rely only on that belief. I intend to get some advice on it and develop the issue further. Obviously, if it is a problem, we want to address it. I have not been advised previously, as far as I can recollect, that it is an issue which has caused any concern.

After all, when you do contract out, the issue of liability then rests with the contractor because the contractor is actually doing the work, even though it might be contracted on behalf of the Government; and, as with any principal and contractor arrangement, there may be contractual issues which arise and which might impose a liability. However, they are the normal consequences of entering into contracts.

In terms of legislation, the *Bropho* case in the High Court decided very much against Crown immunity in relation to State, Territory or Federal Government activities, and in those circumstances, unless it is specifically provided for, the Crown does not have immunity from liability in many instances at all.

I think that the issue has been overstated by the Auditor-General. I am not in a position to say categorically that I agree or disagree with it, but it is an issue which I will have properly examined and on which I will take proper advice now that it has been raised.

The Hon. R.R. ROBERTS: I more specifically ask the Attorney-General to address the last part of the question.

The PRESIDENT: Is it supplementary?

The Hon. R.R. ROBERTS: Well, the Attorney-General has answered one part but not the second part: has the Attorney-General undertaken risk liability impact assessments in the past and does he intended to do so in the future?

The Hon. K.T. GRIFFIN: In relation to the future, the answer depends upon the advice that I am given. In terms of 'in the past', assessments of risk are made in relation to any project. There may be more than just legal issues that relate to matters at risk.

The Hon. M.J. Elliott: Does the specific question address the question of risk?

The Hon. K.T. GRIFFIN: I will again take some advice on that and let members have a response.

EDUCATION, COST

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Auditor-General's Report.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to Part B, Volume I of the Auditor-General's Report. I note that on page 144 of that volume there is an average cost per full-time student which I understand is based on recurrent payments. I found it interesting to look at that graph and then look at the graph on page 149 which looks at actual staff numbers, teaching, ancillary and public servants. I note that, whilst from 1994 to 1995 there was an apparent increase in cost per full-time student followed by a decrease in 1996, for staffing numbers there was a decline from 1994 to 1995 in all three categories and a continued decline in 1996. The total decline in staffing numbers was significantly greater than the impact shown in expenditure per student.

That begs the question: why is it that recurrent expenditure has gone up and then down marginally when staffing

numbers have been going in one direction, that is, down? Does the recurrent expenditure include separation packages, and are they part of the explanation? If not, or even if it does, what other matters of recurrent expenditure appear to have caused the graph on page 144 to behave in a way that appears contrary to what I understood the major cost of education to be, that is, the cost of staff itself?

The Hon. R.I. LUCAS: I will take that question on notice in terms of the way the graphs move in particular ways and what the component parts are. In relation to the honourable member's suggestion that it includes TVSP costs, my guess is that that is not the case, because that is not paid for by the Department of Education and Children's Services: it is paid by Treasury or Consolidated Account through another budget line. Therefore, it is not part of the Department for Education and Children's Services' budget and is not therefore part of our departmental cost. It could be an indication that one of the issues and points I have made to the honourable member and others is that, whilst people have talked about the Government budget cuts, what we are in effect talking about are reductions against where you might have been heading. It is one of the issues that was talked about in the Federal arena.

When you look at the total amount of money the Government spends and did spend in the various years, you do not see the significant variations in some of the years that are talked about, because there are increases in expenditure in a range of other areas. I have indicated to the Chamber before that areas such as SSO reclassification, which was meant to be a revenue neutral exercise, ended up costing the Government millions more. The Government spends more money in a number of different areas as well. To answer the question in terms of the reasons why the graph points slightly down or slightly up I would obviously have to take some further advice, bring back a response for the honourable member and interpret it in relation to the other graph to which the honourable member referred on page 149 of the Auditor-General's Report.

The Hon. M.J. ELLIOTT: In preparing that answer would the Minister also take into account that student numbers are also declining but at nowhere near the speed of staffing levels?

The Hon. R.I. LUCAS: It would have to. One of the reasons an average cost figure might not vary, stay the same, or go the other way is that, whilst the total numbers of teachers have gone down, they might have gone down and at the same time the total number of students—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: No, that is exactly right. But if you look at the vertical axis of the graph in relation to students—

The Hon. M.J. Elliott: I understand year 8 maths.

The Hon. R.I. LUCAS: Well, I am just helping the honourable member with his maths. When one looks at the vertical axis we are talking about units of 25 000 in terms of numbers. When one looks at the vertical axis of the graph for numbers of staff, we are talking only in units of 2 000. So, the scale of the vertical axis in relation to the graph to which the honourable member refers—and all he has at the moment is a visual impression from the Auditor-General's Report—is in one case some 12 times as great than the vertical scale in the staffing numbers example. They are the issues on which I will take advice. Clearly, if there has been a significant drop in staff and a significant drop in full-time students, they are the key determinants that will determine the average cost per full-time student. I will also take advice on the other issue as to what are the component parts of the recurrent payments calculation, which was the honourable member's first question.

BERRI BRIDGE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Auditor-General's Report.

Leave granted.

The Hon. T.G. CAMERON: On page 905 of the Auditor-General's Report the Auditor-General states that the Berri Bridge project contains a number of elements which are unusual for a public sector capital project. Specifically, the Government has decided to utilise private sector funding to construct the bridge even though, according to the Auditor-General, analysis by the Department of Transport has identified that this will result in higher financing costs over conventional Government funding. Can the Minister detail why the decision was made to use private sector funding when her own department identified that it would cost more? How much more will the bridge cost, and how does this compare to conventional Government funding arrangements?

The Hon. DIANA LAIDLAW: That advice provided by the Department of Transport is some 12 months old, if not longer. The honourable member would be aware that economic circumstances, interest rates and the like have changed somewhat since that time. Today, it would be seen as a better project in terms of risk and cost utilising private sector funds than it was at the time the judgment was made. Nevertheless, the judgment—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: That's what I said: the advice was done 12 or so months ago. The circumstances are better today than they were at the time the Department of Transport undertook that advice, and that is the advice to which the honourable member refers. It is a project which the State Government deemed to be extraordinarily important in the State's development. It was a project that had been promised for years and years and not delivered by the former Government. Therefore, it was a project that the State Government considered should be given some priority. In terms of capital payments and debt it was a project that we thought should be funded over a number of years over a number of Governments and, possibly, a number of generations. Therefore, it was appropriate to use private sector funds, and it is true that those funds come at a slightly higher cost than using capital funds now, but those capital funds were not available for use, and the project would have been delayed.

CROUZET TICKETING SYSTEM

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Auditor-General's Report.

Leave granted.

The Hon. T.G. CAMERON: On page 407 (Part B, Volume I), the Auditor-General states:

> On 1 July 1995, the Crouzet ticketing system was transferred from TransAdelaide to the [Passenger Transport] Board at an estimated current written down value of $5.7 million.

On page 891 (Part B, Volume II), paragraph (e) in the notes to and forming part of the financial statements states:

Transfer to the Passenger Transport Board: the Crouzet ticketing system at a value of $6.6 million, together with an associated debt of $6.6 million.

What is the correct figure? Is it $5.7 million, $6.6 million or some other number? The Minister may need to look at that. It may not be the Minister's problem; it may be the Auditor-General's problem.

The Hon. DIANA LAIDLAW: I will bring back a reply to the honourable member.

The Hon. T.G. CAMERON: What was the original cost of the Crouzet ticketing system?

The Hon. DIANA LAIDLAW: As I recall, it was about $11 million and that was a blow-out figure, but I will bring back that advice. The honourable member would also be aware that it is coming to the end of its life, and the Passenger Transport Board is looking at various alternatives to use as a new ticketing system.

TELEPHONES, MOBILE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to page 132 (Part B, Volume I) and the issue of mobile telephones. The Auditor-General comments that the cost of calls made on the department's 915 mobile telephones is up to 10 times the cost of a wired call. My questions are:

1. Which level of staff members have a mobile telephone, both within the Department for Education and Children's Services and out in the field—teachers, principals, and so on?

2. How is the Minister proposing to control the use of mobiles to continue to provide the flexibility that they offer at reasonable cost, and are there any guidelines for this?

3. If schools are charged direct for mobile telephone calls, as supported by the Auditor-General—I am not sure whether the Minister supports that concept and he might like to comment on it—will school operating grants be increased to cover a reasonable cost of telecommunication?

The Hon. R.I. LUCAS: The guidelines for mobile telephone use are governed by the Department for Education and Children's Services mobile phone policy guideline booklet, which was issued in February of this year because of the issues that were raised about the growing use of mobile telephones in our department, and, I guess, in other agencies as well. That booklet makes explicit the guidelines within which staff have to use mobile phones. Clearly there are broad principles—

The Hon. P. Holloway: Will you provide that for us?

The Hon. R.I. LUCAS: I am pretty sure I can. The document is available to departmental employees, so I do not think there would be a problem, but I will check. There are general principles such as, if a person has access to a normal or standard telephone and that person has a mobile phone as well on their desk, they should use the standard telephone, because it is obviously cheaper to use that phone. We have had to reissue guidelines in relation to that because, with the convenience of mobile phones, people get used to using mobile phones, when it is cheaper for taxpayers for the standard telephone to be used. Nevertheless, as I am sure members in this Chamber would realise, with their use of mobile telephones, they are an extraordinarily convenient technological innovation.

The Hon. T.G. Cameron: You only give us $55 worth of calls at the moment.

The Hon. R.I. LUCAS: I do not give you anything from the Department for Education and Children's Services. Given the Hon. Mr Cameron's considerable personal wealth and the $20 000 electorate allowance that he is provided with by taxpayers every year, I am sure that he is able to meet the onerous cost of his telephone account.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: If the Hon. Mr Cameron wants to plead with me, I would be delighted to share it with the *Advertiser* to see whether it is prepared to support his plea for additional expenses and allowances to pay for his telephone accounts. We are governed by a comprehensive policy, and I will see whether I can make a copy of that available to the honourable member. That policy indicates the range of initiatives that the department and the Government have taken to try to control the use of mobile phones within the department.

As to the level of officer that uses it, it depends. For example, one of the major growth areas has been in schools. For security reasons, staff undertaking lunchtime and morning recess duty have the use of mobile phones because, if they happen to be a long way from all other staff and if there are intruders on the school premises, they need to be able to contact the administration area of the school quickly. Some of our school properties are very big—eight, 10 and 13 hectares in the bigger secondary school properties—and a teacher can be a considerable distance from other adult support in the event of a security incident on school premises. That has been the big growth area in terms of access.

I know that a good number of principals—I am not sure whether all principals—have access to mobile phones. Within our department, it is not just the senior officers but also officers in the security section who have access to mobile phones. If there is a fire at 3 a.m. on a Saturday or Sunday, our security officers are on call, and they go out at 3 in the morning to start the assessment of the damage and the preparation of the school for students for the following day or the following week. Where appropriate, officers down through the middle levels have access to mobile phones. The mobile phone policy document gives some broad guidelines as to which officers are or should be entitled to access to a mobile phone and which ones should not be.

The honourable member's final question was whether a reasonable assessment of funding would go to the schools if a decision is taken to devolve payment of telecommunications costs to schools. The answer to that would have to be 'Yes'. If the Government devolves a responsibility for payment of a function such as telecommunications costs, a reasonable assessment of those costs should go to the schools.

One of the big arguments for schools handling their own utilities costs—power, water and telecommunications—which many principals support, is that, when it comes out of your immediate budget, you are likely to pay much closer attention to the costs. Some of the energy surveys that have been undertaken through environmental audits have indicated power savings of up to 15 or 20 per cent when schools are responsible for the payment of their electricity or power accounts.

LEGAL SERVICES COMMISSION

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Legal Services Commission (page 300, Part B).

Leave granted.

The Hon. R.R. ROBERTS: The Auditor-General noted that the Commonwealth Government has given notice to the South Australian Government of its intention to negotiate a new agreement for the provision of legal aid as of 1 July 1997. The Commonwealth has foreshadowed that it does not wish to provide funding for anything other than strictly Commonwealth matters, which would exclude the vast majority of criminal matters that currently benefit from Legal Services Commission funding. Given that the Commonwealth contributes 60 per cent of the Legal Services Commission's budget of approximately $18 million, my questions to the Attorney-General are:

1. What is the anticipated cut in grants from the Commonwealth Government to our Legal Services Commission, and will those cuts become effective from 1 July 1997?

2. Will the Attorney-General assure us that the overall level of funding to the Legal Services Commission will be maintained in real terms, or are substantial cuts anticipated in the types of services provided by the Legal Services Commission and, if so, what are the details of those cuts?

The Hon. K.T. GRIFFIN: I have already made a number of statements publicly about this issue, including the statement at the time I received the notice from the Federal Attorney-General that the agreement between the State and the Commonwealth was to be terminated that I was amazed that the notice was being given. Under the South Australian/Commonwealth Government agreement one year's notice is required for termination, and the Federal Attorney-General indicated that he intended that the agreement would be renegotiated.

It is quite obvious from the Commonwealth budget that the total amount which the Commonwealth Government is going to make available to legal aid has been cut quite dramatically. If applied proportionately to South Australia, then the cuts would be quite substantial. We have been arguing that South Australia should be getting more than at present from the Commonwealth rather than less, and it may be that, if the Federal Government is immovable in relation to the quantum of money available from the Commonwealth for legal aid, the best approach that we can take is to argue for a larger slice of a smaller cake. All the data does indicate that the South Australian Legal Services Commission operates more efficiently than any other Legal Services Commission, that its rates are lower than may, for example, be paid in Sydney, and that we are under-funded by the Commonwealth.

One of the difficulties is that, previously, Commonwealth matters was the criterion which determined the amount of money that the Commonwealth should make available for legal aid. At one stage the Federal Attorney-General was looking to limit the availability to Commonwealth law matters, and I know that the Commonwealth Attorney-General has been arguing that there is much less money going now on so-called Commonwealth law matters, such as family law matters, than previously and that all that money is going to State criminal law matters. That is a nonsense so far as South Australia is concerned. I do not know what the position is in other States, but in this State the cost of family law matters is three times the cost for criminal law matters—I think that is the ratio in this State.

A substantial amount of money is being spent on a wide range of family law matters, including separate representation for children before the Family Court, which seems to be a bigger problem in South Australia than it is in other States. Already the Legal Services Commission has imposed some tougher guidelines in relation to separate representation. After all, one has to question why in the matter of a divorce should the State be paying for separate legal representation for a child when in fact the court is there to ensure that the interests of the child are paramount, and the parties, the mother and father, are footing their own legal bills. Why should not they foot the bill for the representative of the child?

There are some issues there that are the subject of discussion. It is not correct to suggest that more money is being spent on State criminal law matters than should be. The fact of the matter is that in this State there are more Commonwealth matters, where the Commonwealth has responsibility for individuals who come before the court (such as those on social security, veterans and others), than the Commonwealth is prepared to acknowledge. There have been negotiations between offices. It is on the agenda for the next meeting of the Standing Committee of Attorneys-General, and the ultimate decision will be taken by the Federal Government. But we have tried at the State and Territory Attorneys-General level to focus upon the issues of principle that have to be considered, and not just the issues of finance.

The honourable member has asked whether we would be keeping up the value of money that is paid to the Legal Services Commission. I and the Government have made it quite clear that, wherever the Federal Government cuts special purpose payments, the State will not, generally speaking, be picking up the amount of the cut. The States do not have the capacity to do that. Legal aid may well be in a very sorry state as a result of the Commonwealth Government action. We are trying constructively to work with the Commonwealth to ensure that in this State the cuts, if any, are minimal, and there is still a lot of water yet to pass under the bridge before that issue is resolved.

DECS AUDIT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Auditor-General's Report.

Leave granted.

The Hon. M.J. ELLIOTT: I draw the attention of the Minister for Education and Children's Services to Part B, Volume I, of the Auditor-General's Report, page 132 under the heading 'Audit findings and comments', in particular, a commentary on general financial controls. The Auditor-General comments on matters which were identified in the previous year's audit and which apparently the department had given indications were going to receive treatment, but this year's report seems to indicate that no real progress has been made. Those were in relation to weaknesses in procedures and internal controls with respect to accounts payable, salaries and wages, fee relief for family day care and workers' compensation. Why is it that a matter that was raised the previous year appears not to have received due consideration?

The Hon. R.I. LUCAS: I will provide a more detailed response, but I have followed the department's correspond-

ence in relation to this issue. The department has established an internal audit committee. We have only recently appointed a senior audit manager to try to manage the internal audit process for the department in a manner more acceptable to the Auditor-General and his staff. From my recollection, many of the issues raised by the Auditor-General in this area are specific accounting procedures about checking, receipting of accounts, whether or not various ledgers have been followed in the appropriate fashion, and a range of technical, accounting and management system suggestions that the Auditor-General has made and continues to make in relation to the more efficient operation of the department's financial processes.

The department has acknowledged that in a number of those areas it will try to improve its performance in relation to the management of accounts. To be fair to the staff within the Department for Education and Children's Services, it is an agency with over 1 000 work sites. We have literally tens of thousands of accounts and bills coming into and going out of the department on a regular basis. In terms of total numbers of people, we have over 20 000 people to be paid. It is an enormously difficult task for any department or agency and, as Minister, I am enormously thankful for the hard work that the departmental officers and public servants put in, trying to manage what is a very difficult process. We acknowledge that there are some areas where our accounting processes can be improved and we will seek to do the best we can within the framework, as I said, of now having established, I think for the first time, a significant formal internal audit committee with a senior internal audit person to try to manage our processes a bit better.

If I can be permitted a comment from the position of a Minister having looked at the correspondence going between the accounting people in our department and the accounting people in the Auditor-General's department, there was nothing in the correspondence that I would have described as something of major or even minor scandal proportions. It was along the lines of, 'You need to have these accounting procedures just to make sure that you don't have any major problems, and we're not suggesting that you have anyone fiddling the books, swindling money or embezzling or all those sorts of quite serious allegations.' It was really a question of saying, 'Here are the accounting procedures, and we think your accounting procedures ought to be better than they currently are, better to protect yourself against the possibility of fraud and those sorts of problems.'

I am sure that there is more I can offer, so I will take some advice and perhaps provide a bit more detail to the honourable member in relation to the nature of the issues the Auditor-General has raised with the accounting staff of the Department for Education and Children's Services.

PASSENGER TRANSPORT BOARD

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Auditor-General's Report.

Leave granted.

The Hon. T.G. CAMERON: I refer to the Passenger Transport Board section, Part B, Volume I, page 405. On page 405 the Auditor-General notes a number of specific recommendations to enhance the tender evaluation process. These include re-examining the manner in which whole of Government financial tests are applied, and he states that the Passenger Transport Board should become more productive in soliciting bids from competent operators. In light of these recommendations, does the Minister agree that not enough effort was put into attracting bids for the operation of bus services from competent operators, resulting in a very small number of bids? In view of the Auditor-General's comments, does the Minister still believe that the projected savings promised through the outsourcing of bus services will be met or is she now prepared to review her previous statements?

The Hon. DIANA LAIDLAW: A mid-term progress report on the contracting out of bus services has just been completed. This report was undertaken essentially at the request of the union movement earlier this year and also in my belief that, now we are at the stage of 50 per cent of contracting out of buses, it was appropriate to look at progress to date to see whether we could refine the competitive processes. I intend to release that mid-term progress report very shortly. This same issue that has been raised by the Auditor-General has been considered—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No, the report was prepared by my office and given to me, and I am happy to release that publicly. I told this to the unions, other bus operators and those that tendered in the first round for services to the outer north and outer south, and also those involved in the second round for services to the inner north and north-east, as well as various bus routes to the north-east, and that report will be available publicly.

It was disappointing to note the smaller number of competitive bids for the second round, particularly when one considers that, at the same time, Western Australia was seeking competitive tenders for a number of its services and it attracted many more bidders.

The mid-term progress report I mentioned has assessed that fact, because Western Australia has not required as many specifications to be met by the contractors as is required in South Australia. South Australia's specifications have been required in the public interest and in terms of concerns about taxpayer dollars. It may be that, to attract and win more bidders, as the Auditor-General suggested, we must relax standards and specifications that are there in the public interest, and I suspect that the Auditor-General would not like that, either. So, there is a fine line between doing as the Auditor-General suggests in his report and relaxing the standards to the degree that they now apply in Western Australia.

I support the Auditor-General's views that it would be good to attract more interest, but we must look at what cost that would be achieved. In the meantime, I am confident that we will meet the savings target. TransAdelaide would be keen. It has now reached agreement with the unions in every work place for new practices, but it will not implement those new practices, which involve savings, until there is either a competitive detendered contract or a negotiated contract. The consideration of this mid-term progress report is important in making progress towards those further savings and implementation of those industrial agreements.

ASSETS SALES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to Part B, Volume I, page 131 of the report. The estimates of receipts and expenditure for 1995-96 show that the department expected to receive $12.5 million from the sale of land and buildings against a budget of $15.4 million. The Auditor-General says the revenue was only $5.2 million. Which figure is correct and, given that these deals are planned well in advance, why is there such a discrepancy between the budget and the Auditor-General's figures and, given the size of this shortfall and the negative impact on the capital program, is the Minister satisfied with the way in which the asset sales program is being managed?

The Hon. R.I. LUCAS: The proceeds from sales of land and property are not handled by the Department for Education and Children's Services but by the Department of Environment and Natural Resources. The Department for Education and Children's Services makes the decision to declare surplus a particular site, or part of a site, and we then hand it over to the Department of Environment and Natural Resources for sale. It is fair to say that for the past three or even four years the land market for commercial, residential and other developmental purposes in South Australia has been pretty slow. Therefore a number of school properties, or parts of school properties, have not been able to be sold. That is the first issue.

The second issue is that, in some cases, problems we have entered into with other agencies or bodies have held up the sale of properties. One example I can give is The Orphanage site and the attitude of the Unley City Council. We have a buyer who is prepared to pay the $1.25 million but, because the Unley City Council has taken certain action, we are not able to get that money from that buyer until this financial year, 1996-97. We will not get the revenue from some of those sales until this financial year.

I am satisfied with the process that has been adopted by the Department of Environment and Natural Resources. I do not think it is a criticism of that particular agency. We are looking to see whether that process can be streamlined in some way, but I think the issue really has been the current market in terms of potential purchasers for some of these sales of land and property. I also make the point that the department last year almost fully expended its capital payments budget, and the shortfall was only about $4 million to $5 million out of a total program of over $90 million.

CONSULTANCIES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about consultancies, and refer to page 59, Part B, of the Auditor-General's Report.

Leave granted.

The Hon. R.R. ROBERTS: The Auditor-General states that during 1995-96 the department paid a total of $226 000 to consultants. However, in answer to a question about consultancies asked by the shadow Attorney-General during the Estimates Committees, the Attorney-General personally signed off on a figure of $1 357 548.80 in respect of the total cost of consultants in the Attorney-General's department in the 1995-96 financial year. How does the Attorney explain the apparent discrepancy between these two figures?

The Hon. K.T. GRIFFIN: I will obtain some information and bring back a reply.

COMMON LAW RULE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about the Auditor-General's Audit Overview, Part A.

Leave granted.

The Hon. M.J. ELLIOTT: Has the Attorney-General given any consideration to page 144 of that Audit Overview where the issue of the self-executing operation of the common law rule is raised, and the question whether or not a public servant, when appointed to some other body working in an area of overlap with his or her duties, may find themselves, under common law, as having been deemed to terminate their position in the public sector?

The Hon. K.T. GRIFFIN: In view of the time, I will take that question on notice and bring back a reply.

MATTERS OF INTEREST

STATES, SEPARATION OF POWERS

The Hon. R.D. LAWSON: I speak this afternoon on the further activism of the High Court of Australia in relation to the development, as it appears, of an implied doctrine of separation of powers for the States of Australia. The traditional view has been that strict separation of powers appeared only in the Commonwealth by reason of the fact that the Commonwealth Constitution provides for such a separation. However, as a result of a recent decision in the Kable case from New South Wales, it would appear that at least a majority of Their Honours in the High Court are of the view that there is an implied doctrine of separation of powers in relation to the States.

The case to which I am referring is *Kable v. NSW Director of Public Prosecutions*. The case concerned the validity of a law entitled the Community Protection Act 1994 passed by the New South Wales Parliament. It was an Act which, it was suggested, was passed for the sole purpose of preventing Mr Kable, a convicted offender, from being released from prison and to enable the court to make an order for his detention. It was argued that the law was in fact not a law but really some form of declaration or process and, accordingly, on that argument was not a law of the Parliament at all and was invalid. That argument did not find favour with any of the judges.

The majority judges, however, comprised Justices Toohey, Gaudron, McHugh and Gummow, and those in dissent were the Chief Justice Sir Gerard Brennan and Justice Dawson. The essence of the decision of the majority was that State Supreme Courts are part of an Australian judicial system and that the States themselves do not have unlimited powers in respect of State courts.

As a part of the Australian judicial system, the majority held that State Parliaments cannot alter or undermine the constitutional scheme set out in chapter three of the Australian Constitution. The majority went on to hold that, as courts exercising Federal jurisdiction must be perceived to be free from legislative or Executive interference in the Commonwealth sphere, the same general rules should apply to State courts.

The majority held that the Act of the New South Wales Parliament that was under review had the tendency to undermine public confidence in the impartiality of the Supreme Court of New South Wales and the law was stuck down. It has been reported that this decision will come as a shock to State parliamentarians. As eminent a jurist as Sir Maurice Byers is quoted as being of that view.

In the concluding moments I will mention that I was, however, gratified to see that the High Court in the Western Australian Labor challenge to the electoral laws of that State rejected the challenge, and I will, on a later occasion, inform the Council of the nature of the decision of McGinty against the State of Western Australia.

BALANCE OF PAYMENTS

The Hon. T. CROTHERS: In the short time allotted to me in this grievance debate I want to touch on Australia's balance of payments problems. Currently our balance of payments deficit stands in excess of $180 000 million. Without paying off any of the capital of that, it is costing this nation some $18 000 million dollars per year to service the interest that accrues because of that overseas indebtedness. That is $1 000 per man, woman and child of Australia's slightly in excess of 18 million population.

I understand that many people might say that that is a Federal Government problem and should not be dealt with at the State level. They are wrong when they say that. That problem is a problem for every citizen of this nation, whether they live in the Australian Capital Territory, South Australia or wherever.

Governments at both Federal and State levels and of both political persuasions have endeavoured many times over the years to encourage Australian people to buy Australian made products. Indeed, an association has been set up that regularly publishes lists of products that are made here in Australia. I was appalled the other week when across my desk came a communication which informed me that Australians spend in excess of $2 000 million per year on importing four-wheel drive vehicles.

I note with some delight that the Hon. Mr Davis is in the Chamber, because he told me that Australia did not make commercial trucks at one stage. However, Western Australia builds and produces a four-wheel drive vehicle—and has done for a number of years—appropriately called The OKA. But still we expend $2 000 million on the importation of four-wheel drives.

We spend $17 million per year on the importation of mineral water from overseas. Those facts are staggering. Unless the Australian population understands that it is as much responsible for our balance of payments deficit problem as is any Government of any political persuasion to which one pays dues, we will never solve the problem.

The problem I have with the importation of four-wheel drives (and that is why I highlight it) is that I cannot for the life of me comprehend why, except for perhaps farmers or people who work in rural areas from time to time, it is necessary for the average citizen to spend some $45 000 on purchasing a foreign-built four-wheel drive. It is a status symbol for most people in the city who buy or own one.

Recently I saw an article in *Consumer* which stated that, despite the bull bars and heavy gauge looking build of the vehicle, it is one of the most unsafe vehicles on Australian roads, contrary to popular opinion.

I said earlier that, as far as I was concerned, it was a matter for everyone, and I have asked questions in this House of the Government and of my Federal colleagues about overseas companies coming in and buying Australian owned firms. The fact is that that lends wings to our worsening position in respect of the balance of payments problem, because profits from those totally owned foreign companies are expatriated overseas.

Paul Keating, a colleague of mine, once put the point of view that that was a fallacious argument on my part because the fact that a number of Australian companies owned companies overseas with a head office here and expatriated the profits back balanced the books. However, it does not do so. We are still many hundreds, if not thousands, of millions of dollars in the red, even after putting those matters into balance.

Unless the Australian people understand their role in addressing the problem in a serious way we will not, irrespective of which Government is in power, be able to address the problem.

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

GOVERNMENT ACCOUNTABILITY

The Hon. M.J. ELLIOTT: The issue I wish to address today is the question of accountability of Government both to the public and the Parliament. In the Liberal Party policy speech (pages 18 and 19) in November 1993, the Premier said:

> A Liberal Government will be committed to open and honest Government, fully answerable to Parliament and the people.

A little later in the same speech the Premier said:

> A Liberal Government will ensure that Parliament is strengthened in holding Executive Government to account.

It is quite plain that John Olsen, the Minister for Industry, Manufacturing, Small Business and Regional Development, was very aware and conscious of that need for accountability. I note that, in a report released in June 1995 by the Economic Development Authority entitled 'Guidelines for the private sector on contracting out and competitive tendering', the need for accountability is necessary. On page 12 (entitled 'Confidentiality and intellectual property'), issues of confidentiality in relation to contracts were canvassed at some length. I also note that the Government said that it would seek to avoid disclosing commercially confidential information such as the private organisation's cost structure or profit margins, matters satisfying intellectual property criteria and any other matters where disclosure would substantially commercially disadvantage the contracting firm with regard to its competition and, in normal circumstances, would not make any such disclosure without consulting with the firm involved. What is important is that it then said:

> Ultimately, however, constitutional convention or legislative requirements may result in a tender or contract being tabled in full before the Parliament or parliamentary committee.

It should be noted that Minister Olsen was quite aware that constitutional convention could require that contracts could go to either the Parliament or at least to a parliamentary committee.

I understand that for quite some time now a number of committees have been trying to get access to contracts and, to the best of my knowledge, not a single outsourcing contract has been put before any parliamentary committee

until this time. Late last year and early this year I sought to force the issue because I believe in what the Government talked about—the need for accountability—and that contracts of the size and duration which the Government has been signing recently deserve full and proper scrutiny.

It may be that the contracts are excellent contracts and are good for the State, but my concern is that we need to be sure of that and that further contracts are yet to be signed. I now understand that the Government has approved, through Cabinet, a further contract of between $400 million and $450 million (the contract has not yet been signed but has already been tendered for, as I understand, by some 12 companies) for provision of a number of Government services including building cleaning and maintenance, grounds maintenance and other similar duties. That contract may in fact be let in five tranches, but they are extraordinarily large contracts. I am told that best estimates is a 2 per cent saving, but there are some who already question whether or not there is that level of saving to be had.

It concerns me that further long-term contracts of significant size are about to be signed and yet there has been no scrutiny by the Parliament or by parliamentary committees of the already substantial contracts that have been signed by the Government. I understand the need for confidentiality, and the committees are in a position to ensure that. I note that the Premier, back on 6 February this year, put out a lengthy statement about Government accountability and talked about all the things that were going to happen. I note that the Auditor-General suggests that agreement has been reached between Parties—well, I do not know who told him that because we have not been told for quite some months what is going on—and that he believed that everything would be in place by September. Well, it is not. The Premier put out his release in February to take the heat off. Some members of the Labor Party have backed off and are not insisting on what the Parliament should be insisting on. No accountability exists in South Australia.

The PRESIDENT: The honourable member's time has expired.

PUBLIC NOTICES

The Hon. J.C. IRWIN: Late last week my attention was drawn to the Public Notices published in the *Advertiser* (page 30) of Wednesday, 25 September. There were two notices of interest to me. One was so small you could hardly see it. It was headed 'Traffic Direction, Bay to Birdwood Vintage Car Run' and was inserted by the Commissioner of Police. It directs:

(a) that all vehicles using the North East Road between Memorial Road, Tea Tree Gully and Paracombe Road, Inglewood, and

(b) Adelaide-Mannum Road between Paracombe Road, Inglewood and Common Road, Birdwood shall, between 9.30 a.m. and 1 p.m., proceed in a northeasterly direction only.

I have raised the subject of public notices more than once in this place, but it only falls on deaf ears. In anyone's language, the Bay to Birdwood vintage car run is a major event, both in size and in importance. A three centimetre by four centimetre Public Notice buried on page 30 of the Adelaide *Advertiser* is hardly the best place to inform the people in the north-eastern suburbs, or indeed the motoring public generally who may be moving around on a Sunday, that all traffic between those hours must go in only one direction, let alone, with the number of participants in the rally—and they are considerable—how to get access across the North East Road.

This sort of notice for a major South Australian event, although the notice may comply with the Act and its regulations, is totally inadequate. By chance I spoke to two very senior international visitors in Adelaide for the LETA Conference who knew nothing about the Bay to Birdwood run. When they did find out about it they could not find out from Saturday's *Advertiser* or the *Sunday Mail* where they could see the event. I looked at that myself, and I agree with that. For a major event such as this, why cannot we have a front page strip notice publicising the event, the route that it takes and warning the public, as much as anything, of the inconvenience of a road closure of this size. Of course, there is a cost to that, but there is also a very large benefit.

Once again the Gumeracha council is displaying a total disregard for the parking regulations, exemplified again this year by parking signs used for the Bay to Birdwood invasion of that area—and I mean 'invasion' in the sense that it actually wanted the invasion, not that it was hostile—that have no legal standing whatsoever. 'Police parking' and 21 'no-parking' signs on plastic strips were in some of the streets, as they were last year, with no legal backing whatsoever. When will someone take notice and, more importantly, act on the hicksville parking regulations that we enjoy in this State? Incidentally, the Bay to Birdwood notice carries these wonderful words from the Police Commissioner:

I hereby direct that all vehicles using [various roads] comply with the following directions.

The notice is so small that I do not believe any conscientious vehicle would ever find it, let alone read and understand it.

The second Public Notice to which I wish to refer is again on page 30 of the same *Advertiser* and concerns the Glenelg council's temporary road closures for the following: roadworks; Bay to Birdwood; National Reunion; and International Tattoo (which is later in the year)—all made by its Mayor pursuant to section 59 of the Summary Offences Act. I point out that section 59 of the Summary Offences Act only allows directions from members of the Police Force to regulate traffic. A road closure is a prohibition, not an act of regulation. Parked vehicles are not traffic and, if the parking of vehicles is to be temporarily regulated, restricted or prohibited, then, except in the case of roadworks in a municipality, regulation 11 of the Local Government (Parking) Regulations 1991 should be complied with.

In the case of roadworks in a municipality, if traffic is to be regulated or parking prohibited, section 323 of the Local Government Act must be complied with. In that case the necessary notice should already have been published in the *Gazette* as the Thursday *Gazette* is sometimes not available until after 9 o'clock the next day and, these days, only by cash purchase at the State Information Centre.

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

MULTICULTURALISM

The Hon. P. NOCELLA: I refer to the speech delivered in this Chamber by the Hon. Sir Eric Neal, Governor, on the occasion of the opening of Parliament earlier this week. I listened carefully; I read the printed copy. I have not found any reference whatsoever to the large section of our population which is generally referred to as the multicultural community and which consists of a number of ethnic minority groups that together constitute a sizeable portion of our population. This is consistent with a number of other events that have taken place to which I will refer in a moment

but which is also starkly inconsistent with statements made late last year at the launch of the declaration of multicultural principles. A number of lofty statements were made about the importance of the multicultural community and our society as an inclusive society which, of course, I share but which, unfortunately, find no correlation in practice. It is a very sad reflection that this situation is replicated in a number of areas. I can mention some for the benefit of members.

Yesterday, I referred to the fact that the Overseas Qualifications Board has been allowed to languish in some sort of suspended animation because of the failure to appoint members, the delay in appointing executive officers and the failure to specify resources to allow it to function. This is replicated in the area of education where the South Australian Institute of Languages was sacrificed on the altar of a new centre for languages which has not delivered anything and, according to some informed people, cannot deliver anything. It is replicated in the area of health where centres of excellence (particularly in the case of mental health) which have been built over time in order to assist people have been disbanded in deference to the principle of decentralisation. This has ignored the fact that, unless you have in certain areas a critical mass, you never get to that point of efficiency, excellency, and so on.

In the case of racial vilification the episode is a sad reflection of the fact that the opinion of those who should have been listened to has been ignored. This is a scene which describes a badly downgraded situation where the aspirations of a large group of people have not been considered and where, if they are considered, they are rejected and relevant opinions not heard. Electoral campaigns and contributions to campaign funds are allowed to interfere with good governance of the State. To that effect, I seek leave to table a document.

The ACTING PRESIDENT (Hon. T. Crothers): The honourable member's time has expired, but the question must be decided whether leave is granted for him to table a document.

The Hon. R.I. LUCAS: I would like to know what the honourable member seeks leave to table. Generally, the Government is very flexible in terms of allowing members to table documents. But if this is a document which, for example, covers a range of issues that are defamatory or which makes a series of allegations, I would ask the honourable member to discuss the issue with either me or the Attorney-General beforehand. There will be other opportunities for him to seek leave to table a document if he wishes.

The ACTING PRESIDENT: Does the honourable member accept that offer?

The Hon. P. NOCELLA: Yes.

The ACTING PRESIDENT: I take it that leave at this stage has not been granted.

The Hon. R.I. Lucas: The honourable member has agreed not to proceed.

ADELAIDE CITY COUNCIL

The Hon. L.H. DAVIS: Much publicity has been given to the sorry state of the Adelaide City Council, and legislation is being introduced to replace the council with a commission of three persons for a period of three years. I will not comment on this legislation which will be before the Council shortly, but it is appropriate to comment on the challenge which faces the City of Adelaide. The sadness is that the city has been allowed to unravel over a long period of time. Adelaide is the tiredest capital city in the nation. The streetscaping, signage, trees, flowers and street furniture have been neglected for far too long. The city council must accept responsibility for this lamentable state of affairs, but successive State Governments should also accept that there is a shared responsibility in maintaining, marketing and managing the fabric of the capital city which, after all, is the calling card for the rest of South Australia.

I am pleased that the Adelaide 21 project's recommendations are being acted upon. Adelaide 21's objectives are neatly summarised in a recent newsletter from what is styled as the Adelaide Partnership, formed in late July to implement the recommendations of Adelaide 21, as follows:

> As a vehicle to drive the City of Adelaide into the next century it aims to maintain and lift momentum, draw people together for shared purposes, break impasses and ensure key tasks are delivered. More importantly, it is fresh and new, non-bureaucratic in style, credible, future orientated and open and accessible.

Mr Ilan Hershman is the Acting Chief Executive of the Adelaide Partnership, having previously been CEO of the Adelaide City Council. The council, in its bloody mindedness, had earlier proposed to form its own committee to implement the Adelaide 21 recommendations in parallel with a committee established by the State Government. Mr Hershman's appointment forced an embarrassing backdown by the council and avoided a stupid and childish duplication of effort.

One of the important challenges facing the Adelaide Partnership is the promotion of the City of Adelaide and the State of South Australia. At present, there is wasteful overlap among several groups. SA Tourism Commission, Rundle Mall Committee, Adelaide Convention and Tourism Authority, Central Market, Department for the Arts and Cultural Heritage, local precinct groups and various tourism operators all work to market Adelaide, but to date there has been no strategic and coordinated promotion of Adelaide.

The Adelaide 21 report recommends the creation of the Adelaide City Marketing Authority which will develop and promote a marketing image for Adelaide and coordinate and facilitate the marketing initiative of key stakeholders. Most importantly, it will promote Adelaide to South Australians and encourage them to have greater pride, confidence and belief in the Adelaide city centre. Adelaide is the last mainland capital to adopt a strategic plan to carry the city into the next century.

There is much catching up to be done. Our premier commercial precinct, Rundle Mall, has been left languishing for far too long. I have severe misgivings about the current refurbishment, but will reserve judgment until it is completed. However, it is unforgivable to be able to gaze on metres of soursobs and weeds on the deserted overway linking the Richmond Hotel and the Renaissance Centre. It is also unforgivable that South Australia's premier cultural precinct, North Terrace, has been neglected for so long. Rusting poles, inappropriate signage, poor streetscaping, Sulo bins and a generally unloved feeling are quite unacceptable. I am alarmed the Adelaide 21 final report envisages the proposed refurbishment of North Terrace will not be completed until the year 2001.

Visitors form an indelible impression of a city which they take back with them to their home in South Australia, interstate or overseas. I suspect that visitors would be underwhelmed by what they saw in Rundle Mall or North Terrace in 1996. North Terrace should be a jewel in Adelaide's crown, with its magnificent range of cultural

institutions adjacent to one another, but that jewel has been tarnished for far too long.

The State government should also address as a matter of urgency the doughnut effect which is obvious in Adelaide. Adelaide is the only capital city in Australia with a vacancy rate in office space in the central business district which is at record levels. What makes that statistic even worse is that, unlike other capital cities, very little new office space has been built in Adelaide during the 1990s. Adelaide's business district, important retail hub and cultural precinct must not be allowed to decay. That is the immediate challenge for the State Government, the yet to be appointed commissioners of the City of Adelaide and the Adelaide Partnership team.

AUSTRALIAN NATIONAL

The Hon. R.R. ROBERTS: I rise to make some comments about the recent protest meeting held at Port Augusta in respect of the findings of the executive summary of the Brew report. The executive summary was acquired only after exhaustive pressure was put on the Federal Government in the Senate. This has caused great consternation for the people of Port Augusta, and the protest rally was about jobs for AN workers and a future for the children of Port Augusta. I was present at that rally, which was very well attended. There were some very noticeable attendances, but there were some very noticeable absences. I noted that, to his credit, Graham Gunn turned up at the meeting, although not too many people recognised him at first. In fact, most people thought that Ralph Clarke was Graham Gunn, and that is because he has visited Port Augusta on more occasions than the local member. A couple of people asked him where his wig was.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: I noted that there was an apology from the State Minister for Transport, who was in Port Lincoln. It has been revealed today that one of the reasons she was not there is because she is fully briefed on the Brew report. I noticed that the people of Port Augusta are absolutely pissed off with all Governments—

The ACTING PRESIDENT: Order! That is unparliamentary language. I ask you to withdraw that expression and use more appropriate language.

The Hon. R.R. ROBERTS: They are totally disgruntled with both the State and the Federal Liberal Governments.

The ACTING PRESIDENT: Order! The honourable member must withdraw that word.

The Hon. R.R. ROBERTS: Yes, I have. They have been promised everything by these people but they have been given nothing. The Hon. Diana Laidlaw would not turn up to the meeting and Barry Wakelin was also an absentee, and some of the reasons for their absence are very obvious. During the last State and Federal elections, these people trotted up to the AN workshops and made some core promises. One of those core promises was that they would support the retention of the AN workshops at Port Augusta and Islington, but where were they when the Brew report came out? Where are they when the people of Port Augusta are demanding commitment from the State and Federal Liberal Governments to maintain the Australian National rail workshops? They made those core promises to the people of Port Augusta prior to the Federal and the State elections. But they are sadly lacking.

The State Minister for Transport has said that she cannot comment on the full Brew report because it has not been released; yet she does not support the full release of the Brew report. How are people in Port Augusta to make a sensible contribution to the debate and to reinforce a future for their kids—a right they have earned in over a hundred years of blood, sweat and tears on the railways. Half those railway lines are stuck down with the blood and sweat of the people of Port Augusta, but the State Government and the Federal Government are prepared to throw that away.

The people of Port Augusta are looking for commitment and leadership. They want it from the State Minister for Transport and from the Federal Minister for Transport. They are sick to death of core promises being broken at a State and Federal level. This Minister will not give a commitment to the people of Port Augusta that she will demand the full release of the Brew report. She will not give a commitment that she will fight tooth and nail to keep those railway workshops open at Port Augusta and at Islington, despite that fact that during the last two election campaigns she and her colleague went to Port Augusta and promised the people of Port Augusta that they would support it.

The people of Port Augusta want leadership—from their local member and from the State Minister for Transport—and they want to see John Sharp turn up. He went there with Barry Wakelin and promised the people of Port Augusta all sorts of things. Those people gave the State and Federal Liberal Governments a mandate to do what they promised: to support the retention of those workshops in Port Augusta and at Islington. These people demand and they have a right to a future in railways. They have a right to demand support from the State Minister for Transport and from the Federal Minister for Transport.

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

ADDRESS IN REPLY

The Hon. R.I. LUCAS (Minister for Education and Children's Services) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open Parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. L.H. DAVIS: I move:

That the Address in Reply as read be adopted.

I am pleased to move the adoption for the Address in Reply. The speech of His Excellency the Governor (Sir Eric Neal) dealt with many subjects. I wish to speak about the history of mining in South Australia and current developments. Before doing so, I should like to pay tribute to the outgoing Governor of South Australia, Dame Roma Mitchell. Her humanity, enthusiasm and keen interest in the broader South Australian community made her one of the South Australia's most loved and respected Governors, and I know that all members in the Legislative Council wish her well in her retirement from that position. I also welcome her successor, Sir Eric Neal, whose practical and widespread business background will be a most valuable asset.

Mining in South Australia has a fascinating history. It is not well known that the first mineral exports left South Australia before European settlement in 1836. Salt was first mined in 1829 on Kangaroo Island, and 20 tonnes was taken from saltpans on Kangaroo Island and shipped to Launceston seven years before settlement by Colonel William Light. South Australia was fortunate in having Johannes Menge offering his services as a geologist to the newly formed South Australia Company in May 1836, and he arrived at Kangaroo Island in January 1837 with a specific instruction to select suitable land for 'quarries, limestone and slateries', superintend their operation, and also 'pursue the discovery of all kinds of mines—lead, copper, gold and silver.'

That was a far-sighted move, because in 1841, when the fledgling colony of Adelaide was in some trouble, silver-lead was discovered at Glen Osmond, a few miles from Adelaide, admittedly accidentally, and became the colony's first mine—indeed, arguably, the first commercial mine in Australia. It was only shortly thereafter, in 1842, that there was the extraordinary discovery of very valuable copper deposits at Kapunda, followed closely by Burra in 1846, Wallaroo in 1860 and Moonta in 1861. Gold has never been of major importance in South Australia, although—and, again, a little known fact—the first authentic discovery in Australia of gold was, arguably, made in 1846 at the Victoria Mine near Castambul, east of Adelaide.

Menge continued to work in the colony looking for precious stones and minerals. He is reputed to have discovered South Australia's first opal near Angaston in 1840. It was not until 1915 that opal was discovered at Coober Pedy. Uranium ores were discovered in 1896 at Nicholls Knob and Mount Ogilvie and mined at Radium Hill as early as 1906. The early 1860s really saw the peak of what would be styled as a mining mania in South Australia.

I will review those very early days and look at the development of mining in Kapunda, Burra, Wallaroo and Moonta and what it meant to the colony of South Australia.

Messrs C. Bagot junior and Francis Dutton, quite independent of each other, discovered copper about 45 miles north of Adelaide in the county of Light, and purchased the land—they kept it secret—which became the famous Kapunda Mine. With the mine in Kapunda underway it was not long after that a shepherd, Thomas Pickett, discovered the Burra Burra Mine in 1845, where the South Australian Mining Company set up what has been described by Messrs Brown and Mullins in their book *Country Life in Pioneer South Australia* as a miniature welfare State, because the company leased land to the miners, where they built their cottages and chapels. They took sixpence per week from every miner's wage, which went towards paying for a health scheme. The miners and their families received free medical treatment. The miners bought meat from the abattoirs established by the company. They also drew their water from wells owned by the company.

The company also created the first company housing in Australia, which is now known as Paxton's Cottages. Today they are used as very popular accommodation for tourists. A farm was established where hay was grown for the draught-horses, Burra is a fascinating town because it was originally in fact, five towns: Kooringa (which was the Aboriginal word for sheoak), Aberdeen, Hampton, Redruth and Copperhouse, Kooringa being the private town of the South Australian Mining Company. In fact, copper mining was so profitable that in 1851 there were 5 000 people living in Burra. Only 18 000 were people living in South Australia.

In 1851 Burra was the seventh largest population centre in Australia. It was bigger than Brisbane and also bigger than Perth. It has a fascinating history, much of it still accessible to the visitor today. A number of miners saved money on housing by building dugouts in the bed of the Burra Creek. The chimneys were often a problem: goats often fell in, people tripped over them and boys, being boys, would often drop stones down them. It was estimated that in 1851, when Burra's population peaked, around 2 600 people were living in up to 600 dugouts. Those dugouts can still be seen by visitors today.

But in 1852 gold was discovered in Victoria, and there was a massive exodus of almost every fit, able-bodied male, particularly from mining centres around Australia, who sought their fortunes at the Victorian gold fields. The numbers at the Burra Burra mines dropped by two-thirds from over 1 000 to about 350 people, and then eventually down to 100; and the miners did not come back for another three years, when the gold fever had subsided. This, of course, created a problem in the town. By the 1860s the Burra mine was struggling and people were leaving the town. However, many of them were leaving for the new discoveries of Wallaroo and Moonta.

South Australia was fortunate in that there was this continuity in mining. With the experience and expertise gained at Burra, many of the miners made the trek overland to Wallaroo and Moonta, which were not too far away at the top of the Yorke Peninsula.

The Burra mine continued to struggle and closed finally in September 1877 when, sadly, 300 men and boys were given just a day's notice.

The Moonta and Wallaroo mines were very successful operations, helped by the fact that, as I have said, many of the leaders in those two mines had come from Burra.

Copper was discovered in Wallaroo late in 1859 by a shepherd on the pastoral lease of Hughes and Duncan, and Hughes secured the leases over the discovery, which was named the Wallaroo mine. That name is from the Aboriginal Wadla-waru, which unfortunately means wallaby's urine, so Wallaroo does not have a prepossessing origin.

Four Burra miners were engaged to commence mining operations in 1860. Hughes, with Elder, Stirling and Co., which later became Elder, Smith and Co., joined together to create the Wallaroo Mining Company, a private company with around 200 shareholders.

In the period from 1860 to 1900, Wallaroo was generally a very profitable operation, particularly in that first decade when the price of copper was very high. In 1865 the annual production of copper was 26 000 tonnes, which is a very large production when one considers that Roxby Downs' production currently is around 84 000 tonnes. 1865 with 26 000 tonnes was the peak year.

The mine did extraordinarily well between 1870 and 1875 also, when around 1 000 men and boys were employed. They continued to mechanise the mine, and by 1876 there were five operating Cornish engines at Wallaroo, which was the largest number of engines to operate at any one time on a mine in Australia.

But from there it was all downhill. Copper prices fell, costs built up as the company had to go lower in search of ore and they ran out of high grade ore. The Moonta mine, which had first been surveyed in March 1863, eventually amalgamated with the Wallaroo mine in 1890. But it was still a very large operation—these amalgamated Moonta and Wallaroo companies. These companies employed an average of 1 900

people during their 33 years of existence, with peak employment reaching 2 700 in 1906. It is a significant number of people, and three times the number of people employed at Roxby today, given the highly automated nature of mining.

The Moonta mine, as I noted, had also developed at around this same time, slightly later than Wallaroo. The miners, many of them coming from Burra, were very optimistic about the future at Moonta and built themselves comfortable cottages, many of them having lived in dugouts. The Moonta mine also contributed to the prosperity of South Australia.

Up until the year 1900 most of the pumping, winding and dressing plants were powered by the famous Cornish beam engines, the technology and inspiration for which had been brought to Australia by Cornish miners. Much of the Protestant ethic that is inculcated deep into the South Australian community is associated with those thousands of Cornish men and women who came out to help develop these mining operations in the second half of the nineteenth century.

But after 1900, the Wallaroo mine was modernised and underground production declined. There were fires in the mine; there were continual difficulties with production; and, even with modernisation, it was becoming more difficult, particularly after the First World War began. They had had a relatively good period up until the First World War, and when that war began, not surprisingly there was an increase in the demand for copper, but after the war ended in 1918 there was a very sharp fall in copper prices. That really marked the end of the mine operation at Wallaroo and Moonta.

Finally, in November 1923, 2 000 workers refused to accept a severe cut in wages; this merged company went into voluntary liquidation; and so the operation, begun 63 years earlier, was finished. In that period from 1860 to 1923, the total production of the Wallaroo mine had been about 160 000 tonnes of copper, valued at £9.7 million, a significant contribution to South Australia's economy.

I seek leave to have inserted in *Hansard* a table of a purely statistical nature which shows the value of metals and ores produced in South Australia and exported from South Australia in the period 1851 through to 1900.

Leave granted.

Divisional Return showing the value of metals, ores, etc., produced in S.A. and exported from S.A., and as percentage of all goods produced and exported in S.A. (values in pounds)
Statistical Register of South Australia (various editions from 1850 to 1900)

	Gold	Copper	Lead	Copper Ore	Lead Ore	Regulus	Spelter	Manganese Ore	Tin Ore	Silver Lead	Matte	Iron and Iron Ore	Bismuth and Bismuth Ore	Total Value of Exported Metals	Total Value of All Exports of S.A. Produce	Metals as % all Exports
1851		195 945	-	102 309	1 592	11 070								310 916	540 962	57.5
1852		161 847	-	200 301		12 630								374 778	736 899	50.9
1853		113 235	36	63 112	361									176 744	731 595	24.2
1854		35 312	-	56 784	425	2 310								94 831	694 422	13.7
1855		67 383	80	80 724	3 650	3 720								155 557	686 953	22.6
1856		248 460	-	156 351	377	2 854								408 042	1 398 367	29.2
1857		290 739	-	141 285	23 855	2 960								458 839	1 744 184	26.3
1858		250 042	-	104 780	14 200	4 260								373 282	1 355 041	27.5
1859		289 841	5 710	101 745	8 068	5 654								411 018	1 502 165	27.4
1860		331 775	8 275	89 130	2 480	14 877								446 537	1 576 326	28.3
1861		294 572	4 426	133 749	300	19 125								452 172	1 838 639	24.6
1862		400 591	981	124 263	2 266	19 518								547 619	1 920 487	28.5
1863		447 944	525	83 263	9 007	1 655								542 394	2 095 356	25.9
1864		637 791	121	38 125	13 107	2 480								691 624	3 015 537	22.9
1865		433 795	133	184 677	1 507	-								620 112	2 754 657	22.5
1866		584 509	2 991	225 683	11 318	-								824 501	2 539 723	32.5
1867		627 384	5 465	113 409	3 353	560	1 182						2 061	753 414	2 776 095	27.1
1868		400 691	5 670	207 519	1 245	7 851							1 045	624 021	2 603 826	24.0
1869		371 566	4 471	250 259	296	-							560	627 152	2 722 438	23.0
1870		394 919	4 089	173 861	21	-				70			1 130	574 090	2 123 297	27.0
1871		518 080	5 497	119 903	-	-	369						4 720	648 569	3 289 861	19.7
1872		680 714	-	122 020	2 327	-	138						1 168	806 367	3 524 087	22.9
1873	293	635 131	20	133 371	-		-						1 775	770 590	4 285 191	18.0
1874	4 175	557 306	-	136 530	332		-					20	1 960	700 323	3 868 275	18.1
1875	7 034	578 065	-	175 101	66		-					-	2 120	762 386	4 442 100	17.2
1876	9 888	427 403	14	164 597	215		-		455			-	200	602 772	4 338 959	13.9
1877	-	397 602	295	165 408	120		1 533		141			-	-	565 099	3 922 962	14.4
1878	1 225	252 206	-	155 381	-		937					8	-	409 757	4 198 034	9.8
1879	90	217 186	90	134 202	-		1 401					812	-	353 781	3 957 854	8.9
1880	-	233 374	-	112 773	-		1 091					8	1 960	349 206	4 829 577	7.2
1881	880	263 370	-	154 926	1 182		200	-	-	-	-			420 558	3 643 402	11.5
1882	3 080	259 884	-	195 686	2 111		845	664	-	-	-			462 270	4 187 840	11.0
1883	10 534	234 780	-	140 545	13 757		395	2 079	360	-	-			402 450	3 487 827	11.5
1884	15 409	287 753	-	181 477	5 898		1 117	236	-	-	-			491 890	5 292 222	9.3
1885	18 295	194 090	137	128 893	1 496		547	893	100	-	-			344 451	4 385 599	7.9

Divisional Return showing the value of metals, ores, etc., produced in S.A. and exported from S.A., and as percentage of all goods produced and exported in S.A. (values in pounds)
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1886	32 535	172 330	18	58 538	602		248	10 985	24	-	-			275 280	4 489 008	6.1
1887	72 003	186 624	123	53 709	1 800		535	5 144	16	-	-			319 954	5 330 780	6.0
1888	34 205	252 627	1 973	72 600	2 550		180	3 507	-	1 000	975			369 617	6 984 098	5.3
1889	37 305	212 933	2 942	82 355	2 332		825	5 107	340	2 900	1 614			348 653	7 259 365	4.8
1890	20 808	155 417	-	71 575	8 452		261	7 023	-	-	20 987			284 523	8 827 378	3.2
1891	27 380	182 142	-	53 175	1 787		227	1 725	68	-	500			267 004	4 685 313	5.7
1892	26 097	132 040	334	43 485	521		367	1 526	-	-	-			204 370	3 232 259	6.3
1893	12 561	208 967	185	58 080	420		731	6 359	-	-	-			287 303	3 295 475	8.7
1894	33 401	208 639	34	1 963	-		472	517	-	-	2 921			247 947	3 347 464	7.4
1895	26 060	226 494	39	1 607	11		322	146	-	-	-			254 679	3 537 751	7.2
1896	14 350	219 052	707	3 150	-		404	-	-	194	-			237 857	3 269 612	7.3
1897	39 020	238 277	1 146	4 640	-		118	-	-	1 522	-			284 723	2 484 140	11.5
1898	10 676	244 865	3 806	3 992	-		218	-	-	950	-			264 507	2 487 009	10.6
1899	15 582	406 208	3 782	24 682	-		352	118	-	400	-			451 124	3 945 045	11.4
1900	14 494	371 920	4 382	22 526	-		-	-	-	17 526	-			430 848	3 610 517	11.9
	487 380	15 733 820	68 497	5 408 219	143 407	111 524	15 015	46 029	1 504	24 562	26 997	848	18 699	22 086 501	163 795 973	13.5

Source: Statistical Register of South Australia (various editions from 1850 to 1900)
Please Note that exports include goods exported to other colonies (States after 1901), as well as to overseas countries

The Hon. L.H. DAVIS: This table is interesting in that it underlines the significance of mining, particularly in the early 1850s. In fact, in 1851 and 1852 over 50 per cent of all South Australia's exports came out of mining. That figure declined quite dramatically in 1853 and 1854 when many men went off to the goldfields. It continued to be a significant contributor overall to South Australian exports. Roughly 25 per cent of South Australian exports were mining products from the period 1855 through to 1870-1871, and thereafter it continued to fall into single digits. In fact, in 1890, when there was a severe downturn in the economy, mining exports fell to only 3.2 per cent of the total value of exports out of South Australia.

Having dealt with the history, I now turn to the present and briefly refer to the annual report of the Department of Mines and Energy for 1995-96, because it highlights the exciting renaissance of mining in South Australia. I could pay one tribute to the former Labor Government, and there are not many, and it was that it had the foresight—I suspect largely through the initiative of the Department of Mines and Energy—to conduct extensive aero and radiomagnetic surveys of South Australia to establish potential regions of mineralisation. That effort, which has been continued apace by the current Liberal Government since 1993, has borne fruit.

The mineral exploration in South Australia for calendar year 1995 was $20.8 million—that is the highest level for 10 years. In fact, the projection is that in 1996-97 there will be expenditure commitments of around $30 million, and a record number of drilling proposals have been approved by the Mines and Energy Department of South Australia to date. The value of South Australian mineral and petroleum production for calendar year 1995 was $1.246 million—up 7 per cent on the value of mineral and petroleum production for the calendar year 1994.

It is interesting to compare the table I have recently had inserted in *Hansard*, which underlines the significance of copper and copper ore to the South Australian colony in the second half of the nineteenth century, with the main contributors to mining and petroleum production in calendar year 1995.

The leader amongst South Australian mineral and petroleum production in value terms in 1995 was natural gas, valued at $345.3 million; copper was valued at $291.5 million; crude oil, valued at $119.2 million; LPG, $103.1 million; condensate, valued at $85.1 million; coal, valued at $61 million, and that, of course, is the Leigh Creek coalfields, where the coal is used in the Port Augusta power station; uranium oxide, valued at $32.4 million; iron ore, valued at $24.8 million; and, surprisingly for some, gold, valued at $15.4 million, reflecting the commitment of Western Mining to gold production along with its uranium and copper out of the massive Roxby Downs deposit.

It is interesting to look at the enthusiasm of the Department of Mines and Energy as reflected in this report, where it states:

> The South Australian exploration initiative (SAEI) continues to contribute to an upsurge in company exploration in areas of the State targeted by the initiative, realising our belief that the SAEI would generate exploration activity and ultimately development. In the long-neglected Gawler Craton, exploration licence coverage is at record levels, with significant discoveries being made and companies moving towards definable mineable gold resources at several prospects.
>
> National and international promotion of the State's prospectivity was intensified throughout the year. This succeeded in attracting 10 new mineral explorers to South Australia, ranging from small companies through to major national exploration groups. The momentum is continuing and, since the end of June, further discoveries have been announced, as has a $1.25 billion expansion at Western Mining's Olympic Dam operations.

And that is the subject of my next comment. It is 14 years since the debate on the Roxby Downs indenture took place in this Chamber. It is remarkable to see what the Labor Party and the Australian Democrats said at the time. I quote from the *Hansard* of 21 July 1982 and an exchange that took place on 4 June 1980 in the House of Assembly between Mr Gunn and the then Leader of the Opposition, Mr Bannon. The report is as follows:

Mr Gunn: And you do not support the mining and export of uranium from Roxby Downs?

Mr Bannon: No.

Mr Gunn: As Premier, you would stop that project?
Mr Bannon: I am opposed to it.

Then, on 5 March 1981, Mr Bannon, in an interview on *Nationwide*, a television program, said:

> Take the case of Roxby Downs: we have never, as a Party, opposed exploratory work. We have never opposed drilling to find out what mineral resources there are, but at the point when commercial mining operations take place, that is the point we say, 'Judge the facts objectively,' and at the moment we would not permit it.

Now that breathtaking logic is a bit like saying, 'It is all right for you to put up a shop in a mall but we do not want you to stock it and sell from it. You can go and spend millions of dollars putting drill holes down and finding gold and uranium copper but, my goodness me, when you come to mine it, we will tell you right now that you have done your money cold.' And, of course, in 1980 and 1981, and then finally when the Bill came—

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: I have touched a very raw nerve—

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! Mr Cameron, we do not interject overmuch during the Address in Reply debate.

The Hon. L.H. DAVIS: Correct.

The Hon. J.C. Irwin: You treat it like a maiden speech.

The Hon. L.H. DAVIS: That is right. In 1981-82, Mr Bannon, as the Leader of the Opposition, went on record bitterly opposing the Roxby Downs development.

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: You're different. Then, of course, we had the Australian Democrats. We had the Aeroplane Jelly Party—the Australian Democrats. We had Heather Southcott, the then member for Mitcham, saying to the House of Assembly in June 1982:

> I would like to reiterate my Party's position on the Roxby Downs project. The Democrats are in favour of mining the copper, gold and rare earths at Roxby Downs on three conditions: that the associated uranium is returned as mine fill and is not sold; that the terms of the Indenture Bill ensure a fair and economic return to the people of South Australia; and that the environment is properly cared for and the health of the workers is safeguarded.

That is a modest quote. I could have been harsher on Heather Southcott, but I will not be. The late Hon. Lance Milne, whom we all loved very much, respected and admired, was on this issue, let us say, uncertain. On 15 June 1982 he said:

> We have to remember that Roxby Downs is unlikely to produce anything substantial for at least five years, probably 10.

He really did not believe that Roxby Downs would ever happen. He was in the John Bannon camp, which of course was most famous for that memorable quote, which even the Hon. Terry Cameron would shrink from, when John Bannon described Roxby Downs as 'that mirage in the desert'.

We can now look back at those quotations from the Democrats and the Labor Party—and there were many of them—and look at the reality of what has happened. The Roxby Downs deposit at Olympic Dam was discovered in 1975. Interestingly, Olympic Dam was built during the Melbourne Olympic Games in 1956, which is why it is called Olympic Dam. In 1975 the massive ore body was discovered. In 1979 a joint venture was formed between Western Mining and BP and in 1982, because Norm Foster resigned from the Labor Party and crossed the floor of the Legislative Council in a historic moment, the indenture agreement between the joint venturers and the South Australian Government was ratified.

In 1982 the Whennan shaft, named after the miner who sunk the shaft, was completed and in June 1988 production commenced at that mine. So, it has now been in operation for eight years. It is exciting to see what has been achieved in that time. Olympic Dam, situated 560 kilometres north of Adelaide, produces—

The Hon. R.R. Roberts: You are reading from a tourist brochure.

The Hon. L.H. DAVIS: No, I leave that to you, Ron. I am not reading from a tourist brochure. I will show you the brochure later if you like. I am reading from an information manual from Western Mining. If you are that interested, I am happy to give it to you.

The Hon. R.R. Roberts: It would not be biased, would it?

The Hon. L.H. DAVIS: The Hon. Ron Roberts continues to pour scorn on Roxby Downs. The Labor Party has not learnt from history. It is deriding this project, treating a serious discussion with derision. That is why—

The Hon. T.G. Cameron: Give us the source of the document.

The Hon. L.H. DAVIS: I have given you the source of the document.

The ACTING PRESIDENT: Order! It seems that my comments about interjectors have encouraged members on the Opposition benches to want to behave bigger and better in an interjecting sense than the others. I call on them to cease interjecting.

The Hon. L.H. DAVIS: Thank you for your protection, Mr Acting President. Olympic Dam now has a current production of 84 000 tonnes of copper and it is planned that this production could rise to as much as 200 000 tonnes of copper by the year 2001—less than five years away.

Western Mining recently announced the go ahead for a $1.25 billion expansion at Olympic Dam. That is the largest single investment that Western Mining has made in its 63 year history. Olympic Dam is the sixth largest copper mine in the world. It is the largest uranium ore body in the world. It is an ore body which can be mined for centuries. This expansion will create more than 1 000 construction industry jobs from mid-1997 and an additional 200 permanent jobs at the mine and the plant. Roxby Downs now has a population of 3 000 people and that can reasonably be expected to increase to around 3 500 people by the time this expansion is completed. This expansion will be significant.

As I indicated, copper production will expand from 84 000 tonnes to 200 000 tonnes in the year 2001. Annual uranium production will expand from 1 500 tonnes of uranium ore concentrate to 3 700 tonnes, more than double. Gold will lift from 30 000 ounces currently to 75 000 ounces and the production of silver will also more than double, lifting from 400 000 ounces of refined silver to some 950 000 ounces. This will of course require amendments to the indenture agreement first ratified in this Parliament in 1982 because the existing indenture was negotiated for a project of only up to 150 000 tonnes annual production. Already, only eight years after start up, the company has come back to the Government to say it wants to expand production from 84 000 tonnes of copper to beyond 150 000 tonnes as contained in the indenture to 200 000 tonnes of copper. This, of course, will give the Labor Party a chance to collectively issue a public *mea culpa* because, presumably, on this second time around it will

accept the merit of the argument and accept the amendments to the indenture agreement.

I have always been impressed with Western Mining's commitment to the environment and on a visit there it was clear that the company paid more than lip service to the environment, taking a close interest in the flora and fauna. It has been said on more than one occasion that the animals and birds of Roxby Downs are probably better off than they were before Western Mining arrived. Roxby Downs is an example of the prosperity that can be created by mining in South Australia. Recent discoveries and reports from the Gawler Craton area would suggest that that region too may one day become a significant employer of labour and a contributor to South Australia's production and exports. One also cannot forget the magnificent contribution made to this State's economy by oil and gas and the central player in that area—Santos Limited—which is headquartered in South Australia.

My focus this afternoon has been on the history and importance of mining to early South Australia. It is clear that the discovery of mines early in the history of South Australia arguably rescued the fledgling colony from bankruptcy. Now history may well be revisited as mining helps the South Australian economy recover from the devastating impacts of the State Bank, SGIC and Scrimber fiascos, which were the product of the previous Labor Government.

The Hon. J.C. IRWIN: I second the motion and seek leave to conclude my remarks.

Leave granted; debate adjourned.

The Hon. K.T. GRIFFIN: Mr Acting President, I draw your attention to the state of the Council:

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That, for this session, Standing Order 14 be suspended.

The procedure has been adopted in recent times to allow consideration of other business before the Address in Reply has been adopted.

Motion carried.

AUDITOR-GENERAL'S REPORT

The Hon. K.T. GRIFFIN: I move:

That the Report of the Auditor-General 1995-96 be noted.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

EQUAL OPPORTUNITY (APPLICATION OF SEXUAL HARASSMENT PROVISIONS) AMENDMENT BILL

The Hon. CAROLYN PICKLES: I move:

That the Equal Opportunity (Application of Sexual Harassment Provisions) Amendment Bill 1996 be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: PROSTITUTION

The Hon. BERNICE PFITZNER: I move:

That the report of the Social Development Committee on an inquiry into prostitution be noted.

In April 1992, with the demise of the Gilfillan Bill, the Social Development Committee was asked to report and make recommendations on prostitution in South Australia. At that time the committee had before it other terms of reference, namely, HIV/AIDS, family leave provisions and rural poverty. The original terms of reference for the current inquiry were expanded and the committee resumed taking evidence in February 1995.

The committee completed taking evidence in January this year, after only 18 months. That was a tremendous effort on the part of committee members, and I thank them for their diligence. I pay tribute to the research officer, Margaret McColl, who joined us midway through the inquiry, in February 1996, and who completed the draft report with our many changes. I also thank the committee secretary, Robyn Schutte, for her administrative efforts because the taking of evidence was rather difficult and the debate intense. I thank the *Hansard* staff for their patience during, at times, a vocal discussion and questioning.

During 1995 I travelled with two other members of the committee to Melbourne, Sydney and Canberra. Approval for the committee to formally visit these States was denied but we went as independent members of Parliament to visit brothels and street beats and to talk to prostitutes, brothel managers, health workers and State Government officials. I do not think you could call our trip a travel rort. Further, five members and the secretariat of the committee visited four Adelaide brothels, also unofficially, in order to talk to operators and prostitutes.

During the course of the inquiry the committee heard evidence from a broad range of individuals and organisations. In total, 62 people appeared as witnesses before the committee and provided more than 600 pages of evidence; and written submissions were received from 17 organisations and 14 individuals. The committee would like to thank all these people for their interest and the time that they were willing to give to the inquiry. In particular the members of the committee appreciated the candour which was expressed by witnesses on this very sensitive but important topic.

The Social Development Committee consisted of Mr Stuart Leggett, Mr Michael Atkinson, the Hon. Terry Cameron, the Hon. Sandra Kanck, Mr Joe Scalzi and me. Members' opinions were wide-ranging, varying from the total prohibition of prostitution to total decriminalisation. Therefore it is no surprise, with such a divergence of opinions, that there is a majority report by three members—the Hon. Terry Cameron, the Hon. Sandra Kanck and me—and two minority reports, which I will discuss later.

Since 1980 there have been four attempts to change the laws on prostitution in South Australia with the introduction of private members' Bills, and all four Bills failed to find majority support in the Parliament. Despite this, the community continues to believe that the current laws on prostitution are in need of change. Indeed, the Social Development Committee members were unanimous in agreement that our present laws were unworkable and ought to be changed.

In April 1995 an *Advertiser* poll found that the majority of South Australians believed that there should be changes to the current legislation, with 51 per cent stating that the industry should be legalised. While legalisation is not the view that the Social Development Committee has taken, it is recommending changes to the current laws relating to

prostitution in this State. The committee reached this decision after lengthy deliberation on the issues involved in changing the current legislation.

Despite the wide range of opinions offered by witnesses on various aspects of prostitution, the consistent view has been that current legislation must be changed. The committee reached a majority position supported, as I said, by Hon. Terry Cameron, Sandra Kanck and me, and has proposed a model for legislative change appropriate for South Australia. We have called the model 'Exemption and Expiation', and a draft prostitution Bill has been drawn up in line with the basic tenets of this model. The exemption and expiation model of legislative change continues to support society's view that prostitution is not an acceptable occupation, but it also recognises that systems based on prohibition or suppression have not proved successful in eradicating the sex industry in Australia.

Under the proposed model, illicit prostitution will be an offence, that is, prostitution that occurs in unregistered brothels or in unregistered escort agencies or from street soliciting. Brothels and escort agencies which meet certain specific criteria in the draft Bill will be exempt from prosecution and will be allowed to operate provided they obtain planning approval and registration. I will refer to the criteria for planning approval and registration in more detail later.

Under the exemption and expiation model, prostitution remains a criminal offence if it occurs in unregistered brothels and escort agencies, although prostitutes and clients will be given the opportunity to expiate the first offence. Street soliciting will remain illegal but, similarly, both prostitutes and clients will be able to expiate only the first offence. After these first offences the potential for criminal penalties will apply. In addition, severe penalties will be imposed for criminal activities such as child prostitution, coercion, intimidation and drug-related offences.

The proposed Bill includes a code of health and safety for registered brothels and escort agencies. This includes mandatory testing for sexually transmitted diseases, use of prophylactics, and measures to protect prostitutes against violent and dangerous clients. To protect against commercial exploitation there is a requirement that sex workers be paid a minimum of 50 per cent split of the fee charged to clients. The exemption with expiation model can be seen to have several advantages over other models of legislative reform. These advantages include the maintenance of criminal penalties for serious offences such as coercion, child prostitution and the sale of illegal drugs; redirection of police resources to more serious breaches of the law instead of targeting the major brothels of Adelaide; removal of the stigma of criminal conviction for prostitutes, making it easier for them to leave the industry when they so wish; improved accessibility to the sex industry by health professionals; improved monitoring of sexually transmitted diseases within the industry; and reduction in court costs and time when compared with the prohibition or suppression models of prostitution legislation.

I will quickly outline in more detail some of the general issues of concern that confronted the committee during the prostitution inquiry. There is no doubt that prostitution has proved an enduring institution throughout the centuries of human history. It has survived periods of both repression and tolerance. In Australia it was an integral part of our colonial history and was widely tolerated by successive colonial administrations. Because of the Federal nature of the Constitution and the political structures that evolved over time, the various State jurisdictions have developed differing laws on prostitution; however, no Australian State has adopted a policy of total prohibition. Traditionally, the law in Australia has targeted activities associated with prostitution in an attempt to contain the industry. In recent years several Australian States, including our own, have re-examined their prostitution legislation, which was largely framed in the first half of this century. They have sought to find the most appropriate legal framework for the conditions that currently prevail in these individual States.

In the past five years Victoria, New South Wales, Northern Territory and the Australian Capital Territory have passed Bills to implement new laws. These laws have given rise to different systems for the regulation of prostitution in those States and Territories. In Western Australia a Parliamentary select committee has just completed an inquiry, and Cabinet has recommended that new legislation be drawn up to cover all facets of the sex industry in that State. Last February in Queensland the incoming Police Minister announced a review of their current prostitution legislation. So, it can be seen that most States in Australia have been concerned to develop more up-to-date and more appropriate laws to regulate the sex industry as we head into the twenty-first century.

The committee considered some of the moral and social issues that surround this very complex issue of prostitution. In fact, the committee heard evidence from many religious and philosophical organisations on this issue. Opinions varied over what should be done in terms of future legislation. At one end of the spectrum there were those who would maintain or even strengthen the legislation in terms of prohibition or suppression; at the other end there were advocates of decriminalisation who sought to remove all references to prostitution from the legal statutes. However, despite these differences, the view that prostitutes should be treated with compassion was unanimous.

Invariably, prostitutes come from the most disadvantaged sectors of society. The committee was provided with a great deal of evidence outlining the lives of those who currently work in the prostitution industry. For example, a recent survey of 74 female prostitutes in Adelaide found that the majority of these women did not engage in paid employment other than sex work, and a significant number had been on social security benefits. A large number had not completed high school and had limited job opportunities elsewhere. There was general agreement on the undesirable nature of criminal penalties which are currently applied to prostitutes, particularly as they are not applied equally to their clients. A criminal record can act as a major deterrent for those prostitutes seeking to leave the sex industry as it is hardly conducive to finding alternative employment. As one witness to the committee argued, under the current legislation a criminal record is a likely outcome for many Adelaide prostitutes, particularly those working in brothels. This has implications for their future lives and those of their family. This witness described the current system as 'a cycle of despair and stigmatisation'.

The committee has recommended that, under the majority draft prostitution Bill, prostitutes working in registered brothels and in registered escort agencies should be exempt from prosecution. This will make it easier for those workers to find alternative employment if they decide to leave the sex industry. If sex workers continue to work in establishments that are unregistered they will be given the opportunity to expiate a first offence, thereby avoiding a criminal record;

however, after the first offence they will be liable to prosecution and criminal penalties. The committee has included such provisions in the majority draft prostitution Bill in order to discourage sex workers and clients from continuing in the illegal sector of the industry. As mentioned, these penalties will apply equally to the clients of the sex workers who continue to work in the illegal sector.

Several witnesses spoke of the inequitable nature of the current situation where a client is rarely charged with a prostitution-related offence. A lawyer from the Equal Opportunity Commission stated that it should come:

> . . . as a great surprise to those who are interested in equality in law, equal treatment of the law, to find out that the brunt of society's opprobrium in respect of [prostitution] falls onto women. If you look at the statistics produced by both police and the Office of Crime Statistics. . . you will see that it is quite clear that women are reported and convicted far more often than men on prostitution related-offences.

The majority draft prostitution Bill will allow for equality in law for both clients and prostitutes.

One of the major objections to emerge from the moral and philosophical debates on prostitution was the notion that any relaxation in the law might be seen as a State sanctioning of the industry. The proposed legislation should not be seen as an attempt to give approval to the sex industry in South Australia. However, it is my firm belief that, while prostitution should not be encouraged, its existence must be acknowledged and stringent controls placed on how and on where the industry is allowed to operate. Indeed, the committee has sought a regulated system, which will protect prostitutes in terms of occupational health and safety, and one which will also be acceptable to the standards of the general community.

As I have already mentioned, there is strong community support for changes to the current prostitution legislation in this State. However, several witnesses to the committee, including those from local councils felt that this should include safeguards to protect householders from excessive noise or other disturbances should a brothel or escort agency be located nearby. The committee was concerned to limit these types of disturbances and has included provisions in the Bill that will restrict the location of these establishments.

Brothels or escort agencies may not be situated in residential areas, nor within 100 metres of a church, school or place used for the care, recreation or education of children. The exception to the 100 metre rule is in relation to the central business district of Adelaide, where they may be within 50 metres of church, school or place used by children. The supply of alcohol and illicit drugs to prostitutes or their clients will be prohibited in all registered brothels. In addition, members of the public who occupy residences in the vicinity of a brothel or escort agency may apply to the Magistrates Court for an injunction if they should experience nuisance related difficulties.

Under the majority draft prostitution Bill, the siting of brothels and escort agencies will be a local council decision, with approval from the Development Assessment Commission. However, councils will be given clearly defined parameters in which they may grant planning approval for brothels and escort agencies, and safeguards against the development of a red light area have been included. A council will be able to refuse planning approval if an inappropriately high concentration of brothels was sought in the one area, therefore addressing the concern of the red light district system.

The South Australian Police Department gave its account of the last few years of Operation Patriot, which is the task force currently investigating prostitution related offences in this State. Members have already received a copy of the South Australian Police report, which was released last year. In relation to the policing of the sex industry under the current law in South Australia, it has been obvious for some time that the police have been given an impossible task. In 1991, in its report called Operation Hydra, the National Crime Authority stated that, despite rigorous efforts by the police to implement the law, there was no real probability that prostitution would be eradicated. At that time, the NCA recommended a review of the legislation. That was in 1991.

In its 1995 report, the South Australian Police Department argued that the current prostitution laws were not only inadequate but that much of the legislation was unenforceable in the context of South Australia in the 1990s. As mentioned already, while some legislation dates back to the turn of the century, most prostitution related laws are contained either in the Criminal Law Consolidation Act 1935 or the Summary Offences Act 1953. In evidence to the committee, the police argued that this legislation was based on the historical notion that all prostitutes were streetwalkers. They argued that it was inadequate to deal with the contemporary sex industry, which can be highly sophisticated and has the potential to become one of the State's major areas of organised crime.

They provided evidence that a link already exists between the sex industry and criminal groups in South Australia. Although this does not appear to be of the dimensions experienced in some other Australian States, committee members agreed with the police that their resources should be employed in the prevention of crimes such as drug trafficking, money laundering and trafficking in stolen goods, which have been associated with the industry. The committee was told by witnesses from the Police Department that, with real powers, they could reduce the level of criminal activity and prevent the infiltration of organised crime as has occurred in other States.

By establishing registered brothels and escort agencies, which are subject to strict regulation, the police would be able to turn their attention to the areas of serious criminal offence instead of being required to use much of their time and resources in the apprehension of prostitutes. The committee has recommended that police be given increased powers to enter premises, whether operating as a registered or unregistered agency under the legislation, for the prevention of serious crimes.

The committee has recommended other safeguards against criminal groups, establishing a hold on the sex industry in South Australia. The majority draft prostitution Bill includes requirements that owners and operators of brothels and escort agencies register their names and addresses, as well as those of any directors, if the operator is a body corporate, and that owners and operators are fit and proper persons to be involved in the business of a brothel or escort agency. Anyone who has been convicted of offences relating to child prostitution, child abuse, illegal immigration, the sale or possession of drugs, or intimidation, violence or coercion will be disqualified. The Registrar will be able to refer an application for registration or renewal of registration to the Commissioner for Police for investigation. In addition, no person will be allowed to own more than one brothel or one escort agency, although there is provision in the Bill for a person to apply to operate an escort agency out of a registered brothel.

The police have estimated that, while approximately 500 prostitutes are currently working in South Australia, 75 per cent of these work in the escort sector of the industry. Although brothels offer a safer working environment in terms of protection from violent clients, some evidence presented to the committee suggested that escort work was preferred by some prostitutes. Several witnesses argued that this was because the current strategy of Operation Patriot was to target brothels, and sex workers were more liable to prosecution when working in brothels. In fact, police evidence confirmed that under the current legislation it was difficult to obtain prosecutions in the escort sector of the industry.

Other measures have been included to discourage the operation of illegal or unregistered brothels or escort agencies, and the majority draft prostitution Bill includes a maximum penalty of $20 000 or six months imprisonment for owners or operators who are convicted of operating an unregistered brothel or unregistered escort agency. These conditions would apply to any business involved in illicit prostitution, including so-called massage parlours which offer sex services for payment.

The committee heard evidence which suggested that street prostitutes were often among the most disadvantaged working in this industry. They are often young, often homeless, and some were addicted to drugs. However, members were unanimous that street soliciting should remain illegal. The public nuisance aspect of street soliciting was referred to by many witnesses to the committee, and most were not in favour of any relaxation of the laws to legitimise this sector of the sex industry. Moreover, evidence suggested that the incidence of public soliciting is relatively minor in Adelaide compared to some Australian States. Under the majority draft prostitution Bill, both clients and street prostitutes will be given the opportunity to expiate a first offence.

The report has emphasised the plight of young under-aged prostitutes in particular, some in their early teens, who live as well as work on the streets. Many of these young people are homeless and engage in what youth workers have called sex for favours.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. BERNICE PFITZNER: I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ANZ EXECUTORS & TRUSTEE COMPANY (SOUTH AUSTRALIA) LIMITED (TRANSFER OF BUSINESS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to transfer certain business of ANZ Executors and Trustee Company (South Australia) Limited to ANZ Executors and Trustee Company Limited; to amend the Trustee Companies Act 1988; and for other purposes. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

This Bill has been requested by ANZ Trustees to enable it to rationalise its operation in South Australia. Two ANZ companies are trustee companies under the South Australian Trustee Companies Act 1988. These companies are ANZ Executors and Trustee Company Limited, referred to in this speech as ANZ Trustees, and ANZ Executors and Trustee Company (South Australia) Limited. ANZ Executors and Trustee Company (South Australia) Limited is a subsidiary of ANZ Executors and Trustee Company Limited. ANZ Executors and Trustee Company (South Australia) Limited was originally authorised to act as a trustee company by Act of Parliament in 1985 and ANZ Trustees was authorised to act as a trustee company by the Trustee Companies Act 1988.

ANZ Trustees wishes to amalgamate the operation of both companies under the umbrella of ANZ Trustees, and the most efficient method of achieving this is by an Act of Parliament to transfer the trusts, agencies, assets and liabilities of ANZ Executors and Trustee Company (South Australia) limited to ANZ Trustees. The alternative to an Act of Parliament is for ANZ Trustees progressively to combine the operation of the two companies and run down the South Australian subsidiary. This would involve the company in keeping duplicate accounts for many years to come.

It would be necessary for the South Australian company to continue to act where the company has been appointed as the executor of a will or as the donee of a power of appointment, unless the company could arrange for new wills and powers of appointment to be made. This may not be possible in many cases, for clients may not be able to be contacted or may not have the capacity to make new wills or powers of attorney. ANZ Executors and Trustee Company (South Australia) Limited has agreed to the enactment of this Bill. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the Bill and, in particular, defines the trust business of the ANZ Executors & Trustee Company (South Australia) Limited (the subsidiary) that is being transferred to the ANZ Executors & Trustee Company Limited (the parent company).

Clause 4: Transfer to parent company of subsidiary's trust business and appointments

On the commencement of this proposed Act, the trust business of the subsidiary as at that date is transferred to and vested in the parent company. The consequential effects of the transfer are as follows:

- in each case where the subsidiary is acting as a trustee, the parent company is appointed as the trustee in place of the subsidiary;
- the subsidiary must account to the parent company for all assets and liabilities and obligations held or to which it is subject in its business as a trustee.

The production of an official copy of this proposed Act is conclusive evidence of the transfer of the trust business of the subsidiary and all property held by the subsidiary as a trustee to the parent company and of their vesting in the parent company. Any such copy of this proposed Act will (in relation to land or marketable securities) operate as a duly executed transfer by the subsidiary to the parent company of that land or those securities.

Clause 5: Evidence

If an application is made by the parent company to register the vesting of property in the parent company and the application is accompanied by—

- a certificate under this proposed section; and
- the appropriate certificate of title or other instrument,

the Registrar-General must give effect to the vesting by registering the parent company as proprietor of the property.

A certificate under the seals of the parent company and the subsidiary to the effect that the estate of specified persons in land specified in the certificate is an estate vested by this proposed Act in the parent company is, for the purposes of—

- an application by the parent company to be registered under the *Real Property Act 1886* as the proprietor of that estate pursuant to the vesting; and
- an application by the parent company or a successor in title of the parent company to bring land under the *Real Property Act 1886*; and

- a transfer, conveyance, reconveyance, mortgage or other instrument or dealing in respect of land; and
- creation of an easement or other interest in respect of land (whether or not under the *Real Property Act 1886*),

conclusive evidence of the matters so certified.

SCHEDULE: Amendment of Trustee Companies Act 1988

The *Trustee Companies Act 1988* is amended by striking out from schedule 1 of that Act 'ANZ Executors & Trustee Company (South Australia) Limited'. This amendment is required as a consequence of the passage of this Bill.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 6.35 p.m. the Council adjourned until Thursday 3 October at 2.15 p.m.