LEGISLATIVE COUNCIL

Wednesday 27 November 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Industrial and Employee Relations (President's Powers) Amendment,

MFP Development (Miscellaneous) Amendment,

Motor Vehicles (Demerit Points) Amendment,

Superannuation Funds Management Corporation of South Australia (Liability to Taxes, etc.) Amendment.

LOCAL GOVERNMENT (CITY OF ADELAIDE) BILL

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the sixth report of the committee.

QUESTION TIME

SCHOOL COMPUTING EQUIPMENT

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 school computers.

Leave granted.

The Hon. CAROLYN PICKLES: Members will recall that on 24 October the Opposition raised the concern that schools were unable to order computer equipment and engage staff for courses being planned for 1997 because of a lack of information about the DECSTech program. The Minister said that he had an excellent scheme for schools and that members should 'stay tuned'. We are still tuned, and one month later there has been no announcement. School principals are saying that equipment acquisitions and courses for next year are now being compromised because no details are available. The Opposition has been told that there has been a delay of about four months completing a leasing agreement to be used by schools to obtain computer equipment because the deal could breach anti-competition legislation. The Opposition has also been informed that the program has been delayed as a result of intervention by the Premier who wants to rearrange the DECStech budget to give him a good news announcement about the amount available for the purchase of desktop computers. My questions to the Minister are:

1. Why has the Minister's department failed to provide school principals with details of arrangements for the purchase of equipment in time for the 1997 school year?

2. How much will be available for the purchase of computers?

The Hon. R.I. LUCAS: We will be making an announcement in the near future—certainly before the end of term four and well in time for 1997. A range of issues has had to be worked through by Department for Education and Children's Services' officers in conjunction with the Department for Information Industries. The Government has announced a sum for the computer subsidy scheme of $4 million per annum. That is the estimate that has been publicly made at this stage in relation to the $15 million first year of the DECStech strategy. The Government has looked at the various components of the $15 million strategy. Clearly, the $15 million will continue to be part of the budgeted announcement for DECStech 2001.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: In an earlier question the Leader of the Opposition tried to suggest that people have been prevented from purchasing computers. No-one is prevented from purchasing computers. Indeed, a number of schools has continued with their purchases during term four on the basis that they—

The Hon. Carolyn Pickles: They are waiting for you to get your act together.

The Hon. R.I. LUCAS: Some are waiting for the Government's announcement; others, however, are not and have proceeded—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The difference is that this Government will be giving them something which your Government, in almost 20 years, did not deliver. I can assure the honourable member that, when this Government delivers the program in the near future, it will be a lot shorter period than the 20 years the Labor Government took to deliver any assistance for computer subsidies and computer support.

SPORTS INSTITUTE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Recreation, Sport and Racing in another place on a world class sports institute at The Parks.

Leave granted.

FORESTS, SOUTH-EAST

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement from the Minister for Primary Industries in another place on maximising the value of the State's South-East forests and the report of the Forest Review Steering Committee.

Leave granted.

WOMEN'S STATEMENT

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: I also seek leave to table the Women's Statement 1996—'Focus on Women'.

Leave granted.

The Hon. DIANA LAIDLAW: The statement confirms that over the past three years the Liberal Government has provided women with increased opportunities to participate and influence decision making and has ensured that a fair allocation of resources are devoted to women's needs. Previously a women's budget document was produced. When

first implemented it was an important initiative but its focus on financial allocations by Government agencies did not provide an adequate mechanism for monitoring achievements across all agencies in relation to women.

Over the years the women's budget became an ineffective tool with many people and agencies expressing frustration because the old system did not enable them to report the enormous impact of activities which involved minimal financial outlay. Real achievements do not necessarily cost a lot of money and outcomes for women are often quality issues. Indeed, it is interesting that most States and the Commonwealth have or are now in the process of reviewing their women's budget documents. In this State a benchmarking study was undertaken in 1995 by the Office for the Status of Women and the Department of Treasury and Finance, aided by an officer seconded by the Department of Industrial Affairs.

From the outset it was envisaged the project would identify, in a benchmarking context, critical errors of performance in relation to women as customers of Government agencies. This work was to be underpinned by a consultancy commissioned by the Commonwealth/State Government Ministers' conference on the status of women. The national consultancy found an absence of benchmarking partners as Australian organisations and Government agencies have not yet developed adequate performance indicators recognising women as a discrete group of customers. However, the work by the Office for the Status of Women and the Department for Treasury and Finance highlighted best practice issues by agencies in South Australia.

All Government agencies were asked to consider the manner in which they identified the needs of women as customers and to report on policies and initiatives set in place to meet their needs. Generally the response was excellent. Further work and consultations undertaken by the Office for the Status of Women has resulted in the Women's Statement, which highlights Government initiatives and strategies that are working to achieve best practice in the delivery of programs and services designed to enhance the status of women. Over 50 such initiatives are highlighted across a range of portfolios revealing the diversity of programs available across the State.

I am particularly pleased to report today that transport agencies in South Australia are proving to be leaders in best practice initiatives for women in Australia.

- TransAdelaide, for instance, is the first public transport agency in Australia to analyse its customer base from a perspective of women and now recognises such information is invaluable in operating in a competitive market.
- The Department of Transport conducted a Family and Work project with an early outcome being a most successful user-pays vacation care project, held last September school holidays for children (5 to 12 years) of Department of Transport staff.

The Women's Statement focuses on outcomes and provides a mechanism for Government agencies to document the policies and initiatives put in place to ensure women's needs are met. As such it also serves to encourage agencies to address the needs of women in the program and budget planning process. The Women's Statement is presented in four sections:

- the Government policy framework for women in the Status of Women Program;
- women in decision-making—with an analysis of the gender composition of Government board and committee membership;
- best practice highlights within selected portfolio areas; and
- statistical information on women's employment in the public sector.

I am very pleased to advise that currently women represent 30.5 per cent of the membership of category 1 and 2 Government boards and committees, an increase of over 4 per cent—and now since this Government was elected we have the highest percentage of any State in Australia and indeed the Commonwealth. The Office for the Status of Women is working with the Institute of Company Directors to present a 'Women as Leaders' seminar. The seminar will introduce a panel of successful women board members, identify the specific needs of women and introduce aspiring board members to the institute, its members and its programs. After comments by the Chairman of the ANZ bank (Mr Mercer) over the weekend this initiative by the Office of the Status of Women and the Institute of Company Directors in South Australia will be particularly relevant. Women are not only—

The Hon. Anne Levy: Have you closed your bank account there?

The Hon. DIANA LAIDLAW: I do not have a bank account there.

The Hon. Anne Levy: I wish I did so I could close it!

The Hon. DIANA LAIDLAW: I did think of making the same statement, but I was not able to do so. Women are not only the majority of our population in South Australia (52 per cent) but they also form the majority of the South Australian public sector (56.9 per cent). I am pleased to announce that since 1993 there has been a 77.3 per cent increase in the number of women employed at executive level in the South Australian public sector and over a quarter (27.5 per cent) of all senior officer positions, including executives, are now women. (Women represent 19.3 per cent of all executive officers employed under the Public Sector Management Act.)

The Women's Statement will be available for access on the Internet. It is available today—

The Hon. Carolyn Pickles: Have you tabled it?

The Hon. DIANA LAIDLAW: I have tabled it.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: That has been tabled.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: It is on the Internet now.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Go to the Women's Information Switchboard but, yes, copies are being printed. The Women's Statement will be available for access on the Internet and on disc through the Women's Information Service Home Page. A number of hard copies are currently being produced—I think about 1 000—and will be available through the Office for the Status of Women. (The Internet address is http://www.wis.sa.gov.au).

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: We should be able to. What about the public library?

The PRESIDENT: Order! Please avoid the responses across the Chamber. If members want responses, direct them through me.

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 State's right of veto over the closure of non-metropolitan train services.

Leave granted.

The Hon. T.G. CAMERON: Yesterday the Minister told Parliament that the continuation of the Indian-Pacific, Ghan and Overland services as well as the operation of South Australian grain lines cannot be guaranteed and all depend on the outcome of the Australian National privatisation process. Section 9 of the Railway Transfer Agreement states:

(1) The Australian Minister will obtain the prior agreement of the State Minister to—

(a) any proposal for the closure of a railway line of the non-metropolitan railways: or

(b) the reduction in the level of effectively demanded services on the non-metropolitan railways.

And failing agreement on any matter to which this clause relates it will be determined by arbitration.

My question to the Minister is: will the State Government use this right of veto under the Railway Transfer Agreement to protect jobs and these rail services which make a major contribution to the State's economy?

The Hon. DIANA LAIDLAW: For the honourable member's benefit, I will read again the relevant section from the ministerial statement that I made yesterday on this matter.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Well, this answers the question. So you did not read it. I stated:

It has been argued that the South Australian Government should frustrate the reform process announced by the Commonwealth Government by immediately invoking provisions of the Rail Transfer Agreement 1975. However, at this time, the Government prefers to adopt a more constructive path by working with the Commonwealth, not against it, to achieve a positive result in the shortest possible time frame. The work force has already faced enough uncertainty, and they deserve our best endeavours, not political grandstanding... Resorting to arbitration at this time would simply increase the uncertainty by delaying the inevitable. Of course, arbitration remains an option—

I repeat, arbitration remains an option—

but simply as a last resort if all else fails—but I do not anticipate such an outcome.

BREW REPORT

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —a question about the Brew report implications on grain.

Leave granted.

The Hon. R.R. ROBERTS: Yesterday, I asked the Minister for Transport a question about rail lines in South Australia and what would be the likely effect on the level of effective services to grain producers in South Australia. The Brew report, which was commissioned by the Federal Liberal Government and which apparently forms the basis for the decisions to privatise Australian National, has never been publicly released. Without public access to the Brew report, the claims about Australian National and its future under private ownership made by the Federal Minister for Transport and his close political colleagues in South Australia are just assertions, which may not even reflect the content of the report or the advice received by the Government.

When questioned some time ago the Minister explained that she had a copy of the Brew report, but she said that, at that stage, there was an embargo by the Federal Minister on releasing the Brew report. As decisions have now been made on the recommendations of the Brew report, my questions are:

1. Is the Minister now in a position to release a copy of the Brew report?

2. If the Minister is not in a position to release the report, what action is she taking to lobby her Federal counterpart to have that report released now so that people in the industry who will be affected by the decisions to privatise Australian National can now test the recommendations against the results of the considerations?

The Hon. DIANA LAIDLAW: As the honourable member would be aware, the recommendations have already been released. That was done with the release of the executive summary of the Brew report in August, as I recall, and the honourable member will see that there is a considerable difference between what is contained in the recommendations and the reform package released by the Minister on Saturday. As I indicated in the statement yesterday, a lot of work had been undertaken by the South Australian Government and others in terms of the nature of that reform package, including regional development funds, and the establishment in Adelaide of the national track access system and the rest. I did not commission the report; it was commissioned by the Federal Minister and the Federal Government. So, I will have to seek advice about the release of the report, and I will do that.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: The full report, yes.

HILLCREST PRIMARY SCHOOL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to make a ministerial statement on the subject of Hillcrest Primary School.

Leave granted.

The Hon. R.I. LUCAS: I wish to provide members with an update on the major redevelopment at Hillcrest Primary School, but more specifically the removal of asbestos at the school as part of the redevelopment. As the project manager for the project is Services SA, most of the information has been provided by officers from Services SA.

The potential for asbestos on the site and the need for removal was identified at the design stage of the redevelopment project. The tender documents and final contract documents defined the scope and procedural requirements for asbestos removal. Both sets of documents include an asbestos register, which identified asbestos components on site and the location as marked on plans. The architectural consultant's drawings define the items with reference to the asbestos register to be removed. The specification outlines procedures for removal, with reference to statutory requirements and procedures.

The site contained two types of non-friable asbestos: flue pipe material in the toilet block; and traditional rigid asbestos cement sheeting, which was removed from nine classrooms. The asbestos was bound in a cement matrix and considered to be low risk with no loose fibres. Samples taken when the asbestos register for the site was created showed a 10 to 20 per cent asbestos fibre content by weight. Current

legislative requirements, which were established by the previous Government in 1991, allow this type of asbestos to be removed by non-licensed persons where the affected area is less than 200 square metres and the appropriate code of practice for removal is followed. A toilet block in the school contained asbestos flue pipe, which I am now advised could also be removed by a non-licensed person under the same conditions as described above.

The key parties involved in the school redevelopment are the Department for Education and Children's Services as the client, the building contractor (Construire), the architectural consultant (Greenway Architects) and the project manager (Services SA). Tenders were called on 29 April 1996 and closed on 10 May 1996. The submitted tenders were assessed by Services SA and the primary consultants, Greenway Architects, in conjunction with the Department for Education and Children's Services. Construire Pty Ltd was awarded the contract.

During the October school holiday period, Construire removed the asbestos cement sheeting from the classrooms. On 5 November 1996, Construire removed the asbestos flue pipe from the toilet block. On 6 November 1996, a representative from the asbestos unit of Services SA on a site inspection noticed problems with the asbestos removal in the toilet block and concluded that the removal and disposal were not in compliance with statutory requirements. As mentioned previously, normal statutory requirements state that a licensed asbestos removalist may not necessarily be required for such work, subject to the scope of asbestos to be removed. However, I am advised that this contract contained a specific clause within the demolition section stating that any asbestos removal should be carried out by an approved person holding an asbestos removal licence.

The contractor has a contractual responsibility to meet the requirements of the contract documents. Investigations by Services SA have revealed that the contractor failed to meet the requirements of the contract document and did not use a licensed person for the initial asbestos removal. A licensed asbestos removal company was subsequently employed to clean up work undertaken in the toilet block.

Details on this specific clause and the failure to use a licensed contractor, which was brought to my notice on 20 November 1996, conflicts with information provided in previous briefings to my office. The substance of previous briefings, which was also conveyed to the media, indicated that removal of asbestos from the toilet block had been undertaken by a licensed asbestos removal company. That information was incorrect as the licensed company was involved only in the clean-up.

As soon as the problem was identified, direction was given to the contractor by the Services SA asbestos management unit for the clean-up. A licensed person was then used by the contractor but I am advised that the initial clean-up was also less than satisfactory, necessitating further clean-up action to be taken. The Department for Education and Children's Services facilities staff were advised of an asbestos problem at the school on Thursday 7 November 1996. To ensure safety, students and staff were evacuated to the oval area. The school site was closed and staff and students were relocated to Hampstead Primary School for the Friday school day.

Clean-up work was carried out to the satisfaction of the asbestos management unit and the buildings were declared safe for use for the Monday morning. The District Superintendent of Education used the opportunity of the school closure to request permission to relocate the school to a vacant wing of Windsor Gardens High School for three weeks on the grounds that staff and students had endured difficult working conditions for 17 weeks, with several more weeks to go before completion of the redevelopment work. The Chief Executive has now agreed to keep the students at the Windsor Gardens High School until the end of November, when the construction work will be complete.

This relocation was not made as a result of remaining asbestos problems. Rather, it was an opportunity to give students and staff a break from renovation work and to give the contractor an uninterrupted chance to complete the work as quickly as possible. The Minister for State Government Services advises that the specifications clause of the contract did not require the involvement of the asbestos management unit, as use of a licensed asbestos removal person should have ensured that the statutory requirements and adequate protection procedures were performed. The contractor has since admitted non-compliance with the contract and has also acknowledged that costs associated with the clean-up are his responsibility. However, the contractor has not acknowledged responsibility for the associated relocation costs of school staff and students from the site. Legal advice is being sought on this matter.

I am advised that all clean-up work on the school has now been carried out to the satisfaction of the asbestos management unit and will not pose a risk to the students and staff. I am advised that the circumstances of the asbestos removal indicate that there may have been some minor potential for students and staff to have been exposed to asbestos fibres. Staff and students have been advised to complete a department injury form in order to keep a record in case of any report of suspected exposure.

As Minister for Education and Children's Services I am angry that stringent Government requirements have evidently not been followed in this case. I have had discussions with the Minister for State Government Services and the Minister for Industrial Affairs as to what action can be taken by the Government as a consequence of this failure. I am advised that at the conclusion of this contract a performance report by Services SA on the contractor will be prepared detailing the unsatisfactory performance. Any possible consequences of unsatisfactory performance will be considered by Services SA. The Minister for State Government Services has directed that the contractor be required to demonstrate to the satisfaction of Services SA that all shortcomings have been addressed before the company can be considered for another Government contract. As Minister for Education and Children's Services I am of the view that if stringent Government requirements have not been followed then penalties or other consequences should ensue as a result of any proved failure or breach.

I am advised by the Minister for Industrial Affairs that the decision taken by the previous Labor Government to allow non-licensed contractors to remove asbestos in certain circumstances will now be reviewed. Whilst no decision has yet been taken, I understand that the department is considering the possibility of changing the Labor Government decision by amending the occupational health, safety and welfare asbestos regulations to delete the 200 square metre limit for the removal of asbestos cement fibres on all non-residential sites. As Minister for Education and Children's Services I thank officers of the Department for Education and Children's Services and the principal and staff of Hillcrest Primary School for the way they have managed a difficult situation at the school. I also thank the students and staff of

Hampstead Primary School and Windsor Gardens High School for their part in ensuring that the normal work of the school continued with as little disruption as possible.

WORKCOVER

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Attorney-General representing the Minister for Industrial Affairs some questions about WorkCover assessments.

Leave granted.

The Hon. T. CROTHERS: It has recently come to my attention that WorkCover agents have been overriding doctors in deciding the appropriate treatment for injured workers. This allegation has been raised by the State branch of the Australian Medical Association. Dr Jill Maxwell, the AMA's WorkCover liaison officer, said that a recent case highlighted a growing concern amongst doctors. This case involved a medical specialist whose bill was refused after a WorkCover claims manager decided that the medical treatment applied was not appropriate to the injury being treated. Dr Maxwell said that there were serious concerns that non-medically trained insurance agents were beginning to use their powers to determine what treatment injured workers should receive. WorkCover legislation gives the corporation's nine insurance agencies the power to question medical bills and ultimately refuse them. The AMA says that until now the legislation has been used largely to dispute medical costs rather than treatment. Doctors foreshadowed their concerns last year, claiming that amendments to the then Act which cut medical fees for WorkCover patients would also allow the corporation to dictate to doctors how they treated patients. 'The potential is there for a medical decision to be turned into a financial decision', Dr Maxwell said.

These concerns by the AMA, coupled with several complaints that I am currently handling for workers who have been injured at work, clearly show that things are happening at WorkCover that are leaving many people bewildered about their rights. Constituents of mine have raised many issues with me which they describe as very sharp practice by the agents of WorkCover. Currently I am keeping a record of these matters, and as events unfold this may not be the sole question or statement I shall make in this place on WorkCover. One of my constituents who, according to medical opinion, is severely injured, has told me that in his view the WorkCover agencies exist merely to get people off their hands and back into the work force, irrespective of what pain or suffering the injured worker has to endure, but more of that some other time. My questions to the Minister are therefore as follows:

1. Does the Minister believe that WorkCover exists as a body to assist injured workers and their employers in times of stress brought about by injuries received at work?

2. Does the Minister believe that questions of treatment should be determined through an independent medical panel and not a non-medically trained agent and, if not, why not?

3. Given that a standing committee of this Parliament exists to inquire into issues relating to WorkCover, will the Minister convene a meeting of that body and refer this question concerning the matters raised by the AMA and, again, if not, why not?

The Hon. K.T. GRIFFIN: I will have those questions referred to my colleague in another place and bring back a reply.

COURT TRANSCRIPT COSTS

In reply to **Hon. T.G. CAMERON** (5 November).

The Hon. K.T. GRIFFIN:

1. When comparing the cost of transcript in South Australia with the cost of transcript in other States of Australia and Federal Courts the fee is reasonable.

The reasons for the increase in transcript fees resulted from a direction in late 1990 from the Labor Cabinet to the then Court Services Department to review all court fees. The general aim was to increase fees to cover costs due to the economic climate. The subsequent report proposed a wide range of new fees as well as substantially increasing court fees to comply with the Government's direction. The report was supported by Treasury, although there was opposition from the judiciary, Law Society and sections of the community.

On the 1 January 1991 transcript charges were increased from $2 per page to $3 per page. The cost of producing the transcript at that stage was approximately $9 per page. The increased cost of $3 was based upon the formula whereby each party, and the court, paid an equal share of the production cost of $9 per page. It was argued at the time that the court should not have to bear one-third of the cost, especially in civil matters where litigants had been unable to resolve their dispute and had brought the matter to court for resolution. If this cost was to be fully shared between the litigants the cost of transcript should be $4.50 per page.

The general principle that the production cost of transcript should be shared between the litigants was adopted by the Labor Cabinet when approving the increase in transcript charges at that time. However, it was further argued then that if the price of transcript was increased too rapidly, demand would decline and total revenue would fall. The Labor Cabinet therefore approved a strategy of limiting the increases to 50¢ increments each 12 months (commencing in 1991) until the price for transcript reached $4.50 per page. The cost of $4.50 per page would enable production costs to be fully shared between the litigants.

2. The production cost of transcript is regularly monitored by the Courts Administration Authority. Consideration is given on an annual basis as to whether the fee for transcript should be increased.

The following schedule sets out the cost of transcript in the financial years since 1990-91:

1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
$3.00	$3.50	$4.00	$4.50	$4.50	$4.50	$4.50

3. No data is available to answer this question.

4. Less affluent members of society are the people who receive the benefit of legal aid which includes access to transcript. In 1995-96, $328 000 was paid by the Legal Services Commission for transcript provided to its clients, and a further $55 000 was recouped from the Aboriginal Legal Rights Movement for transcript provided in cases involving its clients.

The average day's production of transcript per court ranges from 90 to 120 pages (rather than the 200 to 300 pages as mentioned by the Hon. T.G. Cameron). The costs of a day's transcript is far less than the figures mentioned in the honourable member's question.

KOALAS

The Hon. M.J. ELLIOTT: 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 Kangaroo Island koalas.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday there was a report that in the past month the koala management task force has handed its report to Minister Wotton. The koala management task force was established back in March, following concerns that had been raised in the preceding months about an overpopulation of koalas on Kangaroo Island. Koalas are not native to Kangaroo Island; they were introduced. In fact, they were introduced from an island where they did not naturally occur but to which they had been introduced from a previous population which had come from another island. They have been through a chain of three islands and in each case there has been a population explosion and some have been moved on. Kangaroo Island being a little larger than the other

islands, it took longer for the population pressure to take effect.

It is reported that 5 000 koalas are on the island and that they are now destroying the very habitat upon which they rely. This is because there are no natural predators or disease in this population. People should realise that disease is a natural occurrence in populations of animals, but this koala population is disease free, which means that there are no impediments on it other than food source. That is the problem that is causing concern now, because the koalas are eating their way through the species of trees upon which they rely. At the same time, they are putting pressure not only on the trees, which they will eventually kill, but on other species of animals that are reliant on that same habitat. The concern in environmental quarters is that the koalas are causing significant environmental damage because they are not part of that natural environment.

I know that when the Minister was advised to consider culling he said that he would not have a bar of it and he established the Koala Management Task Force. It consisted of 11 members and was chaired by Professor Hugh Possingham of the University of Adelaide. The rest of the committee consisted of other environmentalists, animal welfare experts and people from Government departments. I understand that that committee of 11 unanimously recommended a cull. I note that the committee saw it as a nasty option, but it suggested that any other alternatives would result in suffering for koalas—either through significant stress or because the animals would starve to death before the options were implemented. Professor Possingham said that the committee was unambiguous that a one-off culling event was the sensible thing to do. He said that koalas had starved to death and wiped out ecosystems at least twice before in Victoria. He was referring to the two island populations I mentioned earlier. He said:

> We're trying to save the whole ecosystem and we have to make a very nasty decision but, in the end, it's all we can do.

I know that the Australian Koala Foundation has vigorously opposed a cull, but from conversations that I have had with the foundation I understand that koalas elsewhere in Australia are genuinely endangered. It is concerned about the signal being sent to people that a cull of koalas in one area means that koalas are very abundant. They are abundant in one area, that is, Kangaroo Island. I have also been advised by the foundation that, whilst that particular population of koalas is abundant, it is genetically very narrow. In fact, the whole population is derived from only four or five individuals. Those four or five individuals were taken from another island population which, as I said, also was derived from only a small number of individuals. It has a very narrow genetic base.

I understand that the Minister is now talking about capture and relocation. On the advice that appears to be coming from the task force, if this is carried out a large number of those koalas will die due to the stress or due to disease. As I said, these animals have had no exposure to disease for 70 years, and they will be put into populations where various strains of chlamydia and other diseases will be present. My advice is that a very large proportion of any koalas that are relocated will die a slow and diseased death. I also note that Ms Jasemin Rose, President of the Conservation Council, which represents 58 groups, said that, regretfully, the council supported a cull as the kindest way out. My questions are:

1. What estimate of cost does the Minister have for the removal of 2 000 koalas from Kangaroo Island, the sterilisation of those 2 000 koalas and then their relocation?

2. Will the Minister provide advice as to how many koalas are expected to die as a consequence of the relocation? What is the source of the Minister's advice in this respect?

3. Will the Minister provide this Council with information as to the likelihood that these animals will suffer from a range of diseases in their new environment?

4. Will the Minister comment on the impact of the introduction of these animals with a very narrow genetic base on other populations if a decision not to sterilise occurs?

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

LABOR PARTY, CAMPAIGN LETTERS

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Attorney-General a question about fair trading and ALP letters.

Leave granted.

The Hon. L.H. DAVIS: I have come into possession of letters sent by various Labor candidates to residents in their electorates. One, from Mr John Hill, who I understand is the State Secretary for the Labor Party and also the Labor candidate for Kaurna, addresses a letter to constituents followed by a two-page survey which they are invited to complete and return. There are several matters to which I draw the Minister's attention with respect to this correspondence. The letter begins:

> Tell us what you think.
> You could win a Christmas shopping spree!

It concludes:

> PS. Pick up a pen now and let us know what you think. You could win a Myer voucher worth $450!

The Hon. R.I. Lucas: Terry Cameron would not have done this I wouldn't think!

The Hon. L.H. DAVIS: John Hill is, ironically, the same State Secretary, wearing another hat, who presumably authorised it. The survey, which has some nine questions over two pages, contains, among others, the following question:

> No more privatisations.
> Did you support the Brown Liberal Government's decision to:
> Privatise the running of our water?

Clearly, there is an inaccurate statement in that fact. The assets are being managed, but their ownership is retained by the Government.

The Hon. T.G. Cameron: Are you expressing an opinion?

The Hon. L.H. DAVIS: I am just stating a fact. After putting nine questions to the residents in Kaurna, Mr Hill then concludes the survey by saying:

> Thanks for letting us know what you think. As a thank you to you, we're giving everyone who returns a completed survey a chance to win a $450 voucher from Myer. What could be better for that extra bit of Christmas shopping?

I will not comment on the grammar, but it does lack something. An identical letter in every respect was sent out also by Mr Michael Wright, who is the Labor candidate for Lee. I am not sure whether they have the same speech writer or whether it is just a glorious coincidence, but the letters are identical in every respect. But then the survey—and this will be of particular interest to the Attorney-General—states:

Thanks for letting us know what you think. As a thank you to you we're giving everyone who returns a completed survey a chance to win a $450 voucher from Myer.

Send in your details by Friday 20 December to Putting South Australia First, GPO Box...Adelaide SA 5001.

There is a space for name, address and telephone number, and then it says—and I invite members of the Opposition to listen to this, because they will blanch when they hear it—

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: If the Leader would only listen; she will have the opportunity to ask a supplementary question on this I would imagine. It states:

The prize will be drawn by Labor Leader, Mike Rann, on Friday 20 December at 12 midday at ALP South Terrace Adelaide. The winner will be notified by phone and in writing.

Quite clearly, the survey invites the constituents of Kaurna to send in details by Friday 20 December at any time until the close of business: 5 o'clock Friday 20 December is acceptable, yet the prize will be drawn at midday on Friday 20 December. So anyone who drops in their response at 3 p.m. or 4 p.m. on Friday 20 December will miss out as a result of the misrepresentation contained in the survey because it will be drawn at midday by the Labor Leader, Mike Rann. Quite extraordinary. My questions—

The Hon. R.I. Lucas: That is the only way the Labor Party can get a response.

The Hon. L.H. DAVIS: Well, it has silenced the Labor Opposition. Three shopping days to Christmas remain by the time the winner is informed. My questions are:

1. Does the Minister have any comment about this unusual, if not desperate, tactic by the Labor Party to try to—

Members interjecting:

The Hon. L.H. DAVIS: It is a question—solicit responses from the constituents of Lee and Kaurna by inviting them to complete a survey and offering as an inducement a Myer voucher worth $450?

2. Does the Minister have an opinion as to whether there has been a breach of the Fair Trading Act, in the sense that details 'are to be sent in by Friday 20 December to GPO Box 35' or, obviously, they could be sent to ALP South Terrace, yet the winner of the $450 Myer voucher will be drawn by the Leader of the Opposition, Mike Rann, at 12 noon at ALP headquarters South Terrace Adelaide on Friday 20 December?

Members interjecting:

The PRESIDENT: Order! I remind members that questions should not contain opinion. I have made that request in the past. I have allowed some elasticity but that question contained a lot of opinion.

The Hon. Anne Levy: And a brief explanation took 10 minutes.

The Hon. L.H. DAVIS: You kept interrupting me. I was not sure whether you had heard; I had to keep going over it.

The PRESIDENT: Order! We will time the honourable member's next question.

The Hon. K.T. GRIFFIN: If you were to consult with those who run polls professionally, they would tell you that offering an inducement, or something akin to a bribe, would seriously compromise the credibility of the answers which came back. I would have thought that if one looked at the—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —questionnaire or survey—

Members interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron will come to order.

The Hon. K.T. GRIFFIN: I would have thought that, on that professional basis, the credibility of any results that come from this survey must have been significantly undermined by reason of the inducement that has been offered to get people to respond.

The Hon. R.I. Lucas: That is the only way they can get it.

The Hon. K.T. GRIFFIN: As the Minister for Education and Children's Services interjects, it may have been the only way the Labor Party could have any reasonable prospect of replies coming in but, as the Hon. Mr Davis says, it is somewhat misleading to say that entries close on 20 December, and too bad if you happen to lodge them after 12 midday with the ALP because the draw would have taken place at the ALP headquarters. I suppose that if the Government or anyone else were to offer this sort of inducement of a $450 gift voucher as the result of a lottery, all hell would be breaking loose about the nature of the questionnaire and the results that were returned.

A couple of interesting questions arise: it is interesting that the Labor candidates for Lee and Kaurna both offered the opportunity to participate in a draw for the $450 Coles-Myer voucher. It is interesting, first, that it is Coles-Myer, a very significant Australian company, but nevertheless it appears you can get your food anywhere—it does not matter from whom you buy it. The question, I suppose, is whether the Labor candidate for Wright is offering a separate $450 voucher opportunity from that of the Labor candidate for Kaurna. It may be that other Labor candidates are doing exactly the same thing. It may be that the pool of opportunity is very limited.

The Hon. R.I. Lucas: They put $10 in each of them.

The Hon. K.T. GRIFFIN: Maybe they did. It would be interesting to know whether they did. A couple of interesting questions: is there any breach of the Electoral Act, particularly the bribery provisions of the Electoral Act? My advice is that there is no breach of the Act although, of course, if this occurred after the writs had been issued then it would certainly have been an offence. Whether or not there is a breach of the Lotteries Act, in the sense that it is a lottery which is not the subject of a licence, is a matter which has been drawn to my attention but in respect of which I do not presently have the answer.

The other interesting aspect is that you only have the prospect of qualifying for the lottery if you send back a completed voucher. I suppose one must question whether leaving a question unanswered thereby excludes one from the lottery. It is interesting to identify the questions. Question five is headed 'A safer community' and states:

Do you agree with Labor's plans for longer sentences for repeat offenders, tougher parole conditions, more police on the beat?

That is the sort of dorothy dixer question one would now expect from the Leader of the Opposition who, as part of a Government which was very strong on crime prevention, is now seeking to up the bidding during the course of a pre-election campaign to put more heat on the issue of crime and law and order.

He is reverting to a crude style that does nothing for his credibility, in light of his own support, as part of the former Labor Government, for crime prevention and, in fact, not ramping up penalties and more police on the beat. Question number six deals with the lower State debt and states:

Do you support Labor's plan to deal with South Australia's debt?

I would have thought that that question was a joke. Who created the massive State debt? Who created the problems with the State Bank and SGIC? That question alone undermines the credibility quite significantly of this survey.

AIR QUALITY

In reply to **Hon. T.G. ROBERTS** (22 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The Office of the EPA is of the view that given the frequency, duration and sources of pollution events in the Edwardstown area, concerns can be addressed from within existing resources.

2. The Office of the EPA is of the view that there are no unidentified sources of pollution after hours in this area, and the use of night time controls could not be justified.

CHEMICALS

In reply to **Hon. T.G. ROBERTS** (16 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The National Environment Protection Council has not encouraged a national contaminated site register due to differing legislation approaches to site contamination in each State.

2. The current provisions of the Environment Protection Act 1993 are adequate.

WASTE DISPOSAL

In reply to **Hon. T.G. ROBERTS** (6 November).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The South Australian Government encourages the reuse and recycling of waste hydrocarbons.

The Office of the Environment Protection Authority does not permit waste oils to be used in ways which may cause environmental harm.

The use and abuse of waste oil are addressed in the *Integrated Waste Strategy for Metropolitan Adelaide, 1996-2015*, released in July this year. This strategy commits the Office of the Environment Protection Authority to work with industry to develop working strategies for the recycling and reuse of waste lubricating oils.

During 1996 the Office of the Environment Protection Authority conducted a comprehensive survey of waste oil use in South Australia in 1996. The report of this survey shows that about 90 to 95 per cent of available waste oil is reused or recycled by industry.

2. The Office of the Environment Protection Authority is aware of the present situation with regard to waste lubricating oil.

The situation has arisen partly because some companies which collect and transport this waste have been unable to meet the requirements of those companies that reuse the oil.

It is the specifications set by *the users* of the waste oil which are not being met. Industry needs a certain quality of oil to ensure that their processes operate correctly, and this may vary between manufacturers.

It is the Minister's understanding that if these requirements can be met, major industries in South Australia can use all the oil available. This is a market problem which the collectors themselves need to address.

While the Environment Protection Authority can provide assistance, it cannot intervene in commercial arrangements between industry players, particularly where the quality specifications are set by industry.

3. The Office of the Environment Protection Authority has established limits for a range of emissions to the atmosphere under the Environment Protection (Clean Air) Policy, which are applicable to furnaces using waste lubricating oil as a fuel.

The Office of the Environment Protection Authority also incorporates into licence conditions, specifications for oils to be used in boilers or furnaces designed to minimise emissions to the atmosphere.

4. The State Government wants to ensure that waste oil can be used in productive ways which minimise environmental damage from waste oil and reduce costs for South Australian manufacturing industry.

The Office of the Environment Protection Authority is working closely with major industries in South Australia to further promote the reuse of waste lubricating oils, and it is expected that this will ease the problem of oversupply.

Further, there is a proposal for the establishment of a refinery in New South Wales which would be able to accept any excess waste lubricating oil from South Australia.

WIRRINA MARINA

In reply to **Hon. P. HOLLOWAY** (24 October).

The Hon. DIANA LAIDLAW: The Minister for Tourism has provided the following information.

1. The State Government has approved expenditure up to $8.5 million for the construction of the breakwaters and excavated marina basin at Wirrina Cove. Under a legal agreement, MBfI Resorts Pty Ltd is responsible for any expenditure beyond this figure. In addition, the developer will be contributing about $14 million for the provision of wet berths, club house and associated facilities, services and other facilities for public use to complete the marina.

2. The State Government's contribution towards providing the public infrastructure for the Paradise Wirrina Cove tourism resort is a small proportion of the total expenditure to be made by MBfI Resorts Pty Ltd during the development program. The development occurring at Wirrina Cove is a private sector initiative which is providing economic growth for the State and employment opportunities for the State and local community in the hospitality and tourism industries, the construction and building industry, boating industry and the service and supply industries. Importantly, the development creates opportunities for long term employment not just short term employment.

The State Government's contribution to this development is acting as a catalyst for the developer to provide not only a commercial tourist development but also to incorporate important recreational facilities to cater for the broader community. For example, the marina will incorporate facilities for public use including a boat launching ramp, car and trailer parking area, boat refuelling depot, toilets, and 30 wet berths for short term public use. In addition, the establishment of a public road to the marina will ensure that the community gains the right to access the foreshore at Wirrina Cove which was previously via a private road.

The provision of a marina at Wirrina Cove is consistent with the State Marina Strategy prepared in 1987. This strategy determines Wirrina Cove to be an appropriate location for a marina to service the needs of the boating community on the Fleurieu Peninsula. It also provides a base for craft to access Kangaroo Island and other locations, as well as providing a much needed safe haven for boats sailing in St Vincent Gulf.

3. The marina is constructed on land in the ownership of the Minister for Transport and is leased on a long term basis to the developer of the Wirrina Cove resort. Under the lease agreement, it is the responsibility of MBfI Resorts Pty Ltd to operate, manage and maintain the marina. For the right to operate the marina, MBfI Resorts Pty Ltd is required to pay the Government an annual rental charge in accordance with a lease agreement. The rent is established under a commercial rental arrangement, and reviewed to current market value every five years.

4. The marina is constructed on land in the ownership of the Minister for Transport. Therefore, the marina is retained as a public State asset. Under the lease agreement with MBfI Resorts Pty Ltd, this company is responsible for the operation, management and maintenance of the marina.

5. The State Government has not made a commitment to expend $20 million on the Wirrina Cove project. The honourable member has correctly informed Council previously that the Public Works Committee has already presented several reports to State Parliament on aspects of this project. These reports include reference to the State Government's involvement in the provision of public infrastructure. The State Government has agreed to commit a total of up to $14.85 million for public infrastructure works at Wirrina Cove. However, it should also be noted that capital expenditure by MBfI Resorts Pty Ltd is expected to be in excess of $200 million during the development program, and that MBfI Resorts Pty Ltd is bound by legal agreements to contribute on an equal basis to the cost of providing the public road, the waste water treatment plants and the water treatment plant.

It is also important to note that the expenditure on public infrastructure is being made on a 'just-in-time' basis to ensure that

public funds are not spent unnecessarily ahead of the demand for such services.

BRIDGESTONE EDWARDSTOWN PLANT

In reply to **Hon. M.J. ELLIOTT** (16 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

- The Government instrumentality concerned, namely the Trade Wastes Section of the then Engineering and Water Supply Department (EWS), is primarily responsible for ensuring that wastes disposed to sewer, under permit, meet the relevant criteria for discharge. There is no formal arrangement or requirement for Trade Wastes to notify the Office of the Environment Protection Authority (EPA) of the circumstances leading to the request by a company for a discharge permit.

  Under Section 83 of the Environment Protection Act 1993, it is the responsibility of Bridgestone Australia Ltd to notify the Authority of any incident causing or threatening serious or material environmental harm, not the Trades Waste Section of SA Water.
- The Office of the EPA actively encourages companies to proactively undertake improvements and voluntary environmental audits.
- The storage and handling of dangerous substances, such as chemicals, petroleum and solvents, is regulated by the Dangerous Substances Act, 1979, which is handled by the Department of Industrial Affairs and places the onus on industry for the maintenance of any plant used in connection with any dangerous substance.
- Resourcing of the Office of the EPA is under constant review.
- The Office of the EPA was notified of the solvent leakage by a letter dated 11 September 1996.
- An Environment Protection Order was served on 2 October 1996, rather than a clean up order as the EPA wanted to determine the full extent and nature of the contamination first.
- The Office of the EPA has required the company to carry out off-site investigations. Bridgestone's consultant has also conducted vapour monitoring of service facilities around the site and has initiated a program to locate and sample all groundwater bores within a 1 kilometre radius of the plant.
- The Office of the EPA is working with the company in order to advance the off-site investigations and to ensure that clean-up will be achieved in the shortest practicable time frame.

WASTE DISPOSAL

In reply to **Hon. T. CROTHERS** (7 November).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The *Integrated Waste Management Strategy for Metropolitan Adelaide 1996—2015* seeks to ensure the optimum site selection, establishment and management of recycling and landfill depots. The Office of the Environment Protection Authority (EPA) and the Department of Housing and Urban Development are developing a strategic plan for future waste management infrastructure, with emphasis placed on landfill options.

Involvement of both the Local Government Association and Recycle 2000 will provide Local Government with the opportunity for input into the process to ensure that Adelaide's waste management needs can be met.

2. There is adequate time to ensure the establishment of landfills which are suitably sited and operate to a standard acceptable to the community.

3. Proposed Australian and New Zealand Environment and Conservation Council (ANZECC) industry waste reduction agreements are being discussed by State, Territory and Federal Ministers at the end of November 1996. These proposals provide new agreed industry targets for waste reduction. In particular packaging is singled out and new targets suggested. These targets and agreements are not legislated for in any way—they are voluntary. In 1992 targets were put in place and agreements formed with the packaging sector, and many of those targets were met by 1995.

4. The German legislation has been looked at nationally. Topfer Law was introduced in Germany in 1991, and relates only to packaging waste (10 per cent of the waste stream).

The main aim of the legislation is to limit the environmental impacts of packaging.

The system has resulted in less packaging in Germany, and a higher cost of packaging and consumer goods. Responsibility resides only with industry and is not shared with Government and consumers.

The agreed Australian approach is one of shared responsibility, and voluntary targets and agreements. In South Australia this is combined with Container Deposit Legislation under the Environment Protection Act and kerbside collection of recyclables coordinated by local government.

South Australia leads Australia with its recovery and recycling rates for beverage containers. This includes glass and aluminium to which the honourable member refers in his question as well as PET. These rates far exceed other states, exceed the national proposed targets, and are equal to the best rates in the world.

POLITICAL POLLS

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Deputy Leader of the Opposition a question about the latest *Sunday Mail* poll in respect to political popularity.

Leave granted.

The Hon. T. CROTHERS: Recently, I think on 27 November, to my absolute surprise I had placed in my parliamentary mailbox the results, it is said, of the latest *Sunday Mail* poll in respect of the popularity of our State Premier. Perhaps I was one of a select few to get this missive, but my question is directed to the Deputy Leader of the Opposition who, like the Premier, represents a rural area in this State. My question is a very simple one: I will not bore the Council with any finite details. Has the Deputy Leader of the Opposition received a copy of this particular polling and, if he has, has he any opinion on it regarding what that portends for the future of the Liberal Party's leadership in this State?

The Hon. R.R. ROBERTS: Having a particular interest in this subject, I feel it is appropriate that we do respond. I did receive a copy of the document referred to by the Hon. Trevor Crothers and I was somewhat bemused by it. It is an unsigned document, which is something these people are very concerned about. This particular document is about—

Members interjecting:

The Hon. R.R. ROBERTS: I would like to take up the Leader's invitation. I suggest that the honourable member was just joking, just like their whole contribution with their stunt man, the Hon. Mr Legh Davis, and his little stunts because this document is the trigger to the charade we have seen in this Chamber today and the waste of Question Time. This time they even relied on the Attorney-General. They dragged the Attorney-General into the gutter.

Members interjecting:

The PRESIDENT: Order! I am enjoying it very much but I would enjoy it more if I could hear it. I ask members to refrain from interjecting quite so loudly.

The Hon. R.R. ROBERTS: As I was saying before I was so rudely interrupted, this is the trigger for the charade that we saw today with the dorothy dixer question from the stuntman of the Liberal Party, the Hon. Mr Davis, whose job these days has descended simply to asking dorothy dixer questions. This is the person they thought was going to be a leader, the person they thought was ministerial quality—and where is he? Right at the back of the list because of these sorts of stunts. They dragged the Attorney-General into the argument to try to give this stunt some credibility. I was supporting the Attorney-General for the leadership after the holocaust happens next week and when the electorate judges this crew. The Attorney-General said that these stunts were

misleading the population and that we were not doing any good. I tell you, Mr President, the candidate for Kaurna is looking pretty good, despite the criticism of members opposite.

Members opposite deride our campaign tactics, but what are they doing for us? Obviously, this unsigned document was sent to me by one of their own fifth columnists because it is not signed. All our bad campaigning and our past record has produced this result. The polls say that the Premier, who won the election with the greatest majority in the history of this State, has to be more sensitive and has to have a greater social conscience. Now they are colluding amongst themselves to topple this bloke. They want to topple him—and who do they want to put in? They want to put the greatest right wing drive they have in their campaign, the person who has caused them the problem, the Minister for Infrastructure. That is the bloke they want to put up as a Leader with a social conscience.

This is the result of their campaign. The approval rating for the Premier is 26 per cent. On our polls the approval rating of the candidate for Kaurna is far higher than that. The Premier's disapproval rating is 63 per cent and 11 per cent are undecided—and we know which side of the ledger they will fall. Their fifth columnist mate says, 'How does this compare?' When John Bannon resigned following the State Bank disaster his polling immediately before his retirement was 30 per cent, just 4 per cent higher than the present Premier. After a three year honeymoon with the greatest majority and the soft ride in, the Premier is still 4 per cent behind John Bannon at his lowest point. The disapproval rating of John Bannon at that time was only 47 per cent. Compare that with the disapproval rating of the Premier of 63 per cent, stark figures. Even Lynn Arnold on the eve of the election had an 8 per cent higher approval rating and his disapproval rate was 56 per cent.

They were dark days for Labor. These people came in on the tide, not on ability, and what did they get? In three years they have fallen from that level into the gutter. They now have to waste the time of the Parliament with stupid dorothy dixer questions from a stupid dorothy dixer questioner. Their fifth columnist tells us Premier Brown is now less popular than Bannon was after the State Bank. Even the approval rating of Dale Baker—and he was a lame duck—was 30 per cent. That is 4 per cent better than Dean Brown. The disapproval rating of Dale Baker was only 39 per cent and the Premier has made it 63 per cent. Premier Brown is now more unpopular than Bannon was after the State Bank, Arnold was after he lost the State election and Baker was when he stood down as Liberal Leader. It is no wonder we will be faced with these childish antics and the waste of parliamentary Question Time on dorothy dixer questions.

Mr President, we want more of it because it reinforces our faith that what we are doing is right. These are the acts of a desperate Government and you would have to be desperate, Mr President, to have to rely on the Hon. Mr Davis to save you. The honourable member has been here for years and he could not even save himself. It is a wonder that the Hon. Mr Redford is not here because these are the sorts of stunts that obviously the Hon. Angus Redford will take over from the Hon. Mr Davis.

The Hon. Carolyn Pickles interjecting:

The Hon. R.R. ROBERTS: He may well have been. The trouble with the Hon. Legh Davis is he is torn between conflicting disloyalties. The honourable member does not like this Government, he does not like the Leader, but he does not like having to sit in this Chamber and cop a beating in his last term. It is no wonder he is going to retire. He has sat around with these people for three years and seen them go from the pinnacle to the plug hole—and that is where they are going to finish up. So the more questions they want to ask about our campaign and our candidates, the better, because all the publicity that we are getting is producing results which show Dean Brown's popularity to be 26 per cent—

An honourable member interjecting:

The Hon. R.R. ROBERTS: Well, I am always a charitable person, as the Hon. Mr Cameron knows—and a disapproval rating of 63 per cent after just three years, one term, with the greatest majority ever seen in this Parliament. I made a comment once before that were it not for the State Bank this mob would still be over here. They are the same old tired crew—no vision, no ideas, no nothing. They have fooled the people of South Australia for three years. But their time is up. So, in answering the Hon. Mr Crothers' question, I do not know the author, but he ought to be proud of himself because he has revealed the truth, which is something that is very strange to hear from the other side of the Council.

WHOOPING COUGH

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about whooping cough.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. BERNICE PFITZNER: In a recent article entitled 'Whooping cough on the rise', it was identified that there is an increase in the number of people infected with whooping cough and, in particular, it is the third highest number—

Members interjecting:

The Hon. BERNICE PFITZNER: Mr President, I am unable to hear myself speak.

The PRESIDENT: I ask members please to just listen to the question.

The Hon. BERNICE PFITZNER: I will start again. In a recent *Advertiser* article entitled 'Whooping cough on the rise', it was identified that there has been an increase in the number of people infected with whooping cough. In particular, it is the third highest number of cases in the past decade. In 1993, there were 1 315 cases, and that was said to be an epidemic. Rubella, or German measles, also showed an increase with more than 202 cases reported for this year. Whooping cough, in particular, shows a large increase, the symptoms of which are an irritating cough progressing to a worse and more violent cough with a high-pitched inspiration whoop later. It is reported that 75 per cent of deaths are among children under one year of age, usually six months. Morbidity is higher in females than in males, and the disease is especially lethal among children suffering from underlying malnutrition or multiple infections.

Members interjecting:

The PRESIDENT: Order on my left!

The Hon. BERNICE PFITZNER: The community is concerned that the prevalence in our developed country of Australia of over 600 cases is still very high. Some years ago, I understand that the Health Commission Communicable Diseases Branch released statistics that showed that 95 per cent of our children were immunised. I also understand that this was based on a questionnaire of four year old pre-school

children. In view of such a high uptake of immunisation, I am surprised that we still have such a large number of cases. My questions to the Minister are:

1. Has there been recent research into the rate of compliance to our immunisation program?

2. If the uptake rate is high, why are we still seeing such large numbers of whooping cough and German measles infections?

3. If the uptake is low, do we have some strategies in place to encourage parents to take advantage of our free and excellent immunisation program?

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

GULF ST VINCENT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environmental and Natural Resources a question about biological contamination.

Leave granted.

The Hon. ANNE LEVY: It was made public this morning that the oil rig which collapsed in Gulf St Vincent has emptied all its ballast into the gulf to enable it to be straightened up and moved. The ballast is, no doubt, sea water that is collected somewhere else. There has been considerable concern that there is a microorganism which is affecting all the molluscs in Port Phillip Bay, down the coast of Tasmania and, I think, into the estuary of the Derwent River, and that this foreign organism probably arrived there as a result of discharge of ballast waters which had been collected in quite a different part of the world and that the contamination, which is severely affecting certain mollusc fishing industries, has been introduced by means of ballast discharge. My questions to the Minister relate to this release of ballast water by the oil rig. I would like to know:

1. What volume of ballast water was discharged?

2. From what part of the world did it come?

3. Was there any notification by the company that it was about to discharge this water into Gulf St Vincent?

4. Is there any likelihood of microorganisms being introduced in this ballast water, which could severely affect the marine ecosystem in Gulf St Vincent?

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

PUBLIC SECTOR EMPLOYEES

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister representing the Minister for Multicultural and Ethnic Affairs a question about the public sector work force.

Leave granted.

The Hon. P. NOCELLA: The Government announced in its May 1994 financial statement that there would be a reduction in the Public Service work force of 12 400 full-time equivalent employees over a five year period until 30 June 1997. The objective was to create a leaner and more efficient public sector, not only by reducing the number of employees, but also by streamlining the corporate structure, amalgamating departments and sections, and pursuing efficiencies. I have been responsible for the implementation of some of that policy in the past few years.

It now appears that some of the changes introduced in OMEA are at odds with the general thrust of this policy. Some months ago, managerial positions within OMEA were increased from three to four and, more recently, four senior project officer positions were upgraded from ASO5 to ASO6 classification. Not only is this happening at a time when substantial cuts are being made in the public sector, but there have certainly been no visible increases in OMEA's workload. In fact, if anything, there has been a distinct absence of any form of tangible outcome. In addition, earlier this year these four senior project officer positions were advertised nationally and outside the Public Service, with the incumbents having to reapply for their now upgraded positions. Interviews were held much later in September, but at this stage the successful applicants have still to be informed.

I have been approached by constituents in country South Australia who have been told by the Chief Executive of OMEA that none of the incumbents who had applied for their positions had been successful. It is hardly surprising that, in these circumstances, there is a serious climate of frustration and uncertainty amongst OMEA staff, with morale at an all-time low. Such uncertainties and the perception by staff that their skills, which have been developed and demonstrated over many years of service to Governments of both persuasions, are neither recognised nor appreciated is certainly not conductive to the efficient and economic administration of a department. This is coupled with a very understandable fear that all four positions, like the managerial positions, will go to interstate candidates. My questions are:

1. Why were managerial positions increased from three to four?

2. Why were four project officer positions reclassified upwards at ASO6 level?

3. Why were these positions advertised nationally and outside the Public Service?

4. Will the Minister intervene and call for the announcement of successful candidates so that this prolonged and damaging period of uncertainty may be brought to an end?

The PRESIDENT: Order! The honourable member's whole question was based on opinion. I know that the honourable member is a relatively new member, but I ask him to phrase his questions so that they do not express opinion.

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply. However, I am very disappointed that, when the Government through the Minister seeks to improve services to ethnic communities, the Hon. Mr Nocella should stand in this Chamber and attack those attempts in the way that he has done so maliciously this afternoon.

SELECT COMMITTEE ON WAITE TRUST (MISCELLANEOUS VARIATIONS) BILL

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

That the committee have permission to meet during the sitting of the Council this day.

Motion carried.

MATTERS OF INTEREST

AUSTRALIAN NATIONAL

The Hon. L.H. DAVIS: During my university years, I was fortunate enough to have a job on the East West express and the Ghan as a conductor. It may come as a surprise to members opposite to know that I was promoted to a first-class conductor and that I was a sometime member of the AWU. I have noted in recent days that the Federal Government is to sell the famous passenger rail services, the Indian Pacific, the Ghan and the Overland, to the highest bidder under a plan to privatise the Federal Government's rail operations. The Brew report into Australian National found that AN would never make a profit unless it was properly overhauled. The management of AN over recent years has been one of the great untold scandals in Australia, but that is another story.

The Hilmer report underlined the inefficiency of Australia's rail services. It said that reform of the electricity and gas markets would create greater efficiency and improve Australia's GDP, but reform of the rail sector by itself could add .27 per cent to gross domestic product, whereas reform of ports would add only .02 per cent to domestic product. The recent Brew report found that labour productivity at Australian National was about one tenth of that of North America's best performer.

The Government has undertaken to continue managing the rail network through the proposed national track authority and AN's icons: the Indian Pacific, the Ghan and the Overland trains. Between them, last year, those three passenger services lost $15 million to $20 million. I believe that much of that loss can be attributed to poor management and lack of proper promotion. Passenger numbers and revenue have been declining under the existing management, and air and road transport have been gaining at the expense of rail.

By contrast, Queensland Rail is remarkable in terms of its promotion of trains, the general standard of rail and the variety of services offered. The Queenslander is a first-class train running from Brisbane to Cairns with silver service dining and sleepers. The Sunlander also runs from Brisbane to Cairns with all classes of travel. The Spirit of the Outback, which is a train on which I have travelled, runs from Brisbane to Longreach with a country theme. It is quite a magnificent experience and that train is beautifully outfitted. The Spirit of the Tropics runs from Brisbane to Cairns and Proserpine—it is for younger people and it has a disco on board, for example.

Queensland Rail also has an Inlander running from Townsville to Mount Isa and a Westlander running from Brisbane to Charleville. It has made a concerted effort to promote train travel as part of the visitor experience in Queensland. In addition, they have short tourist trips. From Cairns there is the Kuranda scenic railway, the Gulflander and the Savannahlander.

I want to express my concern at the possible demise of passenger transport and, more particularly, the recent comments about the possible closure of the Overland train from Adelaide to Melbourne. That train trip takes 12½ hours, which is not all that much shorter than it took when it was opened in 1887. It is a journey of only 828 kilometres. It is important to Adelaide, in particular, to maintain that passenger link. I understand that, at times, the number of carriages falls to as low as five. These three trains that I have talked about today carried 244 000 passengers in 1996, turning over sales of about $50 million. Hopefully, under new and enlightened management with better marketing these famous icons, the Indian Pacific, the Ghan and the Overland, can remain as a visitor attraction for all Australians and for people from overseas.

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

CZECH CHAMBER OF COMMERCE

The Hon. P. NOCELLA: The Czech Chamber of Commerce Australia Incorporated was established in this State four years ago. It has just celebrated the fourth anniversary of its establishment. It is an organisation that is based on the work of volunteers, business people and professional people, and experts in foreign trade who devote their time to the pursuit of the objectives, which are included in the constitution of this organisation. Those objectives are to promote, foster, arrange, assist and improve trade and commercial links between Australia and the Czech Republic. It generally undertakes all those activities that are connected with these objectives such as trade missions, seminars, lectures, trade shows and similar activities.

I mention the trade and commercial links between Australia and the Czech Republic rather than South Australia because the Czech Chamber of Commerce is the head office of a network of corresponding offices that have been established throughout Australia, all reporting to Adelaide as their headquarters. This is an unusual pattern, normally it is the other way round, so it is pleasing to see that the Czechs have decided that Adelaide will be their headquarters.

The events that took place in the Czech Republic have sparked off this initiative. As members would know, the Czech Republic arose from the Soviet regime in 1989 and subsequently was borne out of the constitutional rearrangement in Czechslovakia in 1993. The list of achievements that the Czech Republic has been able to make is quite impressive. The country recently qualified for entry into the industrial nations club, the Organisation for Economic and Commercial Development (OECD).

As the twenty-sixth member of this organisation, it is the first former communist country to do so. The Czech Republic is an associated country with the European Union and is likely to become the first member of the European Union from the former Soviet bloc countries of Central Europe. 1995 was the second year in succession in which the Czech Republic recorded economic growth, with annual gross domestic product increasing by 4.8 per cent—nearly double that of the previous year. The best known Czech products in Australia include Bohemia Crystal glassware and chandeliers; Zetor tractors, marketed through John Deere Co.; TOS metal working machines; electric motors; cars; textiles and so on. The relatively large Czech textile industry remains a relatively important buyer of Australian wool. Other products are being sent to the Czech Republic and, according to the Czech statistics, for the first six months of 1996 Australian exports exceeded imports from the Czech Republic for the first time since 1990.

With increasing numbers of visiting Australians—more than 30 per cent each year—awareness of the Czech Republic is consistently growing, not only of the country's tourist assets but also of the potential for doing business in the Central European region. The Czech Chamber of Commerce Australia has played a successful, vital part in fostering

business links and opportunities between the two countries since 1992. I wish to congratulate them on the fourth anniversary of the establishment of their republic and the useful role they play in progressing the relationship among Australia, South Australia and the Czech Republic.

ASIAN DEVELOPMENT

The Hon. BERNICE PFITZNER: I should like to speak in this matter of importance debate on commercial and industrial activities in Asia and to identify the energy and exuberance of some of the Asian countries around us in their push to increase their economic development through commercial and industrial activity. I relate some of these countries' activities that have been highlighted through a magazine produced by a new group known as the Singapore Confederation of Industries. In this magazine they identify in China under a section entitled 'Electronics industry on the rise' that sales of electronics has increased sharply to $16.8 billion Singapore dollars, an increase of 16.3 per cent. This is mainly due to the sales of Chinese made PCs, where sales have increased by 124 per cent. Hong Kong did not fare so well. A section entitled 'A weak second quarter' showed that exports of consumer electrical and electronic products dropped by 15 per cent, to $HK6.2 billion; textiles fell by 14 per cent to $HK9.7 billion; machinery was down by 9 per cent to $HK9.1 billion; and clothing declined by 4 per cent. Hong Kong has recently had to revise its economic growth from 5 per cent to 4.7 per cent for 1996.

A section entitled 'Targeted $US10 billion in foreign direct investment' indicates that the Indian Government will increase the number of priority areas where joint ventures are automatically approved and $US2 billion in direct foreign investment has been invested for 1995-96. An Indian delegation attended the World Economic Forum and discussed business ties with the Chinese engineering industry in the Shanghai area, and will open an office there. India-China trade totals $US1.16 billion, and in six months India's export to China has increased to 83 per cent, involving China's steel, power, chemical, silk yarns, oil and garments. Under the heading 'Manufacturers to increase overseas investment' it is indicated that plans are in place in Japan to increase offshore procurement of goods and material, especially in South-East Asia, and purchasing of these goods has risen by 13.8 per cent. Overseas capital investment is growing by 11.6 per cent, beyond the expectation of 8.9 per cent.

In Laos, corporate taxes are slashed. Under this section we see the restructured Board of Investment granting more tax breaks, and corporate taxes have been cut from the range of 25 per cent to 45 per cent to a flat rate of 20 per cent for all industries. By the year 2000 a multi-media super corridor is envisaged in Malaysia which aims to have a multi-media network with paperless administration. Briefly, in South Korea there are major changes in foreign policy; in Taiwan there is a strengthening of ties with South Africa and they have had joint ventures which amounted to $3 billion to $5 billion. Vietnam has also done the same, where the current range of corporate tax of 25 per cent to 50 per cent has been made a flat uniform tax of 30 per cent. Singapore is singling out electronics and chemicals to be its priority industry, with a development fund of $1 billion Singapore dollars and an expectation of manufacturing investments of $10 billion. Our Asian neighbours' economic plans all sound rather daunting, and yet we have to compete with them. Their growth rate appears to be rapid and I hope that we in Australia can compete with similar challenging innovation.

MIMILI SCHOOL

The Hon. R.R. ROBERTS: I rise to bring to the attention of the Council a matter of some concern to me and I am sure to every decent minded person in South Australia. It concerns the difference of treatment between two schools. Members will recall that some weeks ago I raised the question of asbestos at the Mimili School. It is very interesting to go back over the history of this matter. When that asbestos school arrived at Mimili, panels were broken and, with the asbestos being cast around the schoolyard, the teachers at Mimili School decided to evacuate the children from the building and notified the Education Department. Also, the council—the people with statutory authority over the Pitjantjatjara lands—ordered the removal on a number of grounds.

I asked some questions about that and when the Minister was notified, what did we see occur at Mimili School? We saw those children and those school teachers ordered back into the school. I raised the question at the time: why were we sending someone up to Mimili School, a teacher with no qualifications in asbestos control whatsoever, who arrived a couple of hours after the children had been ordered back into the school? I said at the time that it was an outrageous situation to subject those children to that sort of treatment, and I said that the Minister should be condemned for doing it. On 7 November, having warned that obviously a situation would occur in some other school, I made the comment that if this happened in Burnside or Kensington Gardens there would be a completely different approach.

The Hon. R.D. Lawson: What rubbish!

The Hon. R.R. ROBERTS: It occurred at Hillcrest school on 7 November. The Hon. Mr Lawson thinks that asbestos in schools is a funny matter. Let us look at the difference in treatment between Hillcrest and Mimili schools, because it is as different as black and white. That is what it is: this is a racist decision, and you have been involved in it.

The Hon. DIANA LAIDLAW: I rise on a point of order, Mr Acting President. I ask the honourable member to withdraw that comment about racial decisions; there is no basis for such a comment. It was made in emotion and should be reconsidered.

The Hon. R.R. ROBERTS: There is no point of order, Mr Acting President.

The ACTING PRESIDENT (Hon. Mr T. Crothers): Order! It is a free flowing debate. The honourable member is entitled to express his point of view. These are, after all, matters of public interest. I note that there are still some speakers to come, and I have no doubt that, if the Hon. Mr Roberts' opinion is disagreed with, then some other speaker will pick this up. There is no point of order.

The Hon. R.R. ROBERTS: It certainly is my opinion, Mr Acting President, and I ask people to consider whether it is racist or whether there is any difference, because the Minister derided the people at the Mimili school. But what happened on 7 November at the Hillcrest school in the metropolitan area? The children were immediately evacuated from the school and told not to return until Monday. This Government immediately ordered an asbestos expert from Services SA to the school—and properly so. The Government should have also done this for the children at Mimili. It was a disgusting, despicable act. What happened with the white children at Hillcrest school was right. I do not condemn the

Minister for that, but I do condemn him for the uneven-handedness of the treatment provided at Mimili school. The children at Mimili were ordered back to school; the teachers were derided.

Today, we see the hypocrisy of this Government and this Minister where the Minister thanked the staff, the children and the department for their actions at Hillcrest school. But what did we see at Mimili? The people in authority at Mimili were ordered back into a site which had not been inspected by an asbestos inspector, and the duly elected representatives (the equivalent of the local government) were derided. In my view, if this occurred outside this place, they would have been defamed. This Government's handling of the Mimili school situation (but not necessarily its handling of the Hillcrest situation, although there were complaints there, too) was terrible.

When one compares the treatment handed out to Aboriginal children in out-of-the-way Mimili with the treatment given to white children in the metropolitan area, under the full gaze of the popular press, one can see the hypocrisy between the two groups in respect of the treatment they received. I said it was racist. The Minister for Transport disagrees with me. I ask the people to judge. The difference is as clear as black and white. That is exactly what happened: one sort of treatment for the black children at Mimili and a different sort for their white counterparts in metropolitan Adelaide.

AGRICULTURE

The Hon. CAROLINE SCHAEFER: There are a number of things I could say about the previous five minute speech, but I will not glorify it with a reply. I refer to the works of Dr Dennis Avery, Director of the Centre for Global Food Issues in Virginia, USA, and in particular his book *Saving the World with Pesticides and Plastics*. Recently, Dr Avery spoke at functions in Adelaide but, unfortunately, this was not widely publicised. Certainly, I was unaware of his visit and did not therefore hear him in person. However, Dr Avery challenges some of the widely held views of environmentalists that all agriculture which uses chemicals to increase productivity is necessarily bad and that organic farming is the only form of agriculture which can possibly be sustainable in the long term. It is fashionable in Adelaide for people to pay extra for organically grown produce, and this is a worldwide phenomenon—or at least it is a phenomenon in countries which can afford to pay for their idiosyncrasies. I suspect that there are many people in third world countries who would be happy to have any food at all.

Australia enjoys a reputation overseas as a clean, green agricultural producer. Certainly, Australian farmers have taken a deliberate decision to use minimal chemicals—particularly pesticides. We are lucky that our climate allows us to do that; however, some are necessary. Modern herbicides and fertilisers have allowed sustainable production in soils previously prone to wind and water erosion as well as the practice of minimum tillage methods. I have no desire to come down either for or against the chemical versus organic farming argument, but Avery raises some interesting issues which deserve consideration.

Currently, cropping uses 5.8 million square miles of land worldwide; however, if crop yields had not increased since the 1950s we would now be using 15 to 16 million square miles to produce the amount of food we are at the moment. At the moment, world land use can be divided as follows: agriculture, one-third; cities, 1.4 per cent, with, of course, ever increasing amounts of land being used for cities as the populations increase; and wild life, that is, forests, another third. The remainder is deserts and glaciers which, of course, are incapable of producing anything.

The world population continues to grow at an alarming rate. Even conservative estimates suggest that a 250 to 300 per cent increase in food production will be necessary in the next 40 to 50 years to keep pace with the population. Thus, if world crop yields do not at least triple in that time frame, wildlife will be the loser, as forests must be logged. I fear that the best chance of meeting the goals necessary will be the judicious use of fertilisers, herbicides and pesticides.

SMALL BUSINESS

The Hon. T.G. CAMERON: South Australia is particularly reliant on a healthy small business sector for jobs and for economic growth. Small retailers make up 97 per cent of all retailers in South Australia, whilst 63 100 small and medium businesses employ about 210 000 people and provide almost half of the State's private sector jobs. It is estimated that these enterprises produce a total of 45 per cent of our State's Gross Domestic Product. Dollar for dollar, small retailers employ three people for every one employed by large retailers. Under the Brown Government, the small business sector is simply marking time with flat conditions now well entrenched.

The latest Society of Certified Practising Accountants Small Business Health Index shows that for the fifth quarter in a row since June 1995 there was a significantly lower performance and expectation among small business. Professor Scott Henderson, ASCPA National President, has argued that small business activity is simply ticking over rather than roaring ahead. Its performance remains near the lowest levels since the index began three years ago.

Similarly, the latest *Yellow Pages* Small Business Index finds that confidence among small wholesalers and retailers has slumped to its lowest level for a year. The importance of small business means that its prosperity directly affects the health of the whole South Australian economy. It is a seed bed for innovation and provides the foundation from which emerging technologies and larger businesses grow.

Small and medium businesses are not scaled-down versions of big business. Small businesses have unique needs, problems and opportunities. The big business agenda in South Australia is for growth at the expense of small business and jobs. In South Australia we face the impact of an ageing population and zero growth—all counterproductive in terms of increasing turnover, profit and, ultimately, jobs.

The further development of shopping centres, rezoning for even more shops and leasing arrangements, which make the serfs of feudal England seem well off, are crippling our small business and small retailers. Small business has suffered from the Brown Government's total inability to provide the policies, leadership and confidence necessary for South Australia to take advantage of the longest period of continuous economic growth Australia has ever recorded. The tough, hard decisions need to be made if small business is to be saved and jobs created.

For a number of reasons the Brown Government is incapable of making these decisions. The Brown Government is unable to reconcile the contradictions between the big business interests which influence the Government and the

small business constituency which the Liberal Party erroneously assumes is its own.

The Brown Government has gone to extraordinary lengths to provide development incentives for big business at the expense of the rest of the community, including small business. Secondly, the Brown Government has failed to adequately protect small business from exploitation by big business in commercial transactions where there is a total disparity in their relative size and strength, for example, the retail tenancies legislation and Fair Trading Act. Finally, this Government is at war with itself. Instead of getting the State moving, it wastes its time and energy fighting over who should be Premier. In case members on the other side have not realised it, let me spell it out for them: South Australians have always had the good sense to dump 'do-nothing' Governments—just ask David Tonkin.

At the next State election small business will have the choice of a Liberal Government consigned to supporting its big business mates, or a Labor Government committed to providing the policies and leadership necessary for South Australian small businesses to achieve their full potential. Labor appreciates the importance of the small business sector to South Australia and will engage in genuine dialogue to ensure that the interests of small business are taken into account. Under Labor all economic policy decisions will be closely monitored to measure their impact on small businesses. Over the next 12 months small business will have the opportunity to judge the *bona fides* of the Liberal Party.

Will the Liberal Party, for example, support our amendments to the Fair Trading Act? Will the Liberal Government support the small retailers or, as usual, will they back the big end of town and support the big property developers? Only time will tell, but small business—and members should take note of this—now has the spotlight on the Government. Small businesses always believed that the Liberal Party would support them. They now know that it takes their vote for granted. Whenever the choice must be made between small business and the big corporations, under a Liberal Government big corporations win every time.

CONSTITUTIONAL ADVISORY COUNCIL

The Hon. R.D. LAWSON: I speak today on the first report of the South Australian Constitutional Advisory Council, a most commendable report. Before I begin, I take issue with the Hon. Ron Roberts who, in an earlier contribution, accused the Minister for Education and Children's Services of being a racist. That outrageous allegation was made in respect of claims about the Mimili school. The Hon. Ron Roberts alleged that the Minister's department, in recent actions in relation to the Hillcrest school, adopted a discriminatory approach when compared with that which it had adopted in relation to the Mimili school.

I make only two comments about this matter: first, to call the Minister a racist in these circumstances is appalling, contemptible and absolutely outrageous. This is the type of conduct that all sides have sought to discourage in the enactment of racial vilification legislation, and I believe that the honourable member ought be condemned for his outrageous behaviour. Secondly, it is intriguing that the Hon. Ron Roberts would choose to make that accusation whilst the Minister was absent from the Chamber. He has had a number of opportunities to question the Minister about the Mimili school, and has done so. On each occasion the Minister has firmly rebuffed him because the honourable member never had his facts right. Now, with the Minister's back turned, for the Hon. Ron Roberts to come into this Chamber and accuse the Minister of racist behaviour is beneath contempt.

The South Australian Constitutional Advisory Council was established by the Government more than a year ago. The council, under the capable chairmanship of Associate Professor Peter Howell of Flinders University, has now produced its first report. I wanted to speak at some length about the excellent report and had anticipated that the report would be the subject of a formal motion in this place for it to be noted, and that members would have an opportunity to make detailed comments upon it.

However, in view of the impending end of this session, it now appears unlikely that we will have an opportunity to fully debate the report. That is to be greatly regretted. I do, however, commend the report to the public and to the Council. It contains a number of measured, sensible, well researched conclusions in relation to matters which must be considered in this State if the constitutional arrangements of the Commonwealth at some time in the future are to be altered. This report is a thoughtful, balanced, sensible and comprehensive report. It is a report that shows that its authors—all members of the South Australian community from diverse backgrounds—have understood the challenge facing the State. This report shows an appreciation of the value of the traditional forms of this State.

The report itself is a very valuable resource. It contains a number of background papers: one on the office of Governor; another on South Australia's contribution to the making of the constitution of the Commonwealth; and another on the implications of an Australian republic for organisations incorporated under royal charter. Those papers were all by Professor Peter Howell. Also, a number of useful discussion papers from the Solicitor-General are reproduced as appendices to the report. Included also are reports from Mr Michael Manetta—a member of the council and a brilliant young barrister—on aspects of the Crown, as well as extracts from an address by Dame Roma Mitchell. I commend the report.

MEMBER'S LEAVE

The Hon. R.R. ROBERTS: I move:

That two weeks' leave of absence be granted to the Hon. T.G. Roberts on account of illness.

Motion carried.

FAIR TRADING (UNCONSCIONABLE CONDUCT) AMENDMENT BILL

The Hon. T.G. CAMERON obtained leave and introduced a Bill for an Act to amend the Fair Trading Act 1987. Read a first time.

The Hon. T.G. CAMERON: I move:

That this Bill be now read a second time.

Many small businesses operating in South Australia do so at a substantial disadvantage because there is a material inequality in bargaining power between them and the big businesses on which their business must rely for the supply of goods and services. Big business can determine whether they will be supplied, the price at which they will be supplied and the quantity they must take if they are to be supplied. Big business may also impose conditions which dictate to small

business important aspects of how they carry on their businesses.

These are not necessarily arrangements which are known to small business—I know members opposite do not support this, Mr Acting President, but I was hoping someone would stay and listen to me—proprietors when they begin dealing with their big business suppliers. They are often imposed at extremely short notice and in circumstances which are coercive. The motivation of big business for treating their small business customers in this way is obvious: it is to maximise their own profit. The easiest way of doing that—

The Hon. Diana Laidlaw: Have you got a copy of the second reading speech?

The Hon. T.G. CAMERON: Pardon, I can hear someone yelling from the other side of the Chamber.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: They are here waiting for the attendant to pick them up. I have even got two for the honourable member. There was one for the honourable member and the Hon. Mr Lawson, but when I looked up no-one was in the Chamber.

The Hon. Diana Laidlaw: The honourable member was not looking.

The Hon. T.G. CAMERON: The honourable member was missing.

The Hon. Diana Laidlaw: I was not; I have been in the Chamber all the time.

The Hon. T.G. CAMERON: The honourable member was not in the Chamber.

The Hon. Diana Laidlaw: I ask the honourable member to withdraw that statement. I was in the Chamber.

The ACTING PRESIDENT (Hon. T. Crothers): I ask the honourable member to withdraw that statement.

The Hon. T.G. CAMERON: I withdraw that; the honourable member was not in her seat. Is the honourable member happy now she has her copy of the speech?

The Hon. Diana Laidlaw: Thank you.

The Hon. T.G. CAMERON: Right, the honourable member is more than welcome. Anything to please the Minister!

The Hon. Diana Laidlaw: That is a good idea, a good approach in life.

The Hon. T.G. CAMERON: I might have to take a recess from that tonight, though. The motivation of big business for treating their small business customers in this way is to maximise their own profit. The easiest way of doing that is to make the small business customers fit in with their own operations rather than have their own businesses service their small business customers. Where a small business is managing to make a reasonable profit despite these disadvantages, many big businesses can change price or conditions to extract more of that profit from the small business. In some cases this may include the big business using these changes to manipulate competition between a number of small businesses. Big business will say this is how our competitive system works. That may be how it works best for big business. But we should not assume that what is good for big business is good for the economy as a whole. What is good for the economy is competition and we should be encouraging it.

That is why there has been such an emphasis in this country in recent years on trade practices law and competition policy. What this Bill seeks to outlaw is not competition. What the Bill seeks to do is provide the opportunity for redress through the courts where unconscionable, harsh and oppressive conduct has been used by those who have market power against those who do not. Stopping the abuse of market power is the essence of trade practices law. When big business indulges in unconscionable, harsh or oppressive behaviour at the expense of small business the benefits are not passed on to the consumer. Small business cannot pass those benefits on if they have been taken by their supplier. The benefits, as I have outlined, are all taken by big business. This is the classic situation of small business versus the big end of town. What this unconscionable conduct Bill seeks to do is to make the playing field a little more level so that small business has a chance to compete on price and service. By competing on price and service small business provides benefits to the community.

As shadow Minister for Small Business many people say to me that they are no longer in small business for their customers, their employees and themselves: they have effectively become slaves to the big businesses which supply them and henceforth control their business. An attempt was made to tackle this issue at a national level through the Trade Practices (Better Business Conduct) Bill 1995. It was never passed into law. That Bill, which targeted harsh and oppressive conduct, only did so in very limited circumstances, in particular where there was a pre-existing commercial relationship involving supply of goods on a regular or continuous basis, which was of major significance to the smaller party, in circumstances where the smaller party's freedom of action was substantially reduced, where the corporation knew the action was oppressive, and where the action went beyond what was reasonably necessary for the protection of the present or future legitimate interest of the corporation.

'Black letter law' which is that specific invariably has unforeseen gaps or limitations. If we accept the principle that small business should have some redress against unconscionable, harsh or oppressive behaviour it seems reasonable not to limit that right to an unduly restrictive set of circumstances. That is why the provisions in this Bill do not limit the circumstances in which they may be applied. In determining whether business conduct is harsh, unconscionable or oppressive under this Bill, a court may have regard to material inequality in bargaining power between the parties; whether conditions were not reasonably necessary for the protection of the legitimate interests of another party; whether the parties were able to understand any documents; whether any undue influence or pressure was exerted or unfair tactics used; and the amount and circumstances in which identical or equivalent goods or services could have been acquired from another source.

Big business will no doubt argue, as they did against the Trade Practices (Better Business Conduct) Bill, that any legislation of this type creates uncertainty and is therefore unacceptable. Big business is right: this legislation is designed to remove the certainty which they currently enjoy to engage in unconscionable, harsh or oppressive conduct against small business in the knowledge that small business will have no avenue of redress. A couple of instances come to mind: first, the relationship that small retailers have with large shopping centre developers; and, secondly, the relationship between service station proprietors and the big petrol companies. There are of course two sides to uncertainty in the business environment. The certainty which big business currently enjoys is uncertainty suffered by small business. The issue is one of providing a balance. I hope the Government will support this Bill.

In conclusion, I am indebted for assistance in the preparation of this Bill to Frank Zumbo, who is a lecturer in the School of Business Law and Taxation at the University of New South Wales. I commend the Bill to the Council.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (APPOINTMENT OF AUDITOR-GENERAL) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced an Act to amend the Public Finance and Audit Act 1987. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

One of the platforms upon which the Liberals sold themselves to the electorate in 1993 was restoring public confidence in Government. In November 1993 the Liberal's Parliament policy was released, promising to introduce legislation which would allow the Parliament to appoint the Ombudsman, the Auditor-General and the Electoral Commissioner. This would ensure and enhance the independent status of these office-holders from the Executive arm of Government, it said.

Since that time, we have seen the recent passage of legislation dealing with the appointment of the Ombudsman. When introducing the Ombudsman (Miscellaneous) Amendment Bill earlier this year, the Attorney-General said that he hoped that the Bill would demonstrate the Government's seriousness about ensuring the appropriate role of Parliament in dealing with persons such as these. He said that it will be an important signal to the community about the way in which this Government, at least, believes that these sorts of issues ought to be addressed. I can only say that the Democrats agree absolutely with that stance as expressed at that time and as expressed in the Government's policy. Therefore, today, I offer the Government another opportunity to demonstrate its support for the role of the Parliament by introducing a Bill to enable the Parliament to appoint the Auditor-General.

The Auditor-General is one of the most important officers of the Parliament. As an independent non-partisan officer, the Auditor-General plays a vital role in ensuring the integrity of South Australia's account books. The Auditor-General is an officer of the Parliament, and there has been some concern expressed, in the light of what it has said, that the Liberal Party is perhaps not as committed to the independence of the Auditor-General as it is to the Ombudsman. At times, the Government has not been happy about what the Auditor-General has had to say. In October, Premier Dean Brown—or, at this moment as I speak, the present Premier—attacked the Auditor-General, revealing that the South Australian Government could not accept any constructive criticism of its efforts. For Brown to attack an independent servant of the Parliament for doing his job properly is no better than the former Labor Government putting its collective head in the sand when the State Bank's troubles were emerging. His public criticism included allegations that the Auditor-General was attempting to rewrite history. It is vital for the future health of South Australia that we have fearless and open scrutiny of our State's public management, and that includes accepting constructive criticism where it is due.

Interstate experience should be a salient reminder of the importance of the role of the Parliament. Victorian Liberal Premier Jeff Kennett has moved to weaken the role of their State's Auditor-General. In Victoria, which does not have a properly functioning Upper House, Kennett is trying to weaken the Auditor-General's role as an independent Government watchdog. This is an issue which threatens the very fabric of accountability of Government. Internationally, Auditors-General are the people's most important accountability mechanism. It is the Auditor-General who prevents the heady mix of money and power which leads to corruption.

Recent Australian political inquiries have commented about the role of Auditors-General in ensuring political accountability. The Western Australian Royal Commission into Commercial Activities of Government and Other Matters stated that the Office of the Auditor-General provided a critical link in the accountability chain between the public sector, the Parliament and the community. The commission's report states:

> It alone subjects the practical conduct and operations of the public sector as a whole to regular independent investigation and review.

The Western Australian Commission of Government report of August 1995 stated that the Parliament can only justify itself that the Auditor-General's assessment of the Executive's performance is objective if the Auditor-General is independent.

I look forward to tripartisan support for this Bill to ensure that we can further safeguard the role of this fundamentally important parliamentary officer. The Bill is modelled upon legislation already passed in this place in relation to the appointment of the Ombudsman and, having modelled the legislation upon that and being aware of the Government's policy in this area, I look forward to their enthusiastic support.

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

CANNABINOID DRONABINAL

The Hon. M.J. ELLIOTT: I move:

> That the Legislative Council request that the Minister for Health extend the trialling of cannabinoid dronabinal for medical purposes to include the trialling of cannabis to eligible patients.

Later today when I reintroduce my private member's Bill in relation to cannabis I will discuss a number of issues in great depth. In both cases, I will refer to the report of the Select Committee on the Control and Illegal Use of Drugs of Dependence, which was tabled in the Legislative Council on 5 July 1995. A wide range of recommendations was made by this committee. The select committee recommended that there should be support by the Government for the carrying out of clinical trials into the medical uses of cannabis. I stress that the clinical trials related to cannabis itself.

The committee received quite a deal of evidence which suggested that cannabis would be useful for the treatment of a number of medical conditions. One of the most exciting, as I recall, was the treatment of glaucoma. We were told that some forms of glaucoma respond to the use of cannabis but do not respond to any other known treatment. We also received evidence that it was useful for cancer and AIDS patients, that it was particularly good in terms of returning appetite to those people and decreasing the amount of nausea that they suffered through treatments they received, and that, as a consequence of its effect on nausea and increasing their capacity to eat, people put on weight and were much stronger and healthier. There was also the fact that its general applicability for the use of pain relief, etc., made

it useful for that purpose as well. There were also suggestions that it may have been useful in relation to multiple sclerosis and other conditions. Recommendation 1 is stated as follows:

That the select committee recommends that scientifically designed and controlled clinical trials in the use of cannabis for therapeutic purposes be undertaken for specific medical conditions.

I asked questions in this place only a month or two ago now about what was happening in relation to clinical trials. In his response, the Minister informed me that some trials were being carried out in relation to dronabinal. Dronabinal is a synthetic cannabinoid. I suppose it is a partial response to the recommendation, but the recommendation was not to use a synthetic cannabinoid; the recommendation was in terms of scientifically designed and controlled clinical trials in the use of cannabis itself.

There are a number of active ingredients in cannabis, not one single ingredient, and, if one wants to look at its therapeutic uses, it is no good taking one synthetic cannabinoid and arguing that one is therefore carrying out trials in relation to the therapeutic use of cannabis. Not only is there more than one active ingredient in cannabis but the normal form of ingestion of cannabis is by way of smoking, although it can be ingested by eating, but eating may replicate the taking of a pill that contains dronabinal.

My advice is that, in relation to a number of conditions, for example, nausea suffered by people under cancer treatment, accurate dosing is needed. Smoking of cannabis gives fairly accurate dosing because the active ingredients are absorbed into the bloodstream almost immediately, and a person knows almost immediately what effect it is having and when they have had enough. It is a far more accurate way of dosing and getting the required effect—the person does not need to have extra—than taking tablets. The effect is immediate rather than sometime later because of the time it takes for a person to swallow the pill and ingest it. It offers immediate relief, and in many ways it is a fairly accurate dosage as well.

There are several reasons why, for medical purposes, one would want to use cannabis and not the synthetic cannabinoid dronabinal. So, I ask the Health Minister to look again at the recommendation of the committee, because it clearly was a broad request.

The Hon. Sandra Kanck: The Minister, whoever he may be.

The Hon. M.J. ELLIOTT: Yes, but I must say that, in relation to this one issue, the Minister has been quite open-minded and progressive. I know that he has been criticised on a number of other issues, but I know that, at least in this medical area, he has shown himself to be somewhat progressive. All that I am suggesting to him via this motion is that scientific and clinical trials of cannabis be carried out and not just trials of this one synthetic cannabinoid. I urge all members to support the motion.

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

SELECT COMMITTEE ON THE PROPOSED PRIVATISATION OF MODBURY HOSPITAL

The Hon. R.D. LAWSON: I move:

That the time for bringing up the committee's report be extended until Wednesday 5 February 1997.

Motion carried.

SELECT COMMITTEE ON OUTSOURCING FUNCTIONS UNDERTAKEN BY EWS DEPARTMENT

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

That the time for bringing up the committee's report be extended until Wednesday 5 February 1997.

Motion carried.

SELECT COMMITTEE ON TENDERING PROCESS AND CONTRACTUAL ARRANGEMENTS FOR THE OPERATION OF THE NEW MOUNT GAMBIER PRISON

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

That the time for bringing up the committee's report be extended until Wednesday 5 February 1997.

Motion carried.

SELECT COMMITTEE ON CONTRACTING OUT OF STATE GOVERNMENT INFORMATION TECHNOLOGY

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

That the time for bringing up the committee's report be extended until Wednesday 5 February 1997.

Motion carried.

SELECT COMMITTEE ON PRE-SCHOOL, PRIMARY AND SECONDARY EDUCATION IN SOUTH AUSTRALIA

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

That the time for bringing up the committee's report be extended until Wednesday 5 February 1997.

Motion carried.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 480.)

The Hon. T. CROTHERS: I support this Bill, which was introduced by the Hon. Anne Levy. In her contribution, my colleague adequately covered all that which is right with the proposition centred on euthanasia. I notice, too, that the Democrats have a private member's Bill on the Notice Paper which, with one exception, is similar to that of the Hon. Anne Levy. At times, it is not very fashionable amongst political people to speak in favour of euthanasia. Some people view the position of the churches as one that might fundamentally affect their future electoral prospects in respect of publicly exhibiting support for euthanasia.

If one gives accountability to half a dozen surveys that have been done amongst the general public as to the right of a terminally ill patient to choose between life and death, it would appear that that view has the support of a very significant majority of the general members of the community. I believe that it is time that the cat was belled in this matter. It ought not to become an issue which, like straw, is blown about by the various political winds. I acknowledge the courage of the Democrats and my colleague in this place and others who will, no doubt, publicly support the Bill.

I would be absolutely generous in my appraisal of the current position in this Parliament if I said that I thought that

this Bill could pass both Houses of Parliament. I do not believe that will be the case, even though both Parties have made it an issue of conscience and as such that cuts across any political guidelines that might be laid down by any of the three Parties that are currently represented in this Parliament. I said I wanted to make a contribution, to stand up to be counted, so to speak, in respect to what this Bill entails. As a community we spend tens of thousands of millions of dollars on treatment for the as yet unborn, for pre-natal treatment with respect to the illnesses that can occur to the unborn child during pregnancy, and it is correct and right that we do that. The position is that members of the medical profession advise the parent-to-be that certain treatment is essential for the as yet unborn infant—whom I believe we would all recognise as life in human form—at that stage in its development, so the medical profession is the repository of advice relative to whether or not a parent should act.

It seems to me that, if one is looking at the preservation of human life, that is a very necessary form relative to the process of decision making and we do not make any moral judgments of repugnancy with respect to that matter. But here is a stage of life for whom decisions are being taken, yet, in the small number of cases where euthanasia might have to be carried out by someone holding authority for someone who has lost all their capacity to communicate, we make that one of the central planks of the rationale that would underpin the opposition that is displayed from time to time with such emotion in the public arena and indeed in parliamentary debates that have taken place all over the country.

I believe I recall that the Premier of Victoria, Mr Kennett, who is a man renowned for his forthright views on many matters and who is never frightened to air his views in public, has had the courage of his convictions and has made his view known that he would support a measure conferring on people an ability to exercise a right to determine when to turn off their own or artificial life support systems when the pain of their illness—always mortal—that they have to endure has gone beyond the capacity of the physical body and mind to deal with.

As I have said I have stood up to be counted. The Hon. Anne Levy touched on a matter that meant a lot to me, because of all members of this Parliament I suppose I had known best the Hon. Gordon Bruce, a former President of this Chamber. On a previous occasion when a vote was taken in this House with respect to euthanasia clearly he voted against the Bill and told me at the time as a friend and colleague why he chose to go down that path. It was his right to do that; again, the matter was an issue of political conscience.

I put to members in this Council that it is only when one finds oneself at the coalface of the trauma and dramas that you have to endure through having a painful terminal illness that you can really see with clarity the necessity of having that capacity to determine to end all the pain and suffering and all the other pain and suffering that you may well be causing many of your loved ones and relatives who are around you at a time of such trauma.

Unfortunately, just after retirement the Hon. Gordon Bruce himself was inflicted with an illness of that nature. To his eternal credit he chose to reverse the view that he had expressed in the full bloom of his health in this Council and adopt a position that was very supportive of euthanasia. It may well be that that position that he so courageously adopted in his final days on this earth will be one of the instruments that will help to carry the day in respect of ensuring that this matter is legislated for—and it will be; it is not a question of if, but when. What disturbs me is the amount of enormous pain that we inflict on people who want to be free to make that choice but who have to front up every day to horrendous pain from a terminal illness.

As an agnostic and former son of the Roman Catholic church, I am not frightened to bite the bullet. I noticed that, in a position that was recently developed during a conference, some strange bedfellows got together in relation to birth control, and the subject of euthanasia was canvassed. I am mindful of members of the Islamic faith who pray to their God, Allah, and say, 'In the name of Allah, the compassionate and the merciful'; and, in the New Testament when the Hebrew Judeo-Christians pray, they also pray to a compassionate and merciful God. I have to put in my final contribution: what is compassionate and merciful in forcing people to endure that which they do not want to endure at the end of their days? We are not imposing anything: this Bill does not seek to impose anything on anyone. Under this Bill people would have the right to choose. I put it to members that, in a free, clear thinking and democratic society, that is the only way to go. I support the Bill and commend my colleague for her courage in introducing it as a private member's matter.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

PETROLEUM AND MINING WORK

Adjourned debate on motion of Hon. Caroline Schaefer:

That the regulations under the Occupational Health, Safety and Welfare Act 1986, concerning petroleum and mining work, made on 22 August 1996 and laid on the table of this Council on 1 October 1996, be disallowed.

(Continued from 6 November. Page 347.)

The Hon. R.R. ROBERTS: I neither support nor object to the disallowance, but I do rise having taken cognisance of the Hon. Caroline Schaefer's contribution in respect of her thoughts on this Bill. However, I have the report provided to the Legislative Review Committee and will refer to it, because this is where my concern arises. It states:

Re: Occupational Health, Safety and Welfare Regulations 1995—Mining Work and Petroleum Work.

It is proposed that Part 5 of the Occupational Health and Safety Welfare Regulations 1995 be extended to include hazard specific regulations for mining work and petroleum work. The provision of hazard specific regulations relating to health and safety for mining work is currently encapsulated in the regulations under the Mines and Works Inspection Act 1920-1978 and is due to expire on 31 August 1996.

The Department for Industrial Affairs coordinated tripartite working groups to develop the draft legislation [as mentioned in the Hon. Caroline Schaefer's contribution]. The development process included public consultation and support by the OHS&W Advisory Committee. The inclusion of hazard specific regulations for mining work and petroleum work is consistent with Government policy on implementation of OHS&W regulations.

As the current regulations expire on 31 August 1996, I have agreed to waive the usual four month delay for commencement of the regulations in accordance with section 10AA(2) of the Subordinate Legislation Act 1978. The proposed regulations will commence on 1 September 1996.

If members take note of that contribution they will see that the present regulations covering occupational health and safety provisions in this area expired on 31 August 1996. One assumes that under 10AA(2) the new regulations as laid on the table would take over and apply during this period. My

concern is for miners who may be involved in an accident and who seek compensation claims. My concern, which I direct to the Minister for Industrial Affairs (Hon. Graham Ingerson), relates to what inspectorate now relates to the operations in the said areas of this legislation as it applies to the opal mining industry.

I am concerned that many of my friends in the mining industry may find themselves in a position of legal embarrassment unless this matter is cleared up. To put it succinctly: will they work under the Mines and Inspection Act 1920-1978 or are they expected to work under these regulations? As we have not voted on this motion I understand that these regulations stand and given that that is the case I am concerned that some of the miners in Coober Pedy, Andamooka and even Mintabie may well be breaching some of these regulations. The situation ought to be cleared up so that my constituents in the opal mining industry can be assured that they will not suffer unduly as a consequence of the processes of the Parliament.

The Hon. R.D. LAWSON secured the adjournment of the debate.

NATIONAL SCHEMES OF LEGISLATION

Adjourned debate on motion of Hon. R.D. Lawson:

That the position paper on scrutiny of national schemes of legislation be noted.

(Continued from 23 October. Page 237.)

The Hon. P. HOLLOWAY: I am pleased to support the motion to note the position paper on scrutiny of national schemes of legislation prepared by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia. About 12 months ago the Council debated discussion paper No. 1 on the scrutiny of national scheme legislation and the desirability of uniform scrutiny principles. The working party has now advanced debate on this issue to the extent that a position paper has been produced. During debate on the discussion paper earlier this year I said:

> I believe that it is inevitable that State powers will diminish as a consequence of technological advances and the globalisation of the economy. In my view, it would be futile for us to try to prevent that process because those changes are inevitable. We would just be playing King Canute. Nevertheless, the way in which some national uniform legislation has been formulated, such as through the ministerial council, does pose a threat to parliamentary processes because it gives greater power to the bureaucracy and the Executive.

Three proposals have resulted from the position paper. First, that all scrutiny committees adopt the following separate terms of reference for the examination of national scheme subordinate legislation:

- whether the subordinate legislation is in accordance with the provisions of the Act under which it is made and whether it duplicates, overlaps or conflicts with other regulations or Acts;
- whether the subordinate legislation trespasses unduly on personal rights and liberties; or
- whether having regard to the expected social and economic impact of the subordinate legislation it has been properly assessed.

The second proposal is that all scrutiny of Bills committees adopt the following separate terms of reference for the examination of national scheme primary legislation:

- whether the Bill unduly affects personal rights and liberties; or
- whether the Bill inappropriately delegates legislative powers.

The third proposal is to ensure that uniform legislation is tabled as an exposure draft in each Parliament. The working party seeks to address a problem that has grown up in this country in respect of how uniform legislation is prepared. We have a system whereby Commonwealth and State bureaucrats meet to discuss issues of national importance. The Commonwealth and State Ministers meet on this matter and discuss courses of action. Draft legislation is then prepared and circulated. Indeed, it can be circulated many times, as the Hon. Robert Lawson said in his speech on this matter. In one case involving financial legislation the draft was circulated 41 times. Part of the problem with the circulation of the draft for discussion through the community is that it does not involve necessarily the State Parliaments which ultimately must pass the legislation, because the authority of the States is necessary for the legislation to be effective.

The third proposal I mentioned a moment ago suggests that the exposure draft should be presented to Parliaments for their consideration during this process. It is certainly anomalous that we can have such lengthy debates—in some cases taking years and involving a series of meetings between bureaucrats and State and Federal Ministers—yet the Parliaments which must ultimately pass the legislation do not always get a look in.

Once the ministerial council finally agrees to this draft national legislation it is introduced into the various Parliaments. The dilemma with which all members are then faced is that if we seek to amend that legislation we are told that it will negate the uniformity of the legislation, and so we cannot do that. The role of the scrutiny committees which was suggested in the position paper and which I read out is to examine legislation to ensure that it conforms with certain principles, and that any subordinate legislation arising from this national uniform legislation should also conform with certain principles.

Those principles are basically those under which the legislative review and other scrutiny committees throughout this country operate when they examine State subordinate legislation. One should make the point that we are really looking to ensure that adequate consultation has been made and that these basic principles have been adhered to. We are certainly not looking at the policy questions involved in these matters. One could conclude that the proposals of this position paper are fairly modest. I am not sure that one could say that the proposals, even if they are adopted, will fully address some of the concerns many of us in State Parliaments have about the whole process of developing national uniform legislation, but at least it gives us some input.

One of the dilemmas is that, if you involve State Parliaments during the early stages of discussion on the legislation, you run the risk of slowing up or perhaps even derailing the process. No matter how much discussion takes place, at the end of the day we must confront the dilemma that we may not really have an opportunity to vote against legislation that has been agreed to by these ministerial conferences. Nevertheless, while these proposals are fairly modest, I believe that they are certainly worth looking at, and I recommend that all members of the Parliament study these measures.

It may seem a fairly mundane and boring topic, but if we look at the growing volume of national scheme legislation we can see that, if we do not address and think about these sorts

of issues, we may, by default, lose our say over them. I strongly recommend that all members of this Council look at the position paper put forward by the working party representatives. I compliment the South Australian representative on that working party, the Hon. Robert Lawson, and his colleagues for their work in preparing this position paper. I support the motion.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

CONTROLLED SUBSTANCES (CANNABIS DECRIMINALISATION) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

I have already introduced this Bill on previous occasions, so I do not intend to cover all the ground I covered previously. I want to make a few summary comments about the Bill and then introduce a small amount of new material. I want to reiterate that this Bill is not about legalisation of cannabis but about its regulated availability. This legislation is about harm reduction; it is about finding the way of approaching issues around cannabis that produces the least harm for our community. Members will get no debate from me about whether or not cannabis has potential harmful effects. My arguments will be that the harmful effects of the regulated availability model in total will be far less to our community than any other model that might be adopted. My Bill must be seen within that context.

I want to draw the attention of members of this place to the report of the Premier's Drug Advisory Council. The Premier of Victoria (Mr Jeff Kennett) established a Drugs Advisory Council soon after the last election, which committee reported in March 1996. I have multiple copies of this report and intend to make it available to all members of both Houses, both the full report and a summary, as members will find it most instructive. I intend to quote some sections from it, because here we have a most august body established under a conservative Government to look at issues around drugs, and it is interesting to look at the conclusions it has reached. This is a totally non-political committee.

The committee was chaired by Professor David Pennington, Vice-Chancellor of the University of Melbourne from 1988 to 1995, Chairman of the AIDS Task Force from 1983 to 1987, Chief Adviser on Health Policy and Programs to the Health Department of Victoria from 1986 to 1987, and a past member of the boards of the Walter and Eliza Hall Institute, the Cancer Institute and the Ludwig Institute for Cancer Research (Melbourne branch). It included Ms Regina Fuster, Deputy Chairperson and Commissioner of the Victorian Ethnic Affairs Commission (who also held a number of other positions); Mr Bernie Geary, Associate Director, Programs and Services, Jesuit Social Services (and holder of a number of other positions); Associate Professor Margaret Hamilton, Director of the Turning Point Alcohol and Drugs Centre, Associate Professor, Department of Public Health and Community Medicine, University of Melbourne (and holder of other positions, including a position on the NHMRC expert panel on alcohol and drugs); Mr Bob Nicholson, State Director of the Victorian Council of YMCAs (with 30 years experience in youth and community work); Professor Pat O'Malley, Professor of Law and Legal Studies, La Trobe University (and holder of other positions); Associate Professor Peter A. Sallmann, Executive Director of the Australian Institute of Judicial Administration and Associate Professor of the faculty of law at the University of Melbourne; and Professor Greg Whelan, Professor of Drug and Alcohol Studies, University of Melbourne, Director of Drug and Alcohol Services, Saint Vincent's Hospital, Melbourne (and again holding other positions). This is a body that no reasonable person could describe as being a body of great radicals, but is quite a conservative grouping.

It was asked to look at the following terms of reference: to inquire into and where applicable make recommendations to the Government on the nature and extent of trafficking in and the use of illicit drugs within Victoria; approaches to deterring the manufacture, supply and distribution of illicit drugs in Victoria, including consideration of legislative and law enforcement arrangements and examination of collaboration and cooperation between relevant agencies; approaches to preventing use of illicit drugs in Victoria and reducing demand for them, including consideration of educational programs, welfare support and rehabilitation arrangements; and, finally, recent Australian and international experience in the development of strategies and specific programs, including law enforcement, education and treatment programs designed to combat the manufacture, supply, distribution and use of illicit drugs. The overview states:

> Victorians are justifiably concerned about widespread misuse of drugs in our community. Experimentation among young people is widespread. Use of drugs such as cannabis and amphetamines is high by international standards, despite prohibitionist laws and a strong commitment to law enforcement.
>
> Concerns have become apparent about increasing adolescent initiation into heroin, and the proliferation of intravenous administration of amphetamines and the use of derivatives of this group such as Ecstasy. Use of multiple drugs is common as the same criminal source may offer a variety of drugs. There has been an increase in the number of deaths directly attributable to illicit drug overdose in the past three years. These are all reasons for re-evaluation of policies and programs.
>
> The council was charged by the Premier with undertaking an intensive public investigation into illicit drugs and advising on how Victoria should tackle the problem. Some of the eight council members had wide familiarity with the field, while others brought different experiences and skills. Together we have examined the considerable body of evidence currently available in Australia and overseas, have consulted widely in the Victorian community, reviewed over 300 written submissions, and have taken initiatives to explore issues with special groups and authorities.
>
> The council is conscious of many firmly held and divergent views on particular issues about illicit drugs in our society. We are also fully aware that no simple solution will solve what are, by their nature, long-standing and intractable problems. The issues must be tackled as a whole, as the many facets are inter-related. There are no easy answers.
>
> The council has come to a common view that changes are necessary to policies, legislation and services if we are to effectively contain the problems, and have the capacity, in time, to reduce the harm being caused to our community by drugs. If society is unwilling to consider change, many more individuals and families will be adversely affected in the future.

That is an important point. The people who are refusing to take on change now are guilty of allowing an unacceptable situation to continue. The overview continues:

> We appeal to the community to consider all our recommendations, covering a wide range of inter-related issues. We hope that agreement will be gained to the adoption of a significantly fresh approach. The recommendations put forward are the unanimous view of the council—

and I stress 'the unanimous view of the council'—

and were dictated by consideration of a large body of information and carefully considered views that we had before us.

On page IV of the report, there was reference to the harm caused by illicit drugs. Of course, this means drugs generally and not just cannabis. The document states:

The damage done by illicit drugs is widespread. It includes:

- Lives that are controlled by drug dependency.
- Many deaths due to drug overdose.
- Disruption of families by bereavement or grief due to a family member's dependence on illicit drugs.
- Family tensions created for loving parents by demands for money or the consequences, in many cases, of commitment of drug dependent people to lives of crime or prostitution.
- Effects on the wider community of crimes of theft, burglary, and instances of violence.
- Ever-present danger of corruption in our society because of the huge sums of money involved in the drug trade.
- Spreading of diseases such as HIV/AIDS, and hepatitis B and C in the community by intravenous drug administration under unsafe conditions. Rates of hepatitis C among injecting drug users are very high. This is in spite of the implementation of needle exchange programs in Australia which have contained the spread of HIV/AIDS more successfully than almost any other country.
- The economic costs to society of law enforcement and imprisonment.

In a number of cases, damage is caused by the very fact that the drugs are illicit: the economic costs of law enforcement and imprisonment arise because of their illegal nature and the danger of corruption exists because huge sums of money are made because of their illicit nature. Theft, burglary and violence occur not because people are using the drugs and acting under their influence but largely because they are trying to get the money to pay for them.

It has to be true that any reasonable examination of the problems listed in that document would indicate that the illicit nature of drugs actually makes those problems worse rather than better. It is curious that, in seeking to protect people from themselves, we often endanger them more and do even more damage to our society than the initial threat. That is doubly so when you look at something like cannabis which, while it clearly has negative health impacts, is certainly no worse in its effect than alcohol or tobacco, but the damage done by cannabis due to the fact it is illegal causes greater damage to individuals and, more importantly, to society as a whole. The report further states:

In contrast, the widespread use of marijuana, because it is illicit, has not been subject to any education programs to help people to distinguish use from misuse. Twelve per cent of all Victorians have used marijuana in the past year and the proportion is much higher among young people. Community concerns about the risks associated with driving under the influence of marijuana (and other drugs) supports development of education and law enforcement programs similar to drink driving campaigns and programs.

Under the heading 'Will prohibition on its own solve our problems?' the report states:

The use of agents that alter mood has a long history in human society. Records or evidence of use of the opium poppy, of marijuana and of alcohol go back over thousands of years. Concern over international trafficking in narcotics (particularly those derived from opium, cocaine and cannabis) has resulted in the adoption of successive international treaties, the first of which was in the early years of this century. These were subsumed by the United Nations in 1949. Subsequent treaties have bound signatories to ensure that trafficking, possession and use of stipulated drugs is treated as a criminal offence.

Australia has ratified acceptance of these treaties in 1953, 1967 and again in 1993. State by State, legislation has been enacted at various stages, although some differences have emerged over the past eight years, particularly in respect of marijuana. Italy and Spain have moved away from criminal sanctions for the use of all drugs in recent years. The Netherlands has not changed its laws, but it imposes no penalty for use or sale of marijuana.

The international community has attempted to curb production and trafficking in cocaine and opium (from which heroin is derived). However, evidence provided by United Nations agencies indicates that the production of these drugs continues to increase and that it represents a major portion of the economies of a number of South-East Asian and South American countries. Producers continue to search for new outlets through thriving international criminal networks that control the black market.

Contemporary Australian assessments indicate that law enforcement agencies, despite rigorous efforts, are having only a relatively small impact on the availability of drugs.

Under the heading 'The economics of trade in illicit drugs' the report states:

Estimates of global annual turnover in the illicit drug industry are of the order of $US400 to $US500 billion, and approach 10 per cent of the total value of international trade! A report of the Parliamentary Joint Committee on the National Crime Authority in 1988 estimated the annual turnover in Australia for heroin, cocaine and cannabis alone to be $2.6 billion. Despite their illicit status and vigorous efforts at law enforcement, drug seizures are simply responded to by the black market with replacement supplies and/or rising prices.

The cost to our economy of illicit drugs in Australia is estimated to be of the order of .5 per cent of GDP. In the USA, it has been estimated that the average economic cost to the community of a dependent heroin user was $US43 000 per year. Incarceration costs $45 000 per year; by comparison, residential care in a treatment facility costs $16 500 per year, and methadone maintenance in the community $3 500 per year. The costs in Victoria are similar in Australian dollars.

It is worth noting that the report says:

Mr George Schultz, former Secretary of State in the USA, said in 1990, that the 'war against drugs', as then conceived, was doomed to fail and that'... we need at least to consider and examine forms of controlled legalisation of drugs.

That was in the Wall Street Journal of 27 October 1990. This is a person from the very highest echelons of the US Government who realised that the track that they were following simply was not going to be successful.

With respect to cannabis, the report states:

Cannabis products are readily available in the community to those who choose to use them. The estimated turnover of this trade in Australia was $1.9 billion in 1988.

Victoria contributed between 20 to 25 per cent of this figure. South Australia's *per capita* use is about the same as Victoria's, so it would be reasonable to assume that about 8 or 9 per cent of that $1.9 billion at that time would have been spent or turned over in South Australia. The report goes on to say:

Decriminalisation of cannabis cultivation for personal use, within the context of the home environment where a family chooses such a course, would diminish the link with other more damaging and addictive illicit drugs. However, any such change must be made in conjunction with the provision of appropriate education and public advice on the dangers of abuse of the drug, and appropriate penalties for dangerous use.

Page 75 (section 3.4.3) of the report focuses particularly on cannabis. It states:

Marijuana is the most widely used illicit drug. 12 per cent of Victorians have used marijuana in the past year, and this is considerably more than all other illicit drugs combined. Evidence provided to council regarding a rural police district indicated that more than 90 per cent of police work was drug related. Of this, around 65 per cent related to cannabis, and most of this to use and possession.

In other words, a significant amount of police time was being used to chase up users of cannabis—65 per cent of their time in this one police district. People are worried about police getting onto law and order issues, and they are spending their time chasing users of cannabis who, for the most part, are

certainly a threat to nobody else and, in most cases, not a threat to themselves either. The report continues:

> Use and possession charges also constitute a significant proportion of all charges heard in the Magistrate's Court. Yet marijuana does not loom large enough among drug problems in terms of observable and measurable harm done to users or to others. It is undoubtedly a powerful intoxicant and can generate a number of serious problems if abused. To decide how large a problem marijuana poses requires judgment of fact and value.
>
> Even if marijuana posed few health risks itself, it would still represent a problem if it tended to lead to the use of other more dangerous substances. Dutch experience indicates that marijuana is not a 'gateway' to heroin. While marijuana is available throughout Dutch cities, there are very low rates of heroin initiation. The most careful study to date, conducted during the 1970s in the United States, explored the marijuana-heroin link among the largely minority group adolescent population of Manhattan (Clayton and Voss, 1981). Its findings confirmed a relationship between heroin and marijuana, but with an unexpected twist. Heavy marijuana smokers did appear at greater risk of becoming heroin users, but the mechanism did not seem to involve the drug experience itself. Rather, heavy marijuana use appeared to generate involvement in drug selling, either as a way of paying for the marijuana consumed or simply by association with drug sellers. Drug selling, in turn, gave adolescents access to heroin and the money to buy it. This suggests marijuana was a gateway for those adolescents because it was illicit (Kleiman, 1992).
>
> A number of cross-national reviews indicate that response to cannabis would be more effective if it was clearly distinguished from more dangerous drugs. In particular, current levels of marijuana use are more likely to be reduced through education and persuasion than appears likely for other illicit drugs. Marijuana is already widely used and therefore less exotic than other drugs. Therefore there is less risk that discussion in school will create an awareness and curiosity that would otherwise have been absent. By the same token, the target efficiency of the messages—the probability that any given recipient would have seriously considered using the drug now or in the future—is higher for marijuana than any other illicit substance. Benefits of carefully developed education to discourage marijuana misuse seem to outweigh risks. (Kleiman, 1992).
>
> During investigations, council was made aware that some Victorians may experience significant problems as a consequence of cannabis abuse. Development of a trial treatment service for cannabis users is recommended in chapter 4. Provision of information and support for parents responding to their children's marijuana use was also raised as a significant issue. This is discussed further in the next section. Law enforcement and legislative response to marijuana are also discussed later in this chapter.

I do not intend to quote further from this report because, as I indicated earlier, it is my intention to make copies of this and a summary report available to all members of both Houses of Parliament.

The advisory council set up under the Victorian Liberal Government of Jeff Kennett clearly came out in favour of a change in the law in relation to cannabis. It realised, as other people need to realise, that the current approaches are not working and will not work. If we want to do the most good for both individuals and the community as a whole, we need to follow a different approach, one which reduces the harm that is done. I argue very strongly that the approach that will produce the least harm is the approach of regulated availability.

I do not want to see cannabis become available in the way that alcohol is available, and I particularly do not want to see a substance such as cannabis promoted and advertised. Members of this place are aware that, soon after entering Parliament, I was a proponent of legislation to ban tobacco advertising. I draw significant differences between a person's having the civil liberty or the right to use a substance that may potentially cause harm and the civil liberty of someone else to encourage them to use it and to make a profit from that inducement. For that reason, just as I opposed the advertising and promotion of tobacco—and that has been largely successful and our society is seeing a decline in tobacco consumption—I believe that if cannabis is available in a regulated way and we do not allow it to be promoted, the situation will improve.

In addition, if we do not allow it to be sold to minors, if we do not allow it to be consumed in public places, if we have good health and education programs, if we sell it only through licensed premises—and my suggestion is that it be through pharmacies, because they can provide good and reliable advice—if it is a requirement of the law that advice is provided with all sales, if except for personal consumption it is grown only by licensed growers and no illicit trade is allowed, that combination, which makes up what I call regulated availability, will produce the best results for our community.

I urge members to think about this very carefully. It is not a matter of a minor nature. The evidence that I have produced indicates that we are talking about a commodity of great economic importance. This substance is used by a significant proportion of the population, indeed, by 12 per cent of people in Victoria. The figure in South Australia would be similar and, among younger people, it would be even higher. This Bill is not about saying it is a good thing or a bad thing; this Bill is about good commonsense. I hope that good commonsense appeals to all members of this place, and I urge their support for the Bill.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

VOLUNTARY EUTHANASIA (REFERENDUM) BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 347.)

The Hon. ANNE LEVY: I oppose the second reading of this Bill. It seeks to establish a referendum on the question of voluntary euthanasia, to be held simultaneously with the next election. It seems to me an expensive way of determining public opinion and that is, in fact, all a referendum can do. Moreover, it would be very confusing to a large number of people. Several people have spoken to me expressing the opinion that if a referendum on voluntary euthanasia were passed this would automatically change the law. They are astonished when I tell them that a referendum can only indicate public opinion: it has no legal validity at all. The only way the law on voluntary euthanasia can be changed is by Parliament.

It is the responsibility of Parliament to make and change laws and, under our Constitution, referenda have no legal force at all. Imagine the confusion if a referendum were passed—as I am sure it would be, given the results of all public opinion polls. People would then feel that the law had been changed when, of course, it would not have been. This is not understood in the general community. I think it would be very confusing for people to have such a referendum, thinking that they were doing something other than merely stating their opinion which can be determined by public opinion polls far more cheaply than having referenda.

One of the arguments that the Hon. Sandra Kanck has used to promote her referendum is that if individual politicians knew the vote in favour of voluntary euthanasia in their own electorate—this is referring to Lower House members—this would then influence their vote. It is certainly true that,

when public opinion polls are held on the topic of voluntary euthanasia, between 75 and 78 per cent of the population support voluntary euthanasia and that this support may not be absolutely uniform across all parts of the State. It would not surprise me at all if in some rural areas it was only 65 per cent and in some parts of Adelaide 85 per cent, averaging out to about 78 per cent. I would be quite confident that there would be a majority in all areas, although the size of the majority may differ somewhat.

The Hon. Sandra Kanck argues that this would then influence individual Lower House members. If they knew, for instance, that 90 per cent of their electors supported voluntary euthanasia they would then vote for it in the Parliament. But I think this was shown to be a false interpretation from the example which I am happy to share with honourable members. The Hon. Sandra Kanck, Dorothy Kotz and I were interviewed on a Sunday evening program on the topic of voluntary euthanasia.

Of course, I was in favour, as was the Hon. Sandra Kanck. Dorothy Kotz was bitterly opposed to it. When Dorothy Kotz was asked whether she would change her view and vote for voluntary euthanasia if a referendum told her that 90 per cent of her constituents were in favour of it, she said 'No'. Whatever were the opinions of her electorate it would not change her opinion at all.

The Hon. L.H. Davis: She might say the same about capital punishment. If 90 per cent of people said that they wanted capital punishment, you yourself would still say 'No'.

The Hon. ANNE LEVY: I am not putting forward this argument: the Hon. Sandra Kanck is putting it forward, and I am indicating that it is not a valid argument. One could certainly use the capital punishment example likewise. Even if 70 per cent of the population were in favour of capital punishment, nothing would persuade me to vote for it.

The Hon. L.H. Davis: But you have made known your opposition to it and I would accept your right to do that. So you cannot criticise Dorothy Kotz for her viewpoint.

The Hon. ANNE LEVY: I am not querying Dorothy Kotz's viewpoint, even if she is about to become a Minister. I am not querying her right to have her opinion, but merely saying that the argument used by the Hon. Sandra Kanck that a high proportion of constituents favouring voluntary euthanasia would influence the votes of individual members of Parliament would prove to be a false hypothesis. Dorothy Kotz has indicated quite clearly that she would never vote for voluntary euthanasia. In like manner I could well understand that the Hon. Caroline Schaefer will never support a voluntary euthanasia measure. She has particular religious views that influence her, and I respect her views, although I certainly do not share them.

However, it seems that neither public opinion polls nor referenda will ever change the way that the Hon. Caroline Schaefer would vote on this matter, so we can save the expense of having a referendum, continue to rely on public opinion polls that clearly tell us that the overwhelming majority of South Australians support voluntary euthanasia and just hope that reasoned debate and careful consideration of the issues will—as I am sure it will—ultimately result in this Parliament's adopting legislation for voluntary euthanasia.

The Hon. T. CROTHERS secured the adjournment of the debate.

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. R.D. Lawson:

That the report of the Legislative Review Committee, 1995-96, be noted.

(Continued from 16 October. Page 140.)

The Hon. P. HOLLOWAY: I was going to speak briefly on the report of the Legislative Review Committee, which has had a very productive year but, as most of the matters listed in the annual report have already been discussed at some length and I think I have spoken on most of those matters during the course of the year, I will not go through them again. However, I wish to use this opportunity to recognise the role played on the Legislative Review Committee by my predecessors the Hons Barbara Wiese and Mario Feleppa during the period to which this report applies.

I also want to thank all the other members of the committee and the Hon. Robert Lawson for their work on the committee. Also, on behalf of the Opposition I record our thanks to the staff, David Pegram and Peter Blencowe, for their assistance through the year. There is no need to go through all the issues that are covered in the report because they were discussed at some length when these matters came before this Council. With those brief words, I commend this motion and support the noting of the report of the Legislative Review Committee for the year ending June 1996.

The Hon. R.I. LUCAS secured the adjournment of the debate.

[Sitting suspended from 5.50 to 7.45 p.m.]

MATHEMATICS AND SCIENCE STUDY

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

That this House congratulates the commitment and work of South Australian teachers and schools in both Government and non-Government sectors in achieving outstanding student results in the Third International Mathematics and Science Study (TIMSS) which had South Australia ranked ninth overall in mathematics and seventh overall in science in a survey conducted in forty-five countries worldwide.

I hope that all members in this Chamber are delighted at the results of our students in Government and non-Government schools in South Australia at the recent Third International Mathematics and Science Study. This mathematics and science study was one of the biggest, if not the biggest, mathematics and science study of its kind in the world. Almost 500 000 students from some 45 countries throughout the world participated in the study. The result showed that South Australian students had performed to a world-class standard in both mathematics and science surveys. In mathematics South Australia ranked ninth overall in the world, and in science ranked seventh overall in the world. South Australia outperformed countries such as Germany, the United States of America and England. For those with some experience in or knowledge of the broader education sector, South Australia outperformed Scotland, which is reputed to be one of the leaders in education. It was heartening to see the results of Australia, and South Australia, in outperforming all those countries.

These surveys were conducted during the period late 1994 to early 1995 and involved about 500 000 students. The surveys were conducted at three separate broad year levels. These were the results of the year 8 and year 9 students. The results of year 12 students and primary aged students (the middle primary years) will be released some time next year. Given the results for the year 8 and year 9 students we will be very interested in the results for the other levels.

I make the point that we are talking about all South Australian schools because the survey was conducted in both Government and non-government schools. As I said at the outset, I hope that all members will congratulate the teachers, staff and departmental officers—within the Department for Education and Children's Services and, in the non-government sector, within the Catholic Education Office and the Independent Schools Board—for their tremendous work over a considerable period in achieving this result within Government and non-government schools within South Australia.

I was fortunate enough on the weekend to attend the National Talent Quest for Mathematics at which a number of maths students were honoured. I was pleased to note that two of the three major award winners came from South Australia, while the other award winning group came from Tasmania. It was a national talent quest conducted throughout Australia this year. As I said on that occasion—and I want to put it on the public record in this debate—one of the factors in achieving this level of result has been the extraordinary activity and support that our Maths and Science Teachers Associations both State and Federal have provided to teachers and staff within our schools.

I have had the privilege of visiting many professional associations. Most of the subject areas have professional associations, and I have to say that amongst the most active of all are the Maths and Science Teachers Associations, which are active in terms of providing training and development support for maths and science teachers. They are active in promoting competitions such as the National Maths Talent Quest; the Science Teachers Association conducts the Oliphant Science Awards; and there are a number of functions like that where the associations actively promote their subject area and actively encourage a passion and interest in the subject areas of maths and science which are so important if we are to encourage young people to continue in maths and science study. In all those areas our Maths and Science Teachers Associations need to be publicly congratulated for the terrific work they do in supporting schools, teachers and staff.

Also, I congratulate the departmental officers—in my case, from the Department for Education and Children's Services. I am obviously not just congratulating the present departmental staff officers but clearly past officers who worked for previous Governments as well. We clearly do not achieve these sorts of results overnight. They are the basis of longstanding support and promotion of activity within the broad subject areas of maths and science. Many previous maths and science advisers and curriculum officers ought to be congratulated and pleased at the results achieved by our 1994-95 students in this international maths and science survey. In Australia more than 30 000 students at the three stages of schooling participated in the survey. There are a number of other features of the survey. I seek leave to insert in *Hansard* without my reading them two purely statistical tables listing the 45 countries, States and territories and their comparative performance.

Leave granted.

Science Achievement Nationally and Internationally

Country	Mean age
Singapore	14.0
WA	14.0
Czech Republic	13.9
Japan	13.9
ACT	13.6
Korea	13.7
SA	14.3
Bulgaria[4]	13.6
Slovenia[4]	14.3
Belgium (Flemish)[1]	13.6
QLD	14.0
Netherlands[3]	13.7
Austria[4]	13.8
Hungary	13.8
England[12]	13.5
Australia	13.7
Slovak Republic[3]	13.8
United States[1]	13.8
NSW	13.5
NT	14.0
Ireland	13.9
Sweden	13.5
Canada	13.6
Germany[124]	14.3
TAS	13.5
Russian Federation	13.5
Thailand[4]	13.9
Hong Kong	13.7
Norway	13.5
Switzerland[2]	13.7
New Zealand	13.5
VIC	13.5
Spain	13.8
Scotland[3]	13.2
Iceland	13.1
France	13.8
Greece[4]	13.1
Denmark[4]	13.4
Latvia (LSS)[2]	13.8
Belgium (French)[3]	13.8
Portugal	14.0
Iran, Islamic Republic	14.1
Cyprus	13.2
Lithuania[2]	13.8
Colombia[4]	15.1

Mathematics Achievement Nationally and Internationally

Country	Mean age
Singapore	14.0
Korea	13.7
Japan	13.9
Hong Kong	13.7
Belgium (Flemish)[1]	13.6
WA	14.0
ACT	13.6
Czech Republic	13.9
SA	14.3
QLD	14.0
Netherlands[4]	13.7
Bulgaria[4]	13.6
Slovak Republic[2]	13.8
Switzerland	13.7
Austria[3]	13.8
Hungary[4]	13.8
Slovenia	14.3
Russian Federation	13.5
Belgium (French)[3]	13.8
Australia[3]	13.7
France	13.8
Ireland	13.9
Canada	13.6
NSW	13.5
Thailand[4]	13.9
Sweden	13.5
Germany[124]	14.3
VIC	13.5
United States[1]	13.8

New Zealand	13.5
England[12]	13.5
TAS	13.5
NT	14.0
Norway	13.5
Denmark[4]	13.4
Scotland[3]	13.2
Latvia (LSS)[2]	13.8
Iceland	13.1
Spain	13.8
Greece[4]	13.1
Cyprus	13.2
Lithuania[2]	13.8
Portugal	14.0
Iran, Islamic Republic	14.1
Colombia[4]	15.1

Footnote 1: Satisfied sampling requirements only after replacement schools were included
Footnote 2: National defined population more than 10 per cent below internationally desired population
Footnote 3: Marginally below international sampling requirements
Footnote 4: Departed substantially from international sampling procedures or requirements

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers asks whether Ireland is included. Ireland is right in the middle, about four countries below Australia in terms of its performance.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: It has obviously dropped since the honourable member left. The other interesting aspect is that the tables demonstrate not only South Australia's excellent performance compared with other countries but they also compare South Australia's performance with other States and Territories. The tables and the analysis indicate, broadly, that Western Australia, the ACT and South Australia are the top three ranking States or Territories. I am told that, statistically, there is no significant difference between those three States and Territories and that, at least on this ranking, they have performed better than the other States and Territories in Australia.

Victoria is at the bottom of the science achievement levels, with the Northern Territory and Tasmania at the bottom of the States and Territories in respect of mathematics. Not only does the performance of our Government and non-government schools compare very favourably internationally, but certainly they compare very favourably with the other Australian States and Territories. A number of other aspects of the study bear particular comment. One pleasing aspect of the results is that Australia is one of only six countries where there was no gender difference between the performance of boys and girls at both the lower and upper grades tested in respect of years 8 and 9 students.

In itself that is very interesting. In one respect it mirrors some of the results which we saw from the year 3 and year 5 literacy and numeracy testing and which indicated that, whilst there was a significant gender difference on literacy performance, there was no significant gender difference in terms of numeracy performance. Clearly the result is similar in our schools in terms of the mathematics and science results for years 8 and 9. The survey highlights some particular areas within mathematics and science where our comparative performance compared with other countries is not to the level of being seventh and ninth respectively.

The survey certainly provides us with some information as to the reasons why we have not performed as well in some aspects of mathematics and science and whether or not we will need to address those issues in terms of future curriculum development within our schools. Again, we are finding similar results in our literacy and numeracy testing in the primary schools basic skills testing. We have found that, in some areas, our students generally are not performing as well as we might have expected, whereas in other areas they are performing relatively well. Both tests provide important diagnostic information which will allow the department, teachers and schools to look at why we are not performing as well in some areas of the maths and science curriculum as might otherwise have been expected.

As I said, a number of other questions were asked as part of the survey. I would like to comment on one area—which, sadly, is almost the only area that Janet Giles and the Teachers' Union have concentrated on—relating to the level of discontent amongst Australian teachers when compared with other countries. What it showed, according to Professor Barry McGaw, was that between 50 and 60 per cent of teachers in Australia and New Zealand indicated that they would opt for another career if they had the opportunity. This was much higher than in any other country surveyed. All Ministers in the States and Territories of Australia would be concerned to see that survey result. It is an issue that will need to be addressed by Ministers and by Governments. The simplistic response that I have heard from some commentators is a little wide of the mark. The potential argument has come from some that we have achieved this result because South Australian teachers are paid less than those in other States and Territories.

Whilst I have not seen the detailed breakdown of this question, the early advice provided to me was that this is a national figure, which indicates that the level of discontent is high in all the States and Territories and it exists in those States and Territories where teachers are currently paid at a higher level than those in South Australia. If that is correct, that would be an indication that the current industrial issues, which come after the survey period of 1994-95 anyway, were not significant factors in this situation. If they were, then in those States and Territories in which the level of salary is higher than in South Australia there would be significant differences in the level of discontent being shown amongst teachers.

Whilst what I have illustrated might be a convenient rationale for some in this debate, the other factor I point out again is that the current industrial dispute, which has basically transpired since about February of this year, 1996, is a considerable time after the survey in late 1994 and early 1995. There will need to be an investigation of what other reasons there might be, and whether it is a comparison with the other 45 countries' levels of remuneration. I have not seen all the information yet, but I am told that in many of those 45 countries the level of remuneration is not as high relatively as in Australia, whilst it is true that in some of those other countries higher levels of remuneration are being paid to teachers and to staff. So, a range of factors will need to be considered to look at why that might be the case.

Amongst those we would need to look at the level of industrial activity by our teachers union leadership. There is no doubting, as I have indicated for a long time, that the long history of militancy of the teachers' union and people such as Janet Giles in South Australia places employees in a constant position of conflict. Whether it be an industrial dispute or something as simple as basic skills testing, we have people such as Janet Giles leading people out on strikes, out on black bans, and creating a climate at work in which there is constant conflict between the union leadership and the

Government of the day. There can never be a productive or harmonious workplace for people to work in if there is a constant process of disruption.

In the three years that I have been Minister in South Australia not only have we had disruption in relation to budget decisions, which I can understand, but simple policy decisions of Government, such as basic skills testing, have led to widespread disruption over a period of two years. It is not an industrial issue or a working conditions issue for teachers, but a policy decision of a new Government. To have a position which, through the leadership of Janet Giles, led people into conflict with the duly elected Government in relation to the introduction of a new policy cannot be a factor in producing a harmonious and productive working environment for teachers and staff.

Another example is the introduction of curriculum statements and profiles. Again, this was a policy issue being introduced by a Government to ensure that we have a common core curriculum for all our students in South Australia. Again, it was not an issue relating to the salary and remuneration of teachers or an issue significantly relating to working conditions issues for teachers and staff, but was a policy issue of Government, an educational reform. Once again Janet Giles and her colleagues led teachers in black bans and industrial action on a policy issue of the new Government. As I have indicated before, sadly, we do have a mindset with Janet Giles and other leaders of the union of wanting to create constant conflict between the employees and the Government of the day. Again, that is not something which is productive for the work environment. Clearly, whilst I in no way suggest it is the only factor—there might be many factors—but the level of industrial disputation and militancy by leaders of teachers' unions would have to be one of a number of factors which ought to be considered when one looks at the reasons why in Australia our teachers have such a significant level of discontent.

There are other factors which I readily concede would need to be considered. There are some figures, although the international comparisons are sometimes like comparing apples with pears, in terms of the level of education expenditure by various countries as a percentage of GDP that indicate that in the OECD countries Australia is relatively low in the rankings. Again that might be an issue which ought to be considered as well. I am certainly not pointing the finger at one issue; there are a number which ought to be considered. As I have indicated previously, if every other State and territory Government could follow the South Australia Government in its commitment to education—and we lead all the States in Australia in spending on education per student—then those national figures on education spending obviously would be a little higher and we would rate better in terms of OECD comparisons.

All I can do is urge other State and territory Governments to follow the lead of the South Australia Government and to give the same level of commitment that this State Government is giving to education in terms of education spending per student. That may well be a factor that will need to be considered as well. We would like to see that performance lifted in other States to try to match the commitment of the South Australian Government to education spending in South Australia.

There were many other interesting features of the voluminous report in terms of the breakdown. Tonight is not the time to go through all the detail: it is a time to celebrate the achievements of our students. I have to say that I was very disappointed with two aspects of the results released. The first aspect was the response from Janet Giles on behalf of the teachers' union. As I said to a number of members of the media, 'I would have thought that this is one day out of 365 where we could have had a moratorium on political bun fights, political point scoring, and one occasion when Janet Giles might have been able to stand up with the Minister for Education and congratulate the teachers, staff and schools on a magnificent performance.' Sadly, the approach with which I was confronted by some of the media was that Janet Giles had said that all this was in jeopardy by decisions that had been taken. It has all been threatened. The results would not be as good now as they were in 1994-95. It was political point-scoring at its most gross.

As I said to the media, surely on this one day there could have been an opportunity to celebrate achievement. So, what we had sadly was, again, in some of the media reports, issues of conflict. We had the Government trying to congratulate teachers and schools, and we had Janet Giles in effect trying to attract some of the media attention by political point-scoring. So, we saw in some of the media reports not the positive news story to the degree it should have been but reports smeared in some way and in some part by the negative approach—the political point-scoring approach—of Janet Giles in particular. I think that is a tragedy. It is a lost opportunity. It was a fantastic opportunity for us to celebrate the excellence of our schools, but political point-scoring was engaged in by some people.

I hope that members in this Chamber, including the Leader of the Opposition and the leader of the Australian Democrats, will not lower themselves to the level where all they are interested in is political point-scoring on this issue. I hope they can raise themselves on this occasion to celebrate the success and not sully the *Hansard* record of this debate, because they have many other opportunities—as they already have had—to attack the Government on a range of issues. Let us not sully the *Hansard* record on this occasion by petty, political point-scoring in relation to this issue. Let us celebrate together; let us have a *Hansard* record which we can distribute to parents and teachers, which is not smeared with political point-scoring but which is a celebration from Labor, Liberal and Democrat members in this Chamber congratulating our teachers and our schools for what they have achieved.

The last disappointing aspect of the results release was the attitude of some members of the media. When this story was released, sadly the response we got from some media outlets was that this really was not a news story. The fact that South Australian students and schools had performed to world class levels in their judgment was not a news story. I can bet my very last dollar that, if the results release had shown that South Australian students and schools had performed in the bottom six or seven schools in 45 countries, that story would have led every television news bulletin, radio broadcast, talkback and newspaper report. Most members, if they are being honest about it, would agree that that is what the media response would have been if there had been a relatively poor performance by South Australian students.

However, because there was an exceptional performance, a world class performance, some media outlets—not all, and I am not criticising them all—said it really was not a news story. They were not prepared to cover the story because they did not believe it was worth reporting. As I said, that is a tragedy. It is an indication of the negativism that sometimes envelopes South Australia in relation to celebration of the

magnificent achievements of our citizens, in this case our young students. Too often we seek to ignore the magnificent achievements of our citizens, our young students in this case, and too often we seek to highlight the negative and destructive and try to highlight occasions when perhaps we have not done as well. Whilst we in this Chamber have no control over the policy of various media outlets, I want to take the opportunity to place on the public record my enormous disappointment at the reporting of this story by some media outlets.

I extend my congratulations to everyone. Given that South Australia spends more money on education per student than does any other State, given that South Australia has the lowest average class sizes of any State, given that South Australia has the best student-teacher ratio of any State, given that South Australia has almost 12 per cent more school services officers than the national average for all States, and, now, given that our students have achieved world-class maths and science results, there is a clear indication that we have a world-class, high quality education system in South Australia of which we should all be very proud.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Associations Incorporation Act 1985. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to make amendments to the Associations Incorporation Act 1985 that have been shown to be necessary during the course of administering this Act. The Act was last amended in 1992.

The principal Act was enacted and the 1992 amendments were made on the basis that, where appropriate, company law provisions should be applied to incorporated associations. This policy is reflected in these amendments in relation to the procedures for winding up of associations and a provision that will enable incorporated associations to enter voluntary administration with a view to executing a deed of arrangement with creditors. Voluntary administration is a form of external administration which was made available to companies about three years ago but which has not previously been an option for associations experiencing financial difficulties.

In applying the Corporations Law winding up provisions there will be changes to the extent to which they are applied. The Act will continue to apply the Corporations Law procedural requirements for the conduct of an administration of the affairs of an association during the course of winding up. They include the duties and powers of a liquidator and in the main relate to paying claims of creditors, recovering assets, realising assets and distributing the surplus. These provisions of the Corporations Law will continue to apply as if contained in the Act. However, the obligations that arise for members of the committee of management and where relevant those that apply to other officers of an association will be set out in the Act and not by reference to applied provisions of the Corporations Law.

An example is the requirement to provide a report as to affairs on the assets and liabilities of an association in a court winding up. The manner and form of accounting to be given to the liquidator will be dealt with in the Act and regulations. The principal purpose of amendments of this nature is to assist those who become subject to the requirements and their professional advisers.

A number of offence provisions which operate in winding up or insolvency will also now be contained in the Act. They include conduct of failing to deliver up property to a liquidator, an administrator or other person as set out in the amendments.

The offence commonly described as 'incurring debts not likely to be paid', or as now and more recently operates in the Corporations Law, 'the duty to prevent insolvent trading', is one such offence provided in the amendments. The elements of that offence and sanctions against those involved are modelled on provisions contained in other corporate law, which have been suitably modified to recognise the nature and activities of incorporated associations.

Consistent with the approach of setting out in the Act the offence provisions that apply to officers of associations, the making of false entries and the falsification of books, which is an offence not restricted in its operation to winding up or insolvency, will also be contained in the Act. Many of the amendments will clarify existing requirements of the Act, simplify administrative practices, or simplify aspects involved in administering the Act.

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

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause amends section 3 of the Act by substituting a new definition of 'financial year'.

Clause 4: Amendment of s. 6—Inspection of documents

This clause amends section 6 of the Act (which deals with the public inspection of documents) to allow the Commission to prevent disclosure of a person's residential address at the request of that person.

Clause 5: Amendment of s. 23A—Contents of rules of an incorporated association

This clause amends section 23A of the principal Act by striking out subsection (1)*(c)*(iv).

Clause 6: Amendment of s. 24—Alteration of rules

This clause amends section 24(3)*(b)* of the principal Act by deleting the reference to a member of the committee of the association.

Clause 7: Insertion of s. 24A

This clause inserts a new section 24A into the principal Act providing a procedure for the Court to order a variation of the rules of an association if satisfied that—

- the rules unduly limit the conduct of the association's affairs; and
- the variation is consistent with the objects of the association, will not prejudice any member of the association and is justified in the circumstances of the particular case.

Clause 8: Amendment of heading

This clause amends the heading to Division 2 of Part 4 to make it clear that the Division only applies to prescribed associations.

Clause 9: Amendment of s. 35—Accounts to be kept

This clause makes various minor changes to the wording of section 35 of the principal Act to clarify the intent of that section.

Clause 10: Amendment of s. 37—Provisions relating to auditors acting under this Division

This clause amends section 37 of the principal Act by deleting subsection (3)*(d)*. Subsection (4) is also amended to make it clear that it only refers to prescribed associations.

Clause 11: Insertion of heading

This clause inserts a new heading in Part 5 of the principal Act.

Clause 12: Insertion of s. 40B

This clause inserts a new section 40B into the principal Act applying certain parts of the *Corporations Law*, relating to voluntary administration, to incorporated associations.

Clause 13: Amendment of s. 41—Winding up of incorporated association

This clause amends section 41 of the principal Act to update the list of provisions in the *Corporations Law* that apply to incorporated associations.

Clause 14: Substitution of s. 41B

This clause replaces current section 41B of the principal Act with new sections as follows:

- Section 41B—Reports to be submitted to liquidator

This proposed section provides for reports to be submitted to the liquidator (by the members of the committee of an association and any officer or former officer who has received a notice from the liquidator) when an incorporated association is wound up by the Supreme Court. The provision is modelled on section 475 of the *Corporations Law*.

- Section 41C—Declaration of solvency

This proposed section provides for a voluntary declaration of solvency to be made by a majority of the members of the committee where a voluntary winding up is proposed. This provision is modelled on section 494 of the *Corporations Law*.

- Section 41D—Disclosure to creditors on voluntary winding up

This proposed section provides a procedure for disclosure to creditors where a voluntary winding up is proposed. The provision is modelled on the relevant parts of section 495 of the *Corporations Law*.

- Section 41E—Penalty for contravention of applied provisions

This proposed section provides that a person who contravenes or fails to comply with a provision of the *Corporations Law* applied under this Part is guilty of an offence punishable by a fine of $5000 or imprisonment for 1 year.

Clause 15: Insertion of s. 43A

This clause inserts a new section 43A into the principal Act allowing an application for deregistration of an association to be lodged with the Commission where the association has surplus assets not exceeding a value of $5000 or such other amount as may be prescribed. An application must be accompanied by—

- a declaration stating that the association has no liabilities and is not a party to any legal proceedings; and
- a statement setting out the proposed manner of distributing the association's surplus assets (or, where distribution has already occurred, setting out the basis on which that distribution was made); and
- the prescribed fee and other material prescribed or required by the Commission.

Where there are no valid rules governing the manner of distribution of surplus assets, the section provides for the manner of distribution to be approved by the Commission (having regard to the objects of the association and any relevant provisions of the rules of the association). This will principally be of assistance where the association no longer has an active membership and is therefore unable to pass new rules governing distribution.

Before an association is deregistered under the provision, the Commission will publish a notice setting out particulars of the application and inviting members of the public to make written submissions to the Commission in relation to the application. An association will not be deregistered under the provision unless the Commission is satisfied that the manner of distribution of surplus assets is or was consistent with the requirements of the Act in relation to distribution of assets upon winding up or with an approval of the Commission and that no member of the public will suffer undue hardship as a result of deregistration.

Following approval of an application, a notice will be published by the Commission advising members of the public of the deregistration and, at this time, the association named in the notice will be taken to be dissolved.

Clause 16: Insertion of Division

This clause inserts a new division specifying certain offences relating to an incorporated association that is being or has been wound up; has had a provisional liquidator appointed; is or has been under administration; has executed a deed of arrangement or is defunct or unable to pay its debts. The provisions inserted are as follows:

DIVISION 2—OFFENCES

49AA. Interpretation and application

This provision specifies when this division applies to an incorporated association and defines certain terms used in the division.

49AB. Non-disclosure

This provision provides an offence of non-disclosure in similar terms to section 590 of the *Corporations Law*.

49AC. Failure to keep proper records

This provision provides an offence of failing to keep proper records under section 39C in similar terms to section 591 of the *Corporations Law*.

49AD. Incurring debts not likely to be paid

This provision provides an offence of incurring debts that are not likely to be paid in similar terms to section 592 of the *Corporations Law*.

49AE. Powers of court

This provision provides the court with power to order that a person convicted of an offence under section 49AD is personally responsible for payment of a debt. This corresponds to section 593 of the *Corporations Law*.

49AF. Frauds by officers

This provision provides various fraud offences in similar terms to section 596 of the *Corporations Law*.

Clause 17: Insertion of s. 53A

This clause inserts a new section 53A into the principal Act providing a procedure for reservation of a name (for up to three months) of a proposed incorporated association prior to the making of an application for incorporation.

Clause 18: Insertion of ss. 58 and 58A

This clause inserts two new sections into the principal Act as follows:

58. Falsification of books

This provision provides an offence for falsification of books in terms similar to section 1307 of the *Corporations Law*.

58A. General defence

This clause provides that it is a defence to a charge under the Act if the defendant proves that the offence was not committed intentionally and did not result from a failure to take reasonable care.

Clause 19: Amendment of s. 63—Evidentiary provision

This clause amends section 63 of the principal Act to provide evidentiary presumptions (where a certificate is issued by the Commission) relating to the name of an incorporated association, winding up of an incorporated association and amalgamation of an incorporated association.

Clause 20: Repeal of schedule

This clause repeals the schedule of the principal Act which is now obsolete.

Clause 21: Further amendments

This clause provides for the principal Act to be further amended as set out in the schedule.

SCHEDULE

Further Amendments of Principal Act

The schedule amends the penalty provisions contained in the principal Act to remove references to divisional penalties.

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

SELECT COMMITTEE ON THE PROPOSED SALE OF LAND AT CARRICK HILL

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

That the time for bringing up the committee's report be extended until Thursday 5 December 1996.

Motion carried.

WAITE TRUST (MISCELLANEOUS VARIATIONS) BILL

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

That the time for bringing up the committee's report be extended until Thursday 28 November 1996.

Motion carried.

CRIMINAL ASSETS CONFISCATION BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 446.)

The Hon. M.J. ELLIOTT: I support the second reading. I support the general thrust of this legislation. I have taken time to respond because, having made contact with the Law Society, it took a little while to get feedback from it. However, in communication with representatives of the Law Society, a couple of issues have been raised, which I want to flag with the Attorney-General during the second reading debate. I have already given him a copy of one potential amendment that I am considering, but I will wait to hear his response at the end of the second reading debate to decide whether I will proceed with amendments.

I wish to bring to the attention of the Attorney-General two particular matters, and I suspect they may have been raised with him by the Law Society. The first concerns clause 15 of the Bill, which relates to restraining orders. The submission that I have received states:

> Pursuant to section 15, a restraining order is liable to be automatically converted to a forfeiture order 'at the end of six months'. The section makes no provision for the service upon a person whose property is to be dealt with in such a manner under subsections (4) and (5) of section 15. It is suggested that the proposed legislation include provisions as follows:
>
> (a) the Director of Public Prosecutions to serve a notice on the person liable to a forfeiture order explaining the effect of the relevant subsections, being subsections (4) and (5);
>
> (b) that all reasonable practical steps should be taken to effect such service;
>
> (c) that such an order should not come into effect if service has not been verified; and
>
> (d) that there should remain a discretion in the court to permit an extension of time to a person affected by the operation of the section, where, for example, service has been irregular, the effect of the subsections were misunderstood or for any just or reasonable cause.

As I understand the submission, it says that there should be some opportunity for response by a person who may have a restraining order placed on property prior to it occurring. I must say that the technicalities in the proposals that are put before us increase the possibility that something may go wrong and may act contrary to the intention of restraining orders, but I agree that restraining orders need to be applied with a great deal of caution.

Although discussion with others has left me somewhat comforted, a restraining order having been applied—and I think it needs to be applied very quickly—I am uncertain just how easily a person can question that restraining order and what sort of an application they can make before a court to ensure that their side of the case is put and heard properly and as promptly as possible. I would like the Attorney-General to respond to those issues, perhaps at the end of the second reading stage.

Another area raised to me in submissions relates to the potential ramifications of clause 20(2)(a)(ii) as it creates an inequitable position for a person whose property is liable to be subject to a restraining order under the Act when compared with a person who applies for legal aid. The Legal Services Commission guidelines provide for exceptions in respect of assets for the purpose of identifying whether a person is entitled to legal aid. In particular, consideration is made having regard to the family home and the family car. Failure to exclude such assets would cause hardship in two ways: first, if the accused were forced to realise the family home and/or car to meet legal fees, the wife and children would suffer and, even if the accused were acquitted, there would be no compensation; and, secondly, a person whose assets were subject to a restraining order would be placed in a worse position than a person whose assets were not confiscated and who was funded by the Legal Services Commission.

Accordingly, it is submitted that clause 20(2)(a) should contain a provision that, when considering other sources of funds, a court should not have regard to assets which are exempt from consideration pursuant to the Legal Services Commission assets test that is current at the time of the application. I am not sure whether those assets are automatically exempt or whether the Legal Services Commission may give that matter consideration. The question must be posed as to whether, when one is placing a restraining order on property, some consideration should be given to those sorts of assets.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: Yes. I understand that there will be guidelines, but the question is whether there may be similar guidelines in relation to this. The question has been raised and, on the face of it, it seems reasonable. I simply ask that the Attorney-General respond to that and, after I have received that response, I will give consideration to whether an amendment may be necessary. They are the only two issues which have been raised with me despite repeated attempts to speak with a number of people. On the face of it, they appear to have some merit, at least, and I ask the Attorney-General to respond to those at the end of the second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

MOTOR VEHICLES (INSPECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 252.)

The Hon. T.G. CAMERON: I rise to support the second reading of this Bill, but foreshadow at the outset that we will be moving amendments in Committee in relation to the authorising of inspectors outside the Department of Transport to conduct the second level of identity inspections, that is, to confirm that a vehicle is not stolen; and we do not support the authorisation of inspectors in private enterprise to conduct the defect inspections.

I will briefly run through the various sections of the Bill that the Opposition is supporting and will detail our objections to the sections to which we will be moving amendments. Simply, the Bill facilitates the introduction of pre-registration identity inspections for new vehicles and proposes to appoint authorised agents from the private sector to carry out inspections. The Bill also facilitates the transfer of vehicle identity inspections from the South Australian Police Force to the Department of Transport, provides for the appointment of inspectors from the private sector to conduct vehicle identity inspections, and establishes two levels of identity inspections, first, to establish identifiers and, secondly, to confirm that a vehicle is not stolen. These inspections are currently carried out by Department of Transport inspectors.

However, the Bill allows for inspectors from the private sector to be appointed. The Bill also proposes that the inspectors, whether from the Department of Transport or from the private sector, be provided with the power to seize and detain a motor vehicle. It also proposes the appointment of authorised agents and inspectors from the private sector to

be subject to a criminal record check, which will be undertaken by the Police Commissioner. The Bill also proposes to charge motor vehicle dealers a fee of $50 a visit to confirm that a vehicle is not stolen. My understanding is that no fees are charged at the moment, the Department of Transport absorbing the costs when it conducts inspections to confirm that a vehicle is not stolen.

The Bill also proposes that agents and inspectors from the private sector will not be forced to impose a fee for inspections but that market forces will be allowed to determine fees for these inspections. At this stage of the second reading I propose to signal to the Government which sections of the Bill we support, which sections we have a problem with and why at this stage we are not prepared to support those sections. First, the Opposition supports the facilitation of the transfer of vehicle identity inspections from the South Australian Police Force to the Department of Transport.

The Bill introduces pre-registration identity inspections, which will establish two levels of such inspections in South Australia. The Opposition supports the establishment of the first and second level inspections. The Opposition also supports the proposal that simple identity inspections of new vehicles, to confirm that the vehicle identifies, be undertaken by authorised agents for the purpose of verifying the information contained in an application for registration.

The Opposition signals at this stage that we are prepared to support the authorisation of agents from private enterprise to conduct what I will refer to as the vehicle identifier inspection. However, the Opposition is not prepared to support the second level inspections being transferred to the private sector, and I will come back to our objections to that shortly.

It is proposed that there be a visiting service to car dealers in the outer metropolitan areas, and the Opposition supports that. The Bill proposes that inspectors be provided with the power to seize and detain a motor vehicle. The Opposition supports that provision, and I understand that it is the practice that is currently being conducted at Regency Park. We also support the imposition of a penalty for people who hinder or obstruct inspectors when they are conducting or attempting to conduct the inspection. The Government is also proposing that inspectors from the private sector have the same range of powers as Department of Transport inspectors and police officers have. However, there will be some limitation to their powers in the conduct of the inspection and the power to seize and detain a vehicle reasonably suspected to have been stolen.

It is also proposed that the agents and inspectors from the private sector be subject to a criminal record check. As I have outlined, we do not support the authorisation of inspectors from the private sector to conduct the second level checks nor to conduct inspections of defected vehicles, but we do support the Government's proposition that any authorised agents and inspectors appointed be subject to a criminal record check. That would be the case for first level inspections or what I have referred to as vehicle identifier inspections. These checks would be conducted by the Commissioner of Police to determine whether that person is a suitable, fit and proper person to undertake that task, and we support that. The Government is also proposing to prescribe a cost recovery fee of $15 where the inspection is carried out by the Department of Transport, and we support that. Further. the Bill proposes that dealers be charged a $50 visit fee in addition to the fee for each inspection, and the Opposition supports that proposition.

The Government is also proposing to prescribe a fee for the first and second level inspections carried out by agents and inspectors from the private sector and to allow market forces to determine a fee for these inspections. We signal to the Government at this stage that, in relation to our support for the first level inspections, unless we are convinced to the contrary, it is our view that the proposed $15 fee to be charged by the Department of Transport should also be the fee charged by the private sector inspectors. I propose to run through a brief summary of how South Australia has been going in this area. I quote from a recent article in the *Advertiser* headed 'Vehicle theft drops to a 12-year low'. It states:

> Vehicle theft is heading for a 12 year low, prompting claims from experts the State is 'way ahead' in combating this crime... A total of 6 212 vehicles were stolen between 1 January and 30 September, compared with 7 260 for the same time last year... The Attorney-General, Mr Griffin, said that based on the current trends, South Australia would record between 8 000 and 8 500 thefts for the whole of 1996. This would be the lowest level of vehicle theft for 12 years.

I concur in Mr Griffin's comments that this is an excellent result for South Australia. I highlight that a 14.4 per cent fall in the number of stolen vehicles amounts to a saving of $3.7 million. In the same article, Mr Paul Thomas, manager of the Comprehensive Auto-Theft Research System within the Office of Crime Statistics said that South Australia was 'way ahead of anyone else' in combating vehicle theft. The State Manager of the Insurance Council of Australia, Mr Chris Newland, said that the latest figures were the result of 'some pretty earnest work done in South Australia'.

Every member of this Council would join me in congratulating the South Australian Police Force and the officers of the Department of Transport on what appears to be a very sound record that South Australia has achieved with respect to an issue that worries the public. No-one likes having their car stolen. At one stage my car was stolen three times in seven weeks. I made the mistake of buying a Holden Commodore model that was easily stolen. I can assure members that you take it very personally; you feel as though someone is after you. Whilst in some people's eyes stealing a motor vehicle might not be regarded as a serious crime, I can assure members that it is a very serious matter indeed when your motor vehicle is stolen, when you are without it and are worried about where it is and what is happening to it.

I highlight those statistics because it is important to place on the public record that we in South Australia are doing it well at the moment. I have quoted statistics from independent people. I can only agree with the Attorney-General when he points to the record on what we have achieved in South Australia in this regard, getting vehicle theft down to a 12 year low.

The Hon. M.J. Elliott: Will this Bill make it better?

The Hon. T.G. CAMERON: I believe the Bill will make it better. It is an excellent result and underscores the fact that we have been doing it well for some time in South Australia. I will not go as far as saying that we are leading the country in this area, but we are certainly at the top. This leads one to the inevitable conclusion that the system must be working well at the moment. We achieved excellent results prior to the introduction of this Bill. So, one needs to the examine the Bill and ask—as the Hon. Mr Elliott has just done—whether this Bill will make it any better. The general thrust of the Bill will provide the Government with a better range of tools, if you like, to tackle this serious area of vehicle theft. Although we have a real problem with some parts of the Bill we support

the general thrust of this Bill: it is trying to make it tougher for people to steal cars. The Bill is also about trying to make it easier for the police, the Department of Transport and everyone else concerned to trace those stolen vehicles. This will be warmly supported by the public.

We part company with the Government on its proposal to authorise inspectors from the private sector to conduct the second level inspections and inspections when vehicles are defected. I will provide a brief explanation for the benefit of members. If your car is defected, whether it be by the police or by routine inspection, you are currently required to have that vehicle approved by the Department of Transport at Regency Park. I took a brief look at the department's Regency Park operations. It has a magnificent facility there and, from my observations, it is staffed by a fairly dedicated group committed to seeing that vehicle theft is reduced in this State.

In addition, we have a committed bunch of people there doing their damnedest to ensure that defect inspections are conducted in a rigorous but extremely fair manner. The Opposition has a problem with the appointment of private inspectors. As I understand it, the department is using the New South Wales police Eagle System at Regency Park to trace stolen vehicles. I understand that all States in Australia are using that system, which involves the department's connecting to the system. Every vehicle that comes through is put on to that system, which is an integral part of the work the department does to try to reduce vehicle theft in South Australia.

The Government's proposition to appoint private inspectors to conduct inspections would mean that terminal facilities would have to be set up wherever private inspectors operated. I understand that it is proposed that they could be set up in secondhand motor vehicle dealer outlets, or anywhere else for that matter; but we understand it is proposed that the inspectors who will conduct the second level inspections might be located in secondhand vehicle dealer yards. Certainly, we have grave doubts whether or not the New South Wales police will allow inspectors from the private sector to have access to its system and I signal that we will be examining that in more detail in Committee.

If car dealers do not have access to the Eagle System, there is no point in authorising them. I understand that the system is at the nub of the success that all States are having with the problem of vehicle theft. Minister, we have a real problem with private inspectors and their access to the system. What information would they be given and what steps would be introduced to ensure confidentiality and security?

As I indicated earlier when I quoted from the article, South Australia is doing it well. I have always had a fairly simple view: if something is not broken, why fix it? I have stated that I believe the general thrust of the Minister's proposition will assist in attacking serious crime. It is all very well for me to point out that South Australia is doing it well and that we have it down to a 12 year low, but 2 760 vehicles were stolen in this State between 1 January and 30 September. I am sure that, if we asked the owners of those stolen vehicles, they might have a different view about whether we are doing well in this area.

We have a real problem about private inspectors in respect of privacy. We also believe that by transferring this work from the Department of Transport to private inspectors that, notwithstanding the checks that will be put in place and that the Police Commissioner will be required to submit a character reference on these people, you will be opening the door to the possibility of corruption. We firmly believe that the current system of repositing this inspection work with the Department of Transport at Regency Park is the way to go, notwithstanding that some valid arguments can be raised that that might present some level of inconvenience to the public.

We believe that inspectors authorised only by the Department of Transport and working for the Department of Transport should conduct these inspections. As an example, an authorised agent in a secondhand motor vehicle dealer's yard could be authorising second level inspections for other secondhand motor vehicle dealers. We believe that whilst not creating corrupt behaviour it does open a window of opportunity for corrupt behaviour to creep into the system. I put it to the Minister that inspectors authorised and working for and under the direct and close supervision of the management of the Department of Transport will do a better job of these second level identifier inspections than will be the case under the Minister's proposed system.

As I understand it, the Department of Transport at Regency Park is still detecting a couple of stolen vehicles a week. In fact, if one goes back to the old system when these inspections were carried out by the police one will see numerous examples where the odd vehicle got through. I have no doubt that, if authorised agents from the private sector operating in secondhand motor vehicle dealers' offices, or the like, are appointed, down the track we run the risk of organised criminal elements compromising one of these private sector agents. The possibility also exists for secondhand motor vehicle dealers to enter into private arrangements or deals, and the second level identifier checks will not be conducted with the same rigour by the private sector as currently exists under the auspices of the Department of Transport. As I signalled earlier, we will be proposing that amendments be made to that provision.

I have had some briefings from the Registrar of Motor Vehicles, and I place on record my appreciation to the Minister for arranging those. They were very thorough, and the officers of that department were able to answer most of the questions that I put to them. I questioned Rod Frisby about how we would catch these private sector agents if they were involved in criminal activity or if they became compromised and were allowing stolen cars to pass that check. The department had obviously considered that matter and was proposing a very detailed audit trail, I think the term was, to catch these people. Unfortunately, we would be catching them after the horse had bolted. That procedure of an audit trail would identify the problem only once they had picked up the agent approving vehicles that were stolen. So, we would have a system whereby we would detect the problem only after it had occurred, which would be little comfort for the owners of a stolen vehicle.

The other area I note is that of privacy: who will have access to the system; will it be limited; and what information would those private agents be able to access, etc? We will be seeking much more information on that area and the area of corruption before we are prepared to support the appointment of people from the private sector. I support the second reading of the Bill.

The Hon. SANDRA KANCK: I will not belabour the points that the Hon. Mr Cameron has put, because he has raised many of the concerns of the Democrats. My major concern with the Bill is in relation to private sector inspectors. I look at the situation where, if you have secondhand

vehicle dealers who are also inspectors and who have the right to say whether or not a vehicle is stolen, it is a little like putting Dracula in charge of the blood bank; not that I am saying that all secondhand dealers are corrupt, but there is that potential for conflict. That is what this legislation is putting in place.

One aspect of the Minister's second reading explanation on which I would like some clarification is in relation to the visiting service provided for motor vehicles, which is towards the end of the Minister's explanation. I would like a little more detail about what this visiting service is. The Minister notes that, to encourage efficient use of a visiting service, it is proposed to charge dealers a $50 visit fee in addition to the fee for each inspection. She goes on to say that it is not proposed to prescribe a fee for the first and second level inspections carried out by agents and inspectors from the private sector and to allow market forces to determine a fee for these inspections. In the case of first level inspections the inspection is likely to be free or absorbed in pre-delivery charges. In terms of this visiting service fee, if a $50 fee is to be charged to the dealer I cannot imagine that the dealer would not pass it on somewhere. I would like further clarification from the Minister about that.

As I said, I support what the Hon. Terry Cameron has said. It may be that I have somehow misinterpreted what the Bill says and what the Minister has said, in which case I will perhaps look askance at the Opposition's amendments. Whether or not I support the Opposition's amendments when they appear will be very much determined by what the Minister has to say in response to both the Hon. Mr Cameron and me, but I support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ROXBY DOWNS (INDENTURE RATIFICATION) (AMENDMENT OF INDENTURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 551.)

The Hon. SANDRA KANCK: This is the sort of legislation which makes a travesty of Parliament. It was introduced on 24 October into the House of Assembly where it was given rapid passage, arriving in the Legislative Council on 5 November, which was just one sitting day after its introduction. The Roxby Downs indenture has been renegotiated between the Government and Western Mining Corporation, without any input from the community. The Bill was introduced to Parliament after that renegotiation had taken place, and it is framed in such terms that the Parliament is expected to pass the legislation in a maximum time of six weeks from its introduction. So from go to whoa, we are expected to have fully investigated and consulted, discussed all the ramifications, and it goes without saying, resolved them all within six weeks and in such a way that we agree to the Bill in the form in which it entered Parliament.

The short title of this Bill is the Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Act 1996. Despite what the Opposition seems to think, this is not the Roxby Downs (Roll Over and Have Your Tummy Tickled) Bill. I feel that I should point this out to the Opposition because it seems to have become somewhat confused somewhere along the line and has decided not to be an Opposition. Once upon a time I remember the Labor Party presented itself as an anti-uranium party. I wonder what has happened to those days of fire in the belly and principle. These days the belly of the Labor Party is being scratched by the Government and the Opposition lies back with its paws in the air, panting and salivating. It seems to be looking for reasons to agree with the Government.

The Opposition has not only agreed to this Bill with alacrity; it has agreed to suspend a requirement for the mandatory setting up of a select committee to look at this Bill. I was forced to look at the *Hansard* record of the House of Assembly proceedings to see why this was and I was quite dumbfounded by what I read. The member for Taylor, Trish White, reminded us that 'the final act of the last Federal Labor Government was to make way for the expansion of Roxby Downs' and she was at great pains to put on the record that her current Federal leader, Kym Beazley, is 'very pro mining' and that she was as strongly pro mining as he. The member for Playford, John Quirke, who is also the Opposition's spokesperson on mining, said:

> There has been a hope and expectation on both sides of politics that this day would come for at least the past three years. As a consequence, we believe that all the objections that could have been raised have been raised, and we see no reason why this legislation cannot be passed in this House and the other place with as much expedition as possible.

I am quite astounded about that statement—'we believe that all the objections that could have been raised have been raised'. This has never ever been out for public consultation. This has all been agreed to between the Government and Western Mining and no-one but the Government and Western Mining have had any say in it, yet the Opposition spokesperson on mining says that he believes that all the objections that could have been raised have been raised.

The Opposition Leader, Mike Rann, told the House that the Opposition was delighted to support the legislation. I have a feeling that, somewhere back in the dim dark ages, Mike Rann presented himself as a strong anti-nuclear advocate.

The Opposition has attempted to salve its collective conscience by referring to the Environment, Resources and Development Committee the general matter of water usage in the north of the State. I think the use of water in the north of our State does need investigating, but the ERD Committee has a backlog of issues. Even if it were to put this matter ahead of all others, it would not have the findings of any such reference back before this Parliament until a number of months after this Bill has been enacted. The chances are that, if it did not do that, it could be up to a year before we have a report back from it. Any information which it might uncover which has significance for what is to happen at Roxby Downs will be received by this Parliament much too late for it to have any impact on the legislation, and the Opposition knows that this is the case.

We have been told we should sit back and wait for the Federal EIS to deal with the environmental issues which might be associated with this expansion. Western Mining Corporation has argued that the timing of the EIS, which is after the passage of this Bill, should be quite acceptable to environmentalists. Western Mining's argument is that, if the EIS reveals problems, the Federal Government can refuse an export licence to Western Mining Corporation, so all is solved. That is the theory, but the reality is that the current Federal Government is a pro-nuclear Government. One of its very first acts was to declare the end of the three mine uranium policy of the previous Government. It is hardly

likely that it will knock back an export licence to an industry which has been given its clear backing.

In regard to the previous Labor Government, I think it will be to its everlasting shame that one of its last acts was to give the go ahead for the proposed expansion at Roxby. It made the announcement after the Federal election had been called and, to all intents and purposes, in the chaos of an election campaign, almost no-one knew it had happened.

The Commonwealth Department of the Environment and the South Australian Department of Housing and Urban Development are jointly assessing the environmental impacts of the expansion. What part will our Housing and Urban Development Minister play in all this? After all, he is part of the Cabinet which has enthusiastically endorsed this expansion. The draft guidelines for the EIS state that the Housing and Urban Development Minister:

> ...may make comments, suggestions or recommendations to the Minister for Mines and Energy with whom rests the ultimate decision making power for the proposal.

Given the gung ho attitudes expressed by the Minister for Mines and Energy, it would not be surprising to find that he is unlikely to accede to any recommendations made to him. What changes will occur to this man that will allow him to look dispassionately at any comments that might impede the expansion in any way?

At best, the EIS process will be little more than window dressing to make it look like the State and Federal Governments are aware of environmental issues. If this State Government and so called Opposition were really aware of environmental issues, they would not be rushing this legislation through. At worst, the EIS process would be a farce.

The Hon. R.R. Roberts: You were such a nice person when you first came here.

The Hon. SANDRA KANCK: I am still very nice; it is just that I am very disappointed by the Opposition's performance.

Members interjecting:

The Hon. SANDRA KANCK: That is probably what it is; I am probably not tickling his tummy enough! The Opposition seems to think it can deal with all the environmental issues by referring the matter of water usage in the north of the State to the Environment, Resources and Development Committee. As I said, it is important that we do look at these issues but not at the cost of dispensing with the mandatory select committee which should have looked at this Bill before it was passed.

The former Deputy Premier, but still Minister for Mines and Energy (Hon. Stephen Baker) stated in the House of Assembly:

> The extent to which this Bill would have been visited in the select committee would be very limited because it refers only to the provision of infrastructure. That does not bear on some of the questions that other members of the community may wish to ask. It may then disappoint people if they were not able to look at those matters.

That is absolute and utter tripe. Because the Minister thinks that some people might be disappointed that some questions might not be addressed in a select committee, all people are to be denied the opportunity for an input on the remaining issues. Water is a crucial issue, but there are some other very important infrastructure issues that could have been canvassed in a committee.

I have been provided with two departmental briefings on this Bill, the first a general briefing which was offered to me and the second a specific briefing on water which I requested. I found the officials from Mines and Energy South Australia (MESA) most polite and helpful and I place on record my appreciation of their assistance. However, in the time available I will not be able to test that information against other sources, as I would have liked to do and as I believe this Parliament should be doing. I have also held a meeting of some interested Democrat members with speakers from Western Mining Corporation and Friends of the Earth in the very limited time available so that my Party members could have some input to the Bill.

The Democrats are most concerned about the increased use of water from the Great Artesian Basin. Some members in this place who were involved in the Roxby Downs debate in 1982 might remember that borefield A was to be accessed at a rate of 9 megalitres per day, but it has gone up to 15 megalitres per day since then and, as a consequence, that borefield will last only half as long as originally predicted. At my briefing on water usage, I queried this fact to determine whether or not there was something wrong in the computer modelling used by MESA. I was assured that the modelling is still correct. At the meeting of Democrat members that I previously mentioned, I asked about this. The Western Mining representatives present said that, basically, because they found the system could withstand usage beyond the 9 megalitres per day, they put that usage to the test. That is hardly environmentally responsible, despite the fact that Western Mining Corporation has been patting itself on the back for producing an environment progress report last year.

It is important to put on the record something of what I was told at my briefings, because I do not know where else on the public record ordinary South Australians will be able to get this information. Given that this information is being rushed through, courtesy of the Labor Party, and that the debate will therefore be limited, someone down the track might be able to look at the *Hansard* record and tell me after the Bill has been passed whether or not we were being told the whole truth.

MESA officials have told me that every day 425 megalitres of water moves through the Great Artesian Basin into South Australia from the Northern Territory, Queensland and New South Wales, and there is 8 700 megalitres in storage in South Australia, some of it at great pressure. Apparently, some bores could raise a head height of water of up to 200 metres. On the other hand, although MESA did not mention it in the briefing, there are some mound springs which have dried up or are drying up. There is leakage every day of 190 megalitres, which is mostly not seen, except where the aquifer is close to the surface. Pastoralists in the north of the State are responsible for about 200 bores bringing water to the surface. If the water was not being tapped, there would be a greater flow at places such as the Mound Springs and more leakage into the clay, which would never be detected by us in the normal course of events.

The extra water needed for mine expansion needs will come from wellfield B, which is further away from Roxby Downs than wellfield A. Unfortunately, some of the Mound Springs are part-way between those two well fields. Observation bores will be inspected on or near the boundaries of wellfield B by Western Mining Corporation on a monthly basis, and the readings will be passed onto MESA and compared against the computer model. I have some concerns that Western Mining Corporation will be doing the readings but that on an annual basis MESA will go out into the field and do its own readings, so it will be able to get some

comparison to check on the accuracy. I still do not know how much faith we can put in that, given the Roxby tailings dam leakage.

I note from the House of Assembly *Hansard* that the Minister for Mines and Energy seemed to think that the tailings dam leak was a minor aberration—they were the words he used. That sort of observation does not inspire great confidence, given that he is the Minister responsible for the introduction and passage of this legislation.

The Hon. R.R. Roberts: Was.

The Hon. SANDRA KANCK: At the moment he still is. By January, we do not know whether he will be Minister. I have gained the impression that the Government feels justified in allowing the water increase to Western Mining, given the well capping program which MESA has instituted over the past five years. It tells me that it has already saved 100 megalitres per day and that the program will be completed in another two to three years.

It believes that there is potential for more to be saved because a few pastoralists use the artesian water in a careless way. Apparently less than 10 per cent of bore water is used for stock purposes, and a large percentage of the remainder simply evaporates. MESA has plans for a program to convince those particular pastoralists to convert to a pipe and tank system. MESA is to be congratulated for its initiatives in this regard. The figure of a 100 megalitre per day saving from the well capping as opposed to the use of 42 megalitres per day by the mine sounds as if we are definitely ahead but, as I have said, the time frame which the Government and Opposition agreed for this Bill does not allow me to accurately research all the necessary information. However, I quote from a media release from the Adelaide office of the Australian Conservation Foundation, which states:

> WMC's two borefields will cause a regional drawdown effect of up to 7 000 kilometres square in combined area. Borefield A has caused the extinction of two mound springs (Priscilla and Venerable), jeopardises the survival of Bopeechee Spring, which is in decline, and in combination with borefield B is a long-term threat to the survival of the Hermit Hills spring group, ranked third in nature conservation value among mound springs in South Australia.

In a letter to me, Western Mining Corporation states:

> No major spring system has dried up as a result of the Olympic Dam water supply.

I am not sure what is meant by that. Should I put the emphasis on 'major'? Does it mean that no major spring system has dried up as a result of the Olympic Dam mine? Or should I put the emphasis on 'dried up'? Maybe they have run down but they have not dried up. I am not sure what the company means by that. Western Mining Corporation's 1994-95 environment progress report refers to what is happening at Roxby Downs and, in particular, to the wellfields. It states:

> In recent years we have monitored and published a decline in the flow rate at the nearby Bopeechee Spring system, as predicted in the environmental impact statement. This underlines the need to bring the second wellfield on-line as soon as possible. We are developing the second wellfield to maintain our legislated commitment to conduct activities with due consideration to the environment around the site of wellfield A. The new field, wellfield B, is expected to become Olympic Dam's primary source of water. It is located deeper into the artesian basin with no significant mound spring system within 50 kilometres of the new field. It is expected to be operational from September 1996.

Friends of the Earth has concerns that this Bill guarantees the water to Western Mining Corporation to 2036; yet modelling projections for the mound springs are available only for the next 20 years. When I was being briefed about the water needs, I recall a wonderful little quote about the issue of wellfield A and what has been happening with the drawdown effect. I was told that the stresses on borefield A will be reduced by the augmentation of borefield B. Western Mining is clearly acknowledging that what it has been doing is having an impact and it hopes that, by bringing in borefield B, things will be relieved as far as the pressure on some of those mound springs is concerned. I think that experience might prove that the company's hopes are wrong. I would like to think that it will not be that way, but what has happened with Bopeechee Spring so far does not give me cause for confidence.

I also note in the Minister's second reading explanation some information that leads me to question the accuracy of the 42 megalitres per day figure. He says:

> WMC intends producing a comprehensive statement addressing the environmental issues for such a project but, as a result of the time required to collect the necessary data and carry out associated studies, this statement will not address fully issues relating to water supply and tailings disposal beyond those needed for the proposed expansion to 200 000 tpa.

It appears that it is not just me who needs more time on this issue. If we were all behaving logically, we would allow Western Mining and MESA to get that extra data so that we could all be better informed in this debate. The Minister for Mines and Energy told the House of Assembly in his second reading reply:

> On the issue of ground water and the extent to which we have sufficient resources to sustain development, that will be an ongoing issue.

I certainly hope so. Later, he said:

> Some of the experience that we have had through the department and through Western Mining's presence in the Far North will assist in getting timeline data and more accurate information on ground water supplies.

So, the Minister has reinforced the concerns about a need for more data. Perhaps he should listen to himself. I find it outrageous that we are talking about the use of up to 42 megalitres per day for the production of 200 000 tonnes per annum, yet this Bill allows for the output at the mine to go up to 350 000 tonnes per annum with no clues as to what impact this extra 150 000 tonnes per annum will have on the demand for water and the draw down effect on the Mound Springs. Perhaps we should be anticipating a well-filled sea coming on line at some stage. I do not know. I suspect that the Government might have some clues, but that it suits it to pretend ignorance. Environmentalists have attacked the proposed increase in water usage on two fronts; one is the fact that the water is being guaranteed to the mine at no cost, and the other is the amount of water that will be used. The Western Mining Corporation has argued to me that no other user of ground water in this State is charged by the Government for the privilege and that, therefore, the Western Mining Corporation should not be singled out. I think that argument has some validity but it does beg the question about resources generally. Nature has produced commodities such as water and minerals which can be tapped or mined, but I find it difficult to argue that, just because someone has the finances or other material necessary to access them, they should be able to do so—and to do so profligately and maybe to the detriment of others. I realise that this is probably a philosophical and ethical argument, but we need to look at the question of whether or not resources are inexhaustible.

A couple of months ago, I attended a conference at which some figures were presented about the use in the world of, in particular, mineral resources if Third World countries were

to come up to the same level of consumerism as in the United States. One of the minerals talked about was copper. It is very interesting to note that this is one of the minerals at Roxby Downs. If the Third World were to come up to that same level of consumerism, the copper supplies in the world would be exhausted in eight years. We are allowing Western Mining to mine and export that mineral to whomever they please and for whatever use they want. I wonder about the ethics of that when we are dealing with a resource that is finite.

I have circulated a couple of amendments today which members would have seen. Members will note that I flag an amendment that will allow the Government, at some stage in the future, if it so wishes, to charge for artesian water. The Western Mining Corporation has refuted recent claims that it is the single largest user of water from the Great Artesian Basin. It has provided me with figures which show that in South Australia pastoral bores release 130 megalitres per day and the Mound Springs 66 megalitres per day, whilst the Moomba oil and gas field qualifies as the largest single user using 22 megalitres per day, which exceeds the current 15 megalitres per day used by the Western Mining Corporation at Roxby Downs and Olympic Dam. However, when the mine has expanded, the projected 42 megalitres a day will easily eclipse Moomba's usage rate, and the Olympic Dam-Roxby Downs complex will easily inherit the title of the single largest user of artesian water early in the twenty-first century.

Given the Opposition's desire to have this Bill passed so quickly, I wonder whether it even understands what 42 megalitres of water looks like. I realise that the Opposition might say that it looks wet, but it is a little more than that. Forty-two megalitres trips off the tongue and sounds inconsequential, but we should say it for what it is: 42 million litres. Adelaide—a city of one million people—with all its associated industries uses 474 megalitres per day. Despite its small size, Roxby Downs and its one industry will use close to one-tenth of Adelaide's water consumption by the time you take in the water that comes down the pipeline from Port Augusta.

If you look at it mathematically and divide Adelaide's population by 10, Roxby Downs would have to support a population of 100 000 to equal the water consumption in Adelaide. I invite members to consider what 42 megalitres looks like. Imagine 42 million milk cartons filled with water. I had difficulty imagining 42 million milk cartons filled with water. Whatever it looks like, it weighs 42 000 tonnes. Another way to look at it is to imagine a typical 1960s Adelaide three bedroom brick veneer home filled with water. You then do that to a further 359 such homes and pile them on top of each other to make a 360 storey suburban home: that is 42 megalitres. Or you can fill a succession of six metre diameter above ground swimming pools and place them on top of each other, and the resulting pipe-like structure would tower 1.5 kilometres high: that is 42 megalitres.

We are talking about this amount of water being used every day at Roxby Downs once the expanded mine is up and running. Somehow—and despite all the reassurances I have been given by MESA and the Western Mining Corporation—I find myself very uncomfortable with these facts. My instincts say that there is something not right about it. The July 1996 edition of the MESA journal carries an article about the Great Artesian Basin. It is always good to read an article like this, and I recommend it to the Hon. Ron Roberts, because articles such as this are usually prepared for the industry and contain useful technical information—and this article is no exception.

The article informs us that the Great Artesian Basin is the largest ground water basin in the world. It stretches from Cape York in Queensland, penetrating into New South Wales, the Northern Territory and South Australia, and it covers more than 1 700 000 square kilometres. It is somewhere between 100 million and 250 million years old, and some of the water in South Australia has been dated at close to two million years old. I cannot think of any other way to describe water like that other than as 'fossil water'. That water is moving through the sandstone at a rate of only one to five metres per year. It is clearly a remarkable formation, and within the balance of nature it must play a significant part in the ecosystem of our inland, yet we appear to be treating it as though it is inexhaustible.

As a nation, we do not appear to have learnt much from the damage we have caused to the Murray River, but there is a similar interplay of tensions as water usage in the four States is likely to have a cumulative effect on the basin. The original provisions for the supply of potable water from Port Augusta have now lapsed, and this Bill inserts new provisions. The Western Mining Corporation will be able to purchase water rights from the Murray River and in turn be able to sell that water to the township. Restrictions are being removed to allow the municipal council to make a profit on this on-selling of water. I was informed at my briefing that, if a profit were made, it would go into council revenue. I expressed some concern about that because, given that the dams, reservoirs and pipelines in South Australia have been paid for by the citizens of this State, I wondered whether South Australia was getting a good bargain out of this.

It is also worth noting that in the bargaining for water rights Western Mining Corporation could be asking for up to 9 000 kilolitres per day more than it currently uses. It is not much compared with the 42 megalitres per day from the Great Artesian Basin, but it is demonstrating that the Roxby Olympic Dam continuum is an enormous consumer of water in our State.

With the expansion of the mine and an increase in the population at Roxby Downs the demand for power will increase significantly. Western Mining Corporation has been given the right to generate its own power and, with the advent of the national electricity market, any surplus power it generates will be available through the grid. When I asked about renewable energy technologies being used, Western Mining Corporation responded that the demand for power is too much to be supplied by the use of solar or wind energy, that it is planning to use gas from the Cooper Basin and that it would be responsible for the construction of its own pipeline to do this. A letter from Western Mining to me indicates that it did consider solar energy, and states:

> Detailed work was undertaken to compare costs between gas for both storage and instantaneous, solar/gas, solar/electric (element), solar/electric (heat pump) and electric. Various systems were compared on the basis of capital cost, energy consumption, and maintenance cost and component replacement costs. This analysis showed that the solar option is up to 26 per cent more expensive than gas, and more than 14 per cent more expensive than electricity.

I would very much like to see those figures and test them against other expert information, because I find them somewhat astounding. When I visited Roxby Downs last year I was struck by the absence of solar hot water systems in the township. I found that very surprising for what must be an all

electric town, which would have a lot of sunlight every year. The letter from Western Mining continues:

> I should point out, at the same time, that all WMC houses in Roxby Downs have been constructed with a view to energy conservation. Appropriate materials have been used, given the significant day/night temperature variation. Walls and the roof space are fully insulated. Floors are carpeted, except in wet areas and the kitchen. Maximum shading of walls and windows is achieved by providing a 900mm eaves overhang all around the house. There are also back and front porches. Most carports are provided under the main roof to further enhance shading, and where practical, these are located on the western wall to maximise protection. Fittings within the houses which consume energy, including water heaters, space heaters, cookers, and the use of ducted evaporative air conditioning rather than reverse cycle units, all have been selected with energy conservation as a primary objective.

That is all well and good, but it still leaves me with some doubts about what is going on in that town as regards energy conservation without solar hot water systems.

Western Mining Corporation has also informed me that it is consulting with six Aboriginal groups in relation to securing an easement for a new power line between Port Augusta and Olympic Dam, which brings me to the issue of consultation with Aboriginal groups in general. Western Mining Corporation has claimed to me that there has been full consultation with both the Dieri and Arabunna communities about the establishment of bore field B. That is not my understanding. Environment groups have been raising concerns with me for nearly three years now that Western Mining Corporation has chosen to negotiate with the Dieri community rather than the Arabunna people because they have been more of a pushover. I do not know the answer, but some of the incidents and practices that have been brought to my attention over the past few years have been most disturbing. I do not want to put those incidents on record. Some of them have been reported in the media at different times, and some of what has happened has appeared to me to be quite provocative.

I turn now to what I call the French connection. Last year I moved a motion in this place in response to French nuclear tests. I suppose the complete capitulation by the Opposition on this Bill is not surprising, considering how that motion was amended by the ALP then. As I originally worded that motion, it called for a 'complete ban on sales to France of uranium from South Australian mines'. The Hon. Carolyn Pickles amended and weakened that part of the motion to a call on 'the Federal Government to cease the sale of uranium to France until the French Government announces a permanent cessation of nuclear testing'.

An *Advertiser* article of 25 October 1996 quotes Pearce Bowman of Western Mining Corporation as stating that it is pursuing contracts with France. We all know that the French have a stockpile of nuclear weaponry, and while it might have stopped testing at Mururoa—at least under the present Government in France—it is not disarming. So, there is no guarantee that Roxby Downs uranium will not end up in bombs. Western Mining Corporation has made clear that although Olympic Dam is a copper mine it would not be viable without the uranium component. In fact, the announcement of the mine's expansion came from Pearce Bowman, Executive General Manager of the Copper Uranium Division, and he had no qualms about pointing out in his media release that Olympic Dam is 'the largest single uranium ore body in the world' and that 'when annual production reaches 200 000 tonnes of copper in 2001, annual uranium production will be 3 700 tonnes'. That amounts to 10 tonnes of uranium coming out of that mine every single day of the year for at least the next 100 years.

The Hon. L.H. Davis: You shouldn't be in this building, because the radiation here is higher than near Olympic Dam.

The Hon. SANDRA KANCK: I know the radiation is bad. I often open windows whenever I can to get rid of the radon gas. To date, I do not think any of the Opposition speakers, either in the House of Assembly or in the Legislative Council, have used the 'U' word. They referred to the 'ore' or the 'ore body' but not to the fact that, just as a sideline, it contains uranium. As a consequence of not acknowledging the uranium at Roxby, the Opposition would obviously be unable to acknowledge the problems of nuclear waste disposal. I have been involved in the anti-nuclear movement since my son was born almost 26 years ago, and for that long I have been hearing about how close the nuclear industry is to a breakthrough with safe storage of nuclear waste. The peaceful nuclear industry which began immediately after the Second World War has had 50 years to solve this problem, and the fact is that it still has not done so.

An AAP story on 15 July reports that scientists from the US Department of the Environment were expressing concerns about the potential impact of natural disasters at nuclear storage sites and nuclear weapons production sites. The United States, which most people regard as a reasonably technologically advanced nation with a passing knowledge of matters nuclear, proposes a national radioactive waste storage centre in Yucca Mountain, Nevada. Scientific predictions show that at that site magma from volcanic activity '...could ascend directly through the repository...compromising the integrity of the waste isolation system'. As I said, after 50 years, they still do not have the problem licked. Storage in what are considered geologically-safe sites is not a solution, because geologically-safe sites can become unsafe almost overnight.

I refer to an article which deals with the question of how we tell future generations about nuclear hot spots. Given that some radioactivity lasts longer than any human cultures or civilisations have lasted thus far, putting up signs on a decommissioned nuclear power plant saying, 'Radioactivity—Keep Out', just will not work, because the radioactivity will continue long after the English language has disappeared. The article suggested that some form of mythology associated with evil or death on that site will need to be developed to keep people at bay. It sounds almost amusing, except that it is true. For me this raises the question: where does the buck stop? Who is responsible for this uranium when it goes to other countries? Are you responsible? Am I responsible? I believe that I have a responsibility, which is why I raise these issues. It seems that neither the Government nor the Opposition will acknowledge that they are playing a part in creating future environmental problems.

As far as Western Mining is concerned, it is not its problem either: it is just selling an ore which happens to be radioactive. While all these groups and people might be able to rationalise their involvement, that rationalisation will not provide them with a pardon when something goes wrong.

I have spoken about nuclear waste on the grander scale of nuclear power production and the decommissioning of power plants, though at the local level we have the problem of tailings to deal with. This Bill deals with the issue of tailings only up to 200 000 tonnes per annum production capacity, but the Bill envisages production of up to 350 000 tonnes per annum. As Friends of the Earth and the ACF have pointed out, while it has been claimed that this matter of tailings and

water usage, with still further increases in production, will be the subject of a separate environmental study, we know nothing about what the studies will entail and, for that matter, whether they will involve full public scrutiny. I would like to know before we get to the Committee stage what sort of study is going to be done, who is going to do it and whether it is going to be done by the Minister or by Western Mining Corporation? If Western Mining Corporation does it, how do we deal with the issue of conflict of interest?

Another matter that perplexes me on this whole issue is what future there is for uranium. Without a future for nuclear power there is not a future for uranium. Earlier I referred to an AAP report of 15 July. They were busy on nuclear issues on that day because there was another report that the British Government, having announced its plans to privatise its nuclear power plants in March, had found that it would get less than half of what it hoped for with their sale. The more modern reactors are to be taken over by British Energy, while debate has been raging about how much money should be set aside by that company to pay for their eventual decommissioning. However, the older Magnox reactors could not attract a buyer and the public sector has been left with the costly problem of their imminent decommissioning.

The share offer closed on 10 July and, just two days later, according to AAP, the Hunterston reactor in Scotland and the Hinckley Point reactor in south-west England had to be shut down because of welding cracks which had been discovered. On 15 July *The Observer* reported the discovery of faults in the core of the reactor at Sizewell in eastern England, but the public has been assured that there were no safety risks.

The Hon. L.H. Davis: What's this got to do with the Bill?

The Hon. SANDRA KANCK: It has to do with the fact that Roxby Downs exports uranium. It has a lot to do with it.

The Hon. L.H. Davis: Do you want to close it down?

The Hon. SANDRA KANCK: I am saying that there are many questions that are not being answered and that the Bill is being rushed through with indecent haste. Democrat members have also expressed concern that the Bill will allow the Olympic Dam mine to become the centre for uranium processing in Australia and, of greater concern, is that it could become a reprocessor of nuclear waste. Members will remember that in July I asked a question about waste from Nuclear Heights that Western Mining attempted to reprocess. The Government refuted that by asking Western Mining Corporation what had happened and then put Western Mining's version on the record. Western Mining has said to me in a letter:

> There are no plans for uranium conversion and enrichment at Olympic Dam.

I am not sure what 'no plans' means. Does it mean that there are no plans at present? The corporation claims that the definition of 'non-minesite materials' in the Bill gives it the right to bring in copper, gold and silver but not uranium. I do not understand how the corporation gets to that because the Bill provides:

> 'Non-minesite minerals' means any of copper, gold or silver, or other mineral approved by the Minister in any of the following forms:
>
> (a) In the form of concentrate, fluxing agent, slime or slag, or any other form approved by the Minister which has been obtained from ore not extracted from lands comprised in a special mining lease; or
>
> (b) in the form of ore not extracted from lands comprised in a special mining lease but extracted from lands within South Australia.

It could be uranium from anywhere, either inside South Australia or outside Australia and it could be as some form of radioactive waste that comes in from another State provided that the Minister gives approval. I am not convinced that we could not see that Roxby Downs could end up being used for either uranium conversion, enrichment or waste processing. I will move an amendment to deal with that matter in Committee.

As this Bill clearly sets out a right for Western Mining Corporation to bring in other materials from outside the mining lease for treatment, I wonder what sort of minerals are envisaged, where they will come from, what sort of tonnages might be expected and, more importantly, will the South Australian Government be able to collect any royalties on these minerals when they are treated at Olympic Dam? I ask these questions because it is my understanding that no royalties would be payable on minerals brought in from other States.

That is a further matter of concern for the Democrats, as it means that mining venturers in other States, particularly uranium producers, would be able to avail themselves of the services and infrastructure that have been set up, courtesy of the South Australian taxpayer over the past decade, without having made any contribution to their cost. Western Mining Corporation has informed me that it works to a lower minimum radiation exposure rate than is required by international standards. When I visited the area last year the mining manager took me on a tour of the mine and, I must say, I was impressed by what I saw. It is a very highly mechanised mine. I spent some two or three hours in the mine and there was certainly no dust. Everything was watered down. I guess that mechanisation means that not too many workers are being exposed to radioactivity. However, I believe—

The Hon. L.H. Davis: Radiation is very high here; there is more danger here!

The Hon. SANDRA KANCK: I have already acknowledged that I understand that there is radiation in this building, Mr Davis. I believe that a database of persons who work at Roxby Downs needs to be established. I say this because I know of a number of families who worked and lived at Radium Hill when that was a uranium mine, and I know that all those who have died in those families have died of cancers. It is for that reason that I believe a database of workers should be established. I believe that that is something the Opposition would support. I would be interested to hear some contributions from the Opposition on that matter.

The Democrats have always advocated that the ALARA (as low as reasonably achievable) principle should be adhered to in regard to exposure to radiation. The Roxby indenture has always referred to 'average' exposure levels, so I would appreciate some answers from the Minister to a few questions about exposure to average levels of radiation. What are the cumulative effects for long-serving employees who continuously receive the average exposure level every year? Especially compared with someone who works for just one year in the industry and then leaves. If someone gets the average annual allowable dosage in one exposure, is that person more at risk than the person who gets the same dose slowly over a 12 month period?

I am pleased that the Government and Western Mining Corporation have agreed on the provision of a hospital for the people at Roxby Downs. I visited Roxby Downs last year and talked to some of the people in the community. I was astounded to find that Roxby Downs has the highest birth rate

in South Australia, yet not a single baby has been born there—the reason for that is the level of health service at Roxby Downs. Women are expected to travel either to Port Augusta or Adelaide to give birth to their babies, which can create a lot of pressure for families. It means that expectant mothers need to move from Roxby Downs one month before their baby is due and, if they have other children, they must organise child care for those children for at least a month, if not longer. I believe that the women in that community should have the right to the same standards of health as the rest of the community.

I was also interested in the fact that Roxby Downs is not only a one company town but a one union town. On 18 November, the *Advertiser* published an interesting article about a fight that is emerging between the Australian Workers Union and the Construction, Forestry, Mining and Energy Union over representation at the Roxby Downs' site. That is probably still to be resolved, but as this Government believes in competition policy I wonder what it thinks about having a single union in a single company town. It is really too cosy an arrangement and provides an opportunity for sweetheart deals between the company and the union. I am not alleging that such deals occur, but I certainly had people from the CFMEU raise some concerns with me. Unfortunately, the proposed expansion is being justified purely in terms of economics, and I am sure that we will hear much about that from the Hon. Mr Davis when he speaks. It seems to me that most members of this Parliament do not really care about the environmental arguments or the long-term health and safety arguments. I understand that everyone in this State is desperate to see jobs created here, but one has to ask the question: at what cost do the jobs come?

The investment in this expansion will be $1.25 billion, which will lead to a 135 per cent increase in production but only a 20 per cent increase in on-site jobs. So, each new job will cost $625 000. I can think of so many ways in which money could be better spent to create far more jobs but, unfortunately, this Government is allowing the market to decide what jobs will be created and, as a consequence, the Government has bowed out of the argument. As we are dealing with economics, I have some questions to ask on economic issues. I suspect that South Australia may not be quite as well off as people think we are as a consequence of having this mine in our State, so I would ask the Minister: in what year did the first royalty payments come through to the South Australian Government? What have been the royalty payments each year? And in 1996 dollars what have been the direct infrastructure costs to date compared with royalties to date?

I understand that the municipal council runs its business at a deficit and the State Government is currently meeting 50 per cent of that deficit. Since the establishment of the township, what has been the annual deficit for each year of the municipal council and how much money has the State Government given each year to support that deficit? For me, this has been a long speech, and in fact I believe that it is the longest I have given in my almost three years in Parliament. Members would know that I generally keep my speeches short but, because no-one in the Government or the Opposition is prepared to speak out on these issues, I felt it necessary to spend more time than I normally would on a second reading speech, to spell out some of the many concerns.

As I said earlier, the time constraints agreed to by the Government and the Opposition will not allow all the issues to be canvassed, and nor will those that are canvassed be effectively tackled. So, whilst I know that this Bill will pass with the assistance of ALP members, I want to place on record my disgust and the disgust of the Democrats at the way this whole thing is being shoved through. Because of concerns about both the processes and environmental issues that cannot be answered at the present time, given the way we are putting this through, I indicate that the Democrats oppose the second reading.

The Hon. L.H. DAVIS: What a remarkable speech! What an ungracious speech; what a head in the sand speech we heard from the Hon. Sandra Kanck representing the Australian Democrats. She claims that this is being rushed through Parliament. She is dismayed at the way it is being pushed through Parliament—

The Hon. Sandra Kanck: Six weeks: is that not a rush?

The Hon. L.H. DAVIS: I do not know whether six weeks is a rush to the Hon. Ms Kanck but, if she looks at most legislation before the Council, I dare say that it has a period of around five or six weeks. There is nothing abnormal about legislation coming through in six weeks. It is not as if this Bill has come from nowhere. The expansion to Roxby Downs was telegraphed. The Government months ago publicly indicated that it would require an alteration to the Indenture legislation.

So, that should have been no surprise even to the Democrats with their heads in the sand. Not once tonight did we hear any recognition of the significant economic benefits that Roxby Downs has brought to South Australia. The only hint of recognition that something good was happening at Roxby Downs was the fact that the Hon. Sandra Kanck admitted there was a high level of mechanisation in the mine. That was as close as the honourable member came to admitting that any economic benefit was flowing to South Australia, yet by the time Western Mining completes this major expansion of Roxby Downs some $2.5 billion or $2.6 billion will have been spent on the project.

Obviously, the honourable member belongs to the John Bannon league, which described Roxby Downs as a mirage in the desert. The honourable member still does not believe it. The honourable member still cannot accept this is real and that this has been the most significant capital investment project in South Australia since the Second World War. I imagine that I would be hard pressed to think of a larger development in South Australia since the Second World War. That is the magnitude of the program at Roxby Downs.

At present the population of Roxby Downs is 3 000, and it is expected to grow to 3 500 by the time this expansion is completed. The expansion, which will provide 1 000 construction jobs over the next four years, will lead to an additional 200 permanent jobs at the mine and in the plant—a total of 1 200 people employed in what was previously a desert; and, to the Hon. Sandra Kanck, it is still a mirage in the desert.

Western Mining, which is one of Australia's greatest companies, is now making its largest single investment in its 63 year history. This $1.25 billion expansion at Olympic Dam will more than double the current copper production rate from 84 000 tonnes up to 200 000 tonnes in the year 2001. Annual uranium production will expand from 1 500 tonnes to 3 700 tonnes—again more than double the current rate—and gold will lift from 30 000 ounces currently to 75 000 ounces—a modest gold mine by Australian standards but still profitable. Finally, the production of silver will also more than double because the plan is to increase current

production from 400 000 ounces of refined silver to 950 000 ounces. What does this mean to Western Mining? Western Mining's 1995-96 annual report notes that copper production from Olympic Dam was increased from 68 541 tonnes in 1994-95 to a record 83 050 tonnes in the 1995-96 financial year, and operating profit for the copper and uranium at Olympic Dam was $123.1 million pre tax—up from $102 million in 1994-95.

The Hon. Sandra Kanck: Have you got any Western Mining shares?

The Hon. L.H. DAVIS: I certainly do not have any Western Mining shares. Tonight the honourable member has made some extraordinary comments to which I will refer. First, she brings out the hoary 1970s arguments about the dangers of uranium and radiation and, as members who served on the uranium select committee in 1981-82, including her former and much revered colleague the Hon. Lance Milne, would know, they slowly came to realise the level of radiation in Parliament House is much higher than that at Roxby Downs. Yet, there would be hundreds of Australian Democrats driving around in cars built in countries through nuclear energy. There would be hundreds, possibly thousands of Australian Democrats—if they do have thousands in the Australian Democrats—quite happily driving around in cars made with nuclear energy. Some 50 per cent of French energy is nuclear. I have seen Australian Democrats, dare one say it, in the parliamentary car park driving French cars with stickers against nuclear energy paradoxically plastered on their rear bumper.

The Hon. R.I. Lucas interjecting:

The Hon. L.H. DAVIS: The rear bumper of the car. It may be appropriate to put it on the other bumper as well! The Hon. Sandra Kanck made much of infrastructure issues. She said there are important infrastructure issues which should be addressed. She did not go near them during her speech, which was full of specious comment, allegation, rhetoric and very little substance. We never did hear what the infrastructure arguments were. She made much of the water issue.

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: Well, you will have your chance in Committee to tell us what the pressing infrastructure issues are. Not once did she recognise the economic benefits of Western Mining. She did not recognise the jobs created by Western Mining. She did not recognise once the continuing generation of export income to South Australia which will be $600 million in one year, a significant amount of money being brought into this economy. Not once did the Hon. Sandra Kanck recognise the dimensions of Western Mining, that it is in fact the sixth largest copper mine in the world. She did admit it is the largest uranium ore body in the world, because that suited her 1970s argument.

The Hon. Sandra Kanck: It was the manager of the mine who said that, not me.

The Hon. L.H. DAVIS: But you spoke about it in concerned terms, that this was bad and this was wicked. I interjected, and you said this is why you were raising it because you were concerned about uranium. The code in her speech was that this was all going into bombs, when in fact the truth—

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: Well, anyone reading the speech could see the colour of it. She attacked the Minister for Mines and Energy for his gung-ho attitudes. Here are the Australian Democrats saying the economy is going nowhere. When the economy goes somewhere with a $1.25 billion expansion at Olympic Dam, that is gung-ho. It is wicked and naughty. Again there was her specious comment that the EIS is little more than window dressing. There was no acknowledgment of the requirements of the indenture. There was no acknowledgment of the Federal legislation in place. There was no acknowledgment that the developers at Roxby Downs have a right to come to the Government and give notice that they would like water delivered from Port Augusta, which is a fall back position on the water issue that the honourable member spent much time discussing.

Then the Hon. Sandra Kanck made one of her many ill-fated moves into reality in an attempt to deal with the real world when she talked about a recent conference on resources which she had attended. Then she made this comment—and I think I have written it down correctly; I would hate to misrepresent her, although one does not need to do so because she misrepresents the situation so badly herself. She said:

> If all the third world countries were to consume copper at the rate of the western world—

or America—I think it was the western world—

> then we would run out of copper supplies in eight years.

Of course, Malthus said that about population and food at the turn of the nineteenth century.

The Hon. Anne Levy: The Pope is still saying that.

The Hon. L.H. DAVIS: The Pope might still be saying that. I will not buy into what the Pope says; I will concentrate on the Hon. Sandra Kanck. The Democrats of course ignore the fact that there are improvements in technology, there is a substitution of new products, and there are new sources of supply. The Hon. Sandra Kanck obviously does not read what happens in the real world, because if one thing has created headlines in recent months it is the collapse in the copper price. There has been a 35 per cent fall in the copper price because of oversupply in world markets.

One of the reasons for that, if I can give the Hon. Sandra Kanck a public lesson in facts in the mineral industry, is that there has been a dramatic increase in the number of new copper mines coming on line around the world. BHP, for example, has a major interest in the Escondida copper mine in South America, which has a production of about 950 000 tonnes per annum. That is a factor of nearly five times Western Mining's planned copper production. It is a monster mine at Escondida. MIM, a great Australian company, along with North Limited—formerly known as North Broken Hill—have joint interests in another major mine in Argentina, South America, Alumbrera, a major gold-copper mine which is being opened up. The cost of these mines is very low, as is, in fact, the copper mine at Roxby Downs, one of the largest underground copper mines in the world, in contrast to Escondida and Alumbrera, to which I have just referred, which are cheaper large-scale open cut operations.

So, the argument that has been in the papers—which Sandra Kanck has obviously not read, missing every one of them in the past few months—has been that there could well be an oversupply of copper for some years through to well past the year 2000. In fact, that is one of the reasons why BHP's share price has reversed so dramatically, because of its heavy exposure to copper. Certainly, there is an argument to say that as Asian countries move from being third world to first world countries their consumption of copper will increase; that is self-evident. But for the Hon. Sandra Kanck to oversimplify everything in a lentil soup approach to world economics of course is typical of the Australian Democrats,

who just do not understand the reality of the world around them.

The Hon. Sandra Kanck also made an extraordinary allegation—which had my colleague, the Hon. Jamie Irwin, rightly gasping with disbelief—when she said that the money being used at Roxby Downs could be better employed elsewhere to create other jobs. I am not sure what that means. Does it mean that a job at Roxby Downs is not as good as a job in Adelaide or in Mount Gambier? I find that quite an extraordinary proposition from the Hon. Sandra Kanck.

Then she talked about solar energy and said that studies that had been given to her indicated that solar power would be 26 per cent more expensive than gas as an energy source in Roxby Downs. Certainly, Roxby Downs would be an ideal place for solar power, and it is a cheap and easy argument for the Democrats, in this fairy floss world they live in, to say that solar power is the go at Roxby Downs. But the Hon. Sandra Kanck of course did not have the courage, nor the facts to back up the argument, to actually produce an example where solar power is used large-scale, economically and competitively in an operation of the size of Roxby Downs. There are many people, many institutions, many Governments world-wide working progressively towards the use of solar energy. But the hurdles are considerable. The costs are also formidable. Solar energy is not yet competitive in a large-scale operation.

As the presiding member of the Statutory Authorities Review Committee, I would have thought at least the Hon. Sandra Kanck might have read a recent report tabled in this House which made some reference to solar energy and its application in South Australia.

The Hon. Sandra Kanck: I certainly read it.

The Hon. L.H. DAVIS: Well, you certainly did not refer to it or admit the facts contained in there, which would have blown you well out of the water. The fact is that when Western Mining talks about using other sources producing their own power that is a positive development. It was sold to this House as something that perhaps might be slightly tainted, perhaps evil, or wicked.

The fact is that in this real world, in which the Hon. Sandra Kanck denies we live, there has been a move towards the generation of power by private sector companies and towards co-generation. As we move into the national grid, with the Hilmer report imperative driving that, larger operators will generate their own power and feed it back into the grid. Western Mining has several options in creating its own power. It could take power from Port Augusta or it could generate its own power. It could even take power from other sources such as gas, which is available. Perhaps in time solar power may have some limited application in Roxby Downs.

The Hon. Sandra Kanck has misrepresented Western Mining as being some Dickensian company that is aloof from new ideas. On the contrary, I want to put on the record that Western Mining is highly regarded in the corporate sector. In the matter of the environment, the Hon. Sandra Kanck did not even have the grace to admit the pioneering work that Western Mining has done in the environmental area. It retains environmental scientists full time at Roxby Downs, monitoring the flora and fauna in a very committed and dedicated fashion. This is far from window-dressing, and I have been most impressed in my visits to Roxby Downs to see the commitment of those environmental scientists and the support which they receive from the company. As I have said in this place on previous occasions, it could be argued that the flora and fauna of the area at Olympic Dam are better off for Roxby Downs being there.

The Hon. Sandra Kanck even attacked the previous Federal Government, saying that it was to its ever-lasting shame that, in the dying days before the last election, it had announced the expansion of Roxby Downs. Do we read into her statement that this expansion was bad and wicked, that Western Mining is being a wicked corporate citizen by expanding Roxby Downs and spending $1.25 billion creating 1 000 construction jobs, increasing the number of permanent jobs by 200, lifting exports from South Australia, creating one of the larger regional centres in this State and enhancing the town's population to a very respectable 3 500 citizens?

Those citizens are very proud of their town, which is one of the finest regional centres that anyone could visit in Australia. It has won plaudits for its architecture, for its siting, for its design, for its style and for the amenities it provides. The only valid point that I concede the Hon. Sandra Kanck made with respect to the town itself is the need one day to improve and strengthen the health services to the citizens of Roxby Downs.

This Bill is necessary because of the expansion that has been announced by Western Mining. The indenture Bill requires amendments to allow the increased production of copper from Roxby Downs. Presently, the indenture Bill sets a cap of 150 000 tonnes per annum. That is expanded to 350 000 tonnes per annum under the indenture amendment Bill before us, although the company has made clear that its plan is to increase annual copper production to 200 000 tonnes per annum by the year 2001.

The Bill contains other amendments which are necessary to take account of the proposed expansion, and I believe that the Bill itself and the second reading explanation adequately rebut the arguments put forward the Hon. Sandra Kanck about water. Indeed, new subclause 13(4A) specifically refers to the provisions relating to water, allowing the joint venturers the option of giving four years' notice to the State to make potable water available to them at Port Augusta and to reserve pipeline capacity in the Morgan-Whyalla pipeline system for that purpose.

Upon reading the Hon. Sandra Kanck's speech, one would get the feeling that Western Mining, aided and abetted by the State Government, has rushed into a situation where the Great Artesian Basin will be plundered to the detriment of all. This, of course, was the tenor of the speech made by the Hon. Sandra Kanck—a shameful exercise in negativity, if ever I have heard one. I am appalled to think that this is the Australian Democrats' view of the world. The largest single expansion in the history of one of Australia's top five companies in market capitalisation—Western Mining—does not get one iota of support from the Australian Democrats, not one ounce of recognition—an appalling display of negativity.

All I can say is that the Australian Democrats by that speech have shown how irrelevant they are to matters of economic moment and importance to this State. The Hon. Sandra Kanck has not done her Party any good in terms of credibility and relevance from her contribution tonight. I hope that she has an opportunity one day to read the Western Mining report and to note the contribution that mining makes to Australia. Ironically, in the early 1840s, when this State was on its knees, it was mining that saved this fledgling State: base metals were found initially at Glen Osmond then later at Kapunda and Burra.

In the Cooper Basin, Santos discovered oil and gas that geologists and textbooks said never existed in South Australia. It was Western Mining and BP—its then joint venture partner—which developed the Olympic Dam site in the remote North West of South Australia, finding geology which again flew in the face of the traditional experts. Now we see significant development in the Gawler Craton area. I should declare an interest in that. There is great excitement in that region because of the gold and base metals being discovered. From the information that has been made available publicly from the many companies exploring in that region, there is no doubt that major mines will be established in that vast area covering the North West of the State in the foreseeable future.

South Australia has been a Cinderella State in many ways in the mining industry, but I am pleased to say that this Bill will legitimise a further stage of the development of one of the great mines of the world—Roxby Downs. It is renowned as one of the great underground mines in terms of the unique combination of minerals that it offers—gold, silver, most notably copper, and uranium. Most importantly, we have that mix of other products earning exports for South Australia, providing jobs for South Australians with the Cooper Basin and, more latterly, the Gawler Craton. Nor should we forget the potential that exists in the South-East with gas discoveries recently being used readily in the growing market in that region. I support the second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

POLICE (CONTRACT APPOINTMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 552.)

The Hon. R.R. ROBERTS: I have taken over this Bill from my colleague the Hon. Terry Roberts, who is ill. I have on file a couple of amendments which were moved in another place. Those amendments seek to do two things. First, on notifying the commissioner of a decision not to reappoint a commissioner at the end of a term of appointment, the Minister must cause a statement of the reasons for that decision to be laid before each House of Parliament within six sitting days if Parliament is then in session or, if not, within six sitting days after the commencement of the next session of Parliament. The second amendment talks about the termination of the appointment of a commissioner. Again, this amendment would require that the Minister may cause a statement of the reasons for the termination to be laid before each House of Parliament within six sitting days and, if not, within six sitting days of the commencement of the next session of the Parliament.

There has been a great deal of debate on this issue, and I remember the contributions of the Hon. Angus Redford and others in this place on what has been a passionate subject of debate for many years in this State, namely, the appointment of police commissioners. One amendment which was successful in another place and accepted by the Government was that, if there were a change in the contractual arrangements for a police commissioner and a direction was given by the Government, those alterations to the contractual arrangement of the police commissioner should be laid before each House of Parliament within six sitting days of the Parliament if the Parliament is then in session or, if not, within six days after the commencement of the next session of Parliament. This is a continuation of the same thing.

One could reasonably argue that to terminate one's appointment constitutes quite clearly a change in the contractual arrangement. You cannot get much more of a drastic change than that. Without going over the ground which other speakers have canvassed, I support the second reading of this Bill and indicate that in Committee I will move the two amendments on file and seek the support of members to ensure the passage of these sensible alterations to the legislation, which, over a long period, the people of South Australia have demonstrated they favour.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ROAD TRAFFIC (INSPECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 371.)

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

A quorum having been formed:

The Hon. T.G. CAMERON: My contribution on this Bill will be brief. I covered most of the points in my earlier contribution on the first Motor Vehicles (Inspection) Amendment Bill (No. 18). The only point I would like to make in relation to this Bill (No. 29) is that it relates to inspections on defective vehicles conducted by the Department of Transport. For those members who do not know, if a vehicle is defected it is sent to Regency Road and there inspected by inspectors of the Department of Transport who determine whether the remedial work has been carried out and the vehicle is safe to go back on the road.

In my opinion—and I would be interested in further comment from the Minister—the current system has a great deal of appeal, because by housing the defective vehicles at Regency Road under the one roof, under the one management control and in the one operation, we can get consistency and standardisation. However, I am a little concerned that, by allowing these defect notices to be removed by authorised agents all around town, we could easily end up with a situation where a second-hand motor vehicle dealer could go to another dealer and ask the authorised agent to remove a defect notice on a vehicle. This raises real problems of conflict of interest. I will say no more at this stage. I conclude my submission.

The Hon. R.D. LAWSON secured the adjournment of the debate.

EQUAL OPPORTUNITY (TRIBUNAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 549.)

The Hon. P. NOCELLA: I signify the Opposition's support for the second reading. The Bill provides for two changes to the appointment processes incidental to the Equal Opportunity Tribunal. It permits a Deputy President to resign. One of the Deputy Presidents is presently occupied as a

Youth Court judge and has expressed an intention to resign. We do not object to legislation allowing him to do so. The other amendments allow the appointment of additional Deputy Presidents to the tribunal. The last thing we want to see is increased waiting times for complainants because of a technicality in the Equal Opportunity Act, and we will therefore support this measure also. We consider the Bill to be straightforward. We accept the Attorney's reasons for introducing the Bill and requesting that it be dealt with expeditiously by the Parliament. We support the second reading.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) (INTERIM CONTROL BOARDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 560.)

The Hon. R.R. ROBERTS: I indicate support for the second reading of this Bill. I have been briefed by departmental personnel and thank the Minister for making them available. I understand that this Bill will provide coverage for the animal and plant control boards, which do a very good job in many areas. In some places the animal and plant control board's coverage is better than in others, but by and large they do a very good job in rural areas. This Bill was brought about by the fact that councils have been amalgamated. There is a mechanism whereby councils fund, by levy, the animal and plant control boards. Because of those amalgamations there is some doubt about future funding and its legality. This Bill has been introduced to provide for interim funding arrangements so that the boards can continue the important work they perform. The Opposition supports this Bill without amendment.

The Hon. M.J. ELLIOTT: The Democrats support the Bill's second reading. The Bill is necessitated by council amalgamations and ensures that the work of the boards continues while the amalgamations are proceeding. As the proposal makes sense, and as we see no problems with it, we support the Bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the Bill and for their expeditious dealing with it.

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

WATER RESOURCES BILL

Received from the House of Assembly and read a first time.

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

Water resources management in South Australia, as elsewhere in Australia, continues to face challenges of the most fundamental importance to the sustainable development of the State. The proper use and management of the State's water resources is essential for maintaining and enhancing our total quality of life. This means achieving sustainable economic development and fulfilling important social and physical needs, while ensuring that the health of the water resources and the associated ecosystems are protected. As one of a range of measures needed to reach these goals, we must ensure that South Australian legislation can address these issues and help bring about the best possible management of our precious resources.

In September last year, after a comprehensive program of community consultation, the Minister for the Environment and Natural Resources tabled the State Water Plan entitled '*Our Water, Our Future*', outlining South Australia's needs for a strategic framework for management of water resources, which needs are not being met by the current legislation. The framework reflected certain trends in State and national approaches to water resources management which have emerged over recent years, and included strategic aims such as:

- *meaningful community participation* in the management of natural resources, recognising the role of the community in implementing plans through on-ground works and measures, and the right of the community to participate in the setting of natural resources management goals and objectives;
- *an integrated approach to natural resources management*, recognising that it is not sensible to continue to manage water resources in isolation from other natural resources, and from other responsibilities relating to, for example, the control of development, pollution, and pest plants and animals;
- *a greater transparency and certainty of decision making*, based on community-developed and Government approved management plans;
- *a greater emphasis on the collection and availability of relevant data*, recognising the importance of adequate information to assist decision-making; and
- *a separation of the roles* of water service delivery (that is, commercial water supply such as SA Water's domestic supplies) from water resources management (that is, looking after the health and availability of the resource in its natural state), to avoid conflicts of interest.

These strategic aims are reflected in the principles endorsed by this Government through its participation in a number of national agreements and strategies, and State initiatives. The Water Resources Bill has been prepared with these aims firmly in mind.

Following eight months of wide consultation over community opinions and aspirations on the review of the Water Resources Act 1990, in May 1996 the Government released for public consultation a draft Water Resources Bill, which was accompanied by an Explanatory Report and an Index to the Bill. Four months of intense public and stakeholder consultation ensued, with numerous public meetings and detailed briefings given by the Government. A great number of written responses were received, showing the breadth of community interest in this most important of legislative initiatives.

All responses were reviewed by the Minister for the Environment and Natural Resources and Departmental staff. A great many were extremely constructive, and have been taken on board and are reflected in the Bill.

The Government was greatly assisted throughout the review process by a Committee of Members of Parliament. Those members, Kent Andrew, Member for Chaffey (Chair); Robert Brokenshire, Member for Mawson; Malcolm Buckby, Member for Light; Dorothy Kotz, Member for Newland; Peter Lewis, Member for Ridley; and Ivan Venning, Member for Custance, put careful effort into reviewing various drafts of the consultation papers and the draft Bill, and their views on community requirements and concerns have been invaluable.

The central features of the Water Resources Bill are:

The principles of ecologically sustainable development

The Bill has only one stated Object: the establishment of a system for water resources management which will achieve the ecologically sustainable development of the State's water resources. That is, a system which will provide the maximum social, economic and environmental benefits for present generations, while still allowing those same benefits to be reaped by future generations.

Environmental water needs are explicitly recognised throughout the Bill, in planning for resource management and in the allocation of water resources to consumptive users, and measures for protecting the environment against unforseen consequences of consumptive use or other activities affecting water dependent environments.

The Bill takes a holistic view of water resources, ensuring comprehensive consideration of all types of naturally occurring water as well as possibilities for use and development of alternative sources such as wastewaters.

Integrated resources management

The need for better integration and co-ordination of efforts in natural resources management has been raised as a major issue for natural resource managers at all levels. The Water Resources Bill is an important step towards the resolution of this matter.

The Bill provides for integration in the management of water with related natural resources at a number of practical levels, as well as at strategic levels. These measures include consistency in planning and streamlining of applications under various related Acts to carry out works or activities. Effective integration will be further facilitated by a series of consequential amendments to other Acts.

A significant provision in the Bill that will assist in integration at the operational level is the ability to vest an existing appropriate body with the powers and functions of a catchment water management Board. I believe that this provision amongst others will be shown to be a most important step towards effective integrated resource management at the local level. It could be used, for example, to resolve the separation of surface and groundwater management that presently exists in the South East of the State.

Devolving greater responsibility for management to local communities

Building on the success of the existing catchment water management Boards established by this Government through legislation passed at the beginning of last year, the Bill provides for communities to take a much greater degree of responsibility in the management of local water resources where they are willing and able to do so.

These opportunities are provided to an important extent through the transparency and accountability that will accompany the use of community-developed management plans for all managed water resources. However, most importantly is the opportunity for the public to have a more direct management role through the establishment of catchment water management Boards.

The membership of the Boards is fundamental to the success of this program of community involvement in management of resources. Criteria for nomination of members to Boards is skills and expertise in a relevant field (recognising that fields other than strict resource management may be appropriate to make up a Board).

The types of skills, experience, local knowledge and understanding that will need to be brought to Boards will differ in each region. The Bill provides a broad range of possibilities, although it keeps as core skills local knowledge and active community membership, resource use and management, conservation, and local government. The openness of the selection process, with the emphasis firmly placed on essential skills, will ensure that the best people with the most appropriate skills will be assembled to achieve the visions for management of the resources of each area. The Government proposes to seek the widest possible range of nominations through open advertisements. Members with necessary skills will then be selected, with the assistance of the Water Resources Council, an independent body established by the legislation, which is widely representative of the diversity of interests to be taken into account.

South Australian Water Resources Council

The Bill provides for a Water Resources Council as a 'peak' body, charged with very specific functions of a strategic nature. The Council will comprise five experts; four of whom will be selected by the Minister from nominations of key interest groups: the Local Government Association, the South Australian Farmers' Federation, the Conservation Council of South Australia and catchment water management Boards.

The function of the Council is to assess, five-yearly, the efficacy of the State Water Plan in achieving the Object of the Act. The Council will also assess catchment water management plans and water allocation plans as directed by the Minister, and may investigate and assess other issues relating to the administration of the Act.

Management of all water resources through water management plans

In keeping with the thrust of this Bill to provide much greater opportunities to those who will be affected by water resources decisions, to participate in determining the goals, directions and techniques for that management, the Bill provides that all water resources will be managed through water plans developed, prepared and regularly reviewed through a comprehensive process of consultation.

The plans range from the State Water Plan, setting the State wide strategic directions for water resources management, but also able to provide 'nuts and bolts' management for resources through plans of local committees, to Board's catchment water management plans, or plans of local councils where no Board has been established for the area, and water allocation plans, dealing with the management criteria for licensed resources. Conditions for licensed resources may even include on-site water management plans to be developed by licensees.

'Property rights' system for water licences

The Bill allows full transferability of both licences and the water allocations endorsed on them. It also creates a register of licences through which third party interests in water licences (such as the interests of mortgagors) can be protected, and through which an effective market in water allocations can evolve.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clauses 1 and 2

These clauses are formal.

Clause 3: Interpretation

This clause provides definitions of terms used in the Bill.

Clause 4: Act binds Crown

This clause provides that the Crown is bound and that all agencies and instrumentalities of the Crown must endeavour to act consistently with the State Water Plan and all other water plans.

Clause 5: Application of Act

This clause provides that the Bill is subject to Acts and agreements set out in the clause.

PART 2

OBJECT OF THIS ACT

Clause 6: Object

This clause sets out the object of the Act.

PART 3

RIGHTS IN RELATION TO WATER

Clause 7: Right to take water

This clause sets out rights in relation to the taking of water. It is important to keep in mind the broad definition of "to take" water in clause 3 of the Bill.

Clause 8: Declaration of prescribed water resources

This clause provides for the declaration of water resources by the Governor on recommendation by the Minister. The Minister must undertake a process of public consultation before making a recommendation.

PART 4

CONTROL OF ACTIVITIES AFFECTING WATER

DIVISION 1—CONTROL OF ACTIVITIES

Clause 9: Water affecting activities

This clause controls activities that affect water by requiring a water licence or authorisation under section 11 for the taking of water or a permit for other activities referred to in the clause.

Clause 10: The relevant authority

This clause defines the relevant authority for the purposes of granting a water licence or a permit.

Clause 11: Certain uses of water authorised

This clause enables the Minister, by notice in the *Gazette*, to authorise the taking of water from a prescribed water resource.

Clause 12: Activities not requiring a permit

This clause sets out activities for which a permit is not required.

Clause 13: Notice to rectify unauthorised activity

This clause enables a relevant authority to direct a person who has undertaken an activity without authority to rectify the effects of that activity.

Clause 14: Obligation of owner to maintain watercourse or lake

This clause enables a relevant authority to direct the owner or occupier of land to maintain a watercourse or lake that is on or adjoins the land.

Clause 15: Minister may direct removal of dam, etc.

This clause enables the Minister, on the recommendation of a catchment water management board, to direct the owner of land on which a dam has been lawfully erected to remove it. This clause and clause 146 provide for compensation to be paid to the owner of the

land and the occupier of the land for the loss of any water held by the dam.

Clause 16: Restrictions in case of inadequate supply or overuse of water

This clause enables the Minister to prohibit or restrict the use of water if the available water cannot meet the demand.

Clause 17: Duty not to damage watercourse or lake

This clause places an obligation on the owner and occupier of land to take reasonable steps to prevent damage to a watercourse or lake on or adjoining the land.

DIVISION 2—PERMITS

Clause 18: Permits

This clause provides for the granting of permits. The granting of a permit must not be inconsistent with a water plan—*see* subclause (3).

Clause 19: Requirement for notice of certain applications

This clause requires public notice of applications for permits if the relevant water plan provides for such notice. The clause allows interested persons to make representations to the relevant authority before a decision is made on the application.

Clause 20: Refusal of permit to drill well

This clause enables an authority to refuse a permit to drill a well on the ground that the water is so contaminated as to create a risk to health.

Clause 21: Availability of copies of permits, etc.

This clause requires the relevant authority to make copies of permits and representations under clause 19 publicly available.

DIVISION 3—PROVISIONS RELATING TO WELLS

Clause 22: Well driller's licences

This clause provides for the granting of well driller's licences.

Clause 23: The Water Well Drilling Committee

This clause continues the Water Well Drilling Committee in existence and sets out its functions and provides for its powers.

Clause 24: Renewal of licence

This clause provides for renewal of well driller's licences.

Clause 25: Non-application of certain provisions

This clause enables wells of a class prescribed by proclamation to be excluded from provisions of Part 4.

Clause 26: Defences

This clause provides a series of defences relating to the drilling, plugging, backfilling, etc., of a well.

Clause 27: Obligation to maintain well

This clause imposes an obligation to maintain wells.

Clause 28: Requirement for remedial work

This clause enables the Minister to direct action to be taken to prevent the degradation or wastage of the water in a well.

PART 5

LICENSING AND ALLOCATION OF WATER

DIVISION 1—LICENSING

Clause 29: Licences

This clause provides for the granting of a water licence. Subclause (3) sets out the grounds on which the Minister can refuse to grant a licence. A licence is a vehicle for the water allocation and any conditions that are necessary or desirable in relation to the taking of water by the licensee.

Clause 30: Variation of water licences

This clause provides for the variation of licences.

Clause 31: Surrender of licence

Clause 31 enables a licensee to surrender his or her licence.

Clause 32: Availability of copies of licences, etc.

Provides for the public availability of copies of licences.

DIVISION 2—ALLOCATION OF WATER

Clause 33: Method of fixing water allocation

Sets out the bases on which water allocations can be fixed.

Clause 34: Allocation of water

Provides for the allocation of water. Where water in addition to that already allocated is available from a resource a water allocation may be obtained from the Minister. Otherwise a water allocation must be purchased from another licensee. Allocation by the Minister must, in the first instance, be by public auction or tender. The allocation of water may be subject to conditions and the total allocation at any one time to a licence may comprise a number of components subject to different conditions or having a limited or unlimited term.

Clause 35: Basis of decisions as to allocation

Sets out the basis of the Minister's decision to allocate water.

Clause 36: Allocation on declaration of water resource

Provides for the allocation of water on the declaration of a water resource. The main purpose of the section is to preserve the rights to water of existing users.

Clause 37: Reduction of water allocations

Provides for circumstances in which the Minister can reduce water allocations.

DIVISION 3—TRANSFER OF LICENCES AND WATER ALLOCATIONS

Clause 38: Transfer

Provides for the transfer of licences and for the transfer of part of the water allocation of a licence separately from the licence.

Clause 39: Application for transfer of licence or allocation

Provides for applications for the transfer of a licence or part of the allocation of a licence. Transfer of part of the allocation of a licence to another licence is achieved by the variation of both licences.

Clause 40: Requirement for notice of application for certain transfers

Requires public notice of an application for transfer of a licence or the water allocation of a licence if the relevant water allocation plan provides for public notice. Any person who desires to do so may make representations in writing to the Minister before the application is granted.

Clause 41: Basis of decision as to transfer

Sets out the basis for a decision to grant approval for the transfer of a licence or the water allocation of a licence.

Clause 42: Endorsement and record of dealings

Provides for endorsements on the licence.

DIVISION 4—BREACH OF LICENCE

Clause 43: Consequences of breach of licence, etc.

Makes it an offence to contravene or fail to comply with a condition of a licence and provides that the Minister may cancel, suspend or vary a licence in certain circumstances.

Clause 44: Effect of cancellation of licence on water allocation

Provides that the water allocation endorsed on a licence that has been cancelled is forfeited to the Minister. The Minister must endeavour to sell the allocation and subclause (5) provides for distribution of the proceeds of sale.

PART 6

ADMINISTRATION

DIVISION 1—THE MINISTER

Clause 45: Functions of the Minister

Sets out the functions of the Minister under the Bill.

Clause 46: Minister must report to Parliament

Provides for an annual report by the Minister to Parliament.

Clause 47: Minister to keep register of licences and permits

Requires the Minister to keep a register of water licences and permits.

Clause 48: Minister may delegate

Enables the Minister to delegate his or her functions, powers or duties under the Bill.

DIVISION 2—THE WATER RESOURCES COUNCIL

Clause 49: Establishment of the council

Establishes the Water Resources Council.

Clause 50: Membership of the council

Provides for the membership of the council.

Clause 51: Functions of the council

Sets out the functions of the council.

Clause 52: Further provisions relating to the council

Refers to schedule 2 which contains further provisions relating to the council.

DIVISION 3—CATCHMENT WATER MANAGEMENT BOARDS

Clause 53: Establishment of boards

Provides for the establishment of catchment water management boards by the Governor on the recommendation of the Minister.

Clause 54: Recommendation by the Minister

Sets out the procedures that are required before the Minister makes a recommendation.

Clause 55: Nature of boards

Determines the nature of boards.

Clause 56: Common seal and execution of documents

Provides for the common seal of a board and the execution of documents.

Clause 57: Membership of boards

Clause 58: Presiding member

Clause 59: Other members

Clauses 57, 58 and 59 are provisions relating to the membership of boards.

Clause 60: Further provisions relating to boards

Refers to schedule 2 which contains further provisions relating to boards.

Clause 61: Functions of board

Sets out the functions of boards.

Clause 62: Board's responsibility for infrastructure
Clause 62 makes boards responsible for the maintenance and repair of infrastructure.
Clause 63: Powers of boards
Clause 63 sets out the powers of boards.
Clause 64: Board's power to provide financial assistance
Clause 64 enables boards to provide financial assistance to constituent councils and other persons.
Clause 65: Other activities of board
Regulates other activities of a board.
Clause 66: Delegation
Enables boards to delegate their functions, power and duties.
Clause 67: Entry and occupation of land
Sets out the powers of a board to enter and occupy land.
Clause 68: By-laws
Enables a board to make by-laws that can be made by a council in relation to water resources or infrastructure.
Clause 69: Representations by South Australian Water Corporation
Provides for South Australian Water Corporation to make representations to a board if the Corporation discharges water into a watercourse or lake in the board's area.
Clause 70: Staff of board
Provides for employees to be appointed by boards.
Clause 71: Exclusion of functions and powers of councils, etc.
Provides that where functions and powers of boards and councils or controlling authorities overlap, the functions and powers of boards take precedence.
Clause 72: Water recovery and other rights subject to board's functions and powers
Clause 72 makes certain rights subject to the performance of functions and exercise of powers by a board.
Clause 73: Vesting of works, buildings, etc., in board
Enables the Governor, on the recommendation of the Minister, to vest council infrastructure or land in a board.
Clause 74: Accounts and audit
Clause 74 provides for the auditing of the accounts of a board.
Clause 75: Annual reports
Provides for the preparation of an annual report by boards.
Clause 76: Appointment
Provides for the appointment of an administrator to reorganise the management and operations of a board in the circumstances set out in subclause (2).
Clause 77: Appointment of body established by or under another Act
Enables the Governor on the recommendation of the Minister to appoint a body (such as a soil board) established under another Act to act as a catchment water management board under this Act.
Clause 78: Recommendation by the Minister
This clause provides that clause 54 applies to the appointment of a body under Subdivision 8.
Clause 79: Application of other Subdivisions
Clause 80: Conflict of functions or duties
Clauses 79 and 80 are machinery provisions,

DIVISION 4—WATER RESOURCES PLANNING COMMITTEES

Clause 81: Establishment of water resources planning committees
Provides for the establishment of water resource planning committees.
Clause 82: Nature of committees
Sets out the nature of committees.
Clause 83: Membership of committees
Provides for the membership of committees.
Clause 84: Functions and powers of committees
Sets out functions and powers of committee.
Clause 85: Further provisions relating to committees
Schedule 2 sets out further provisions in relation to committees.

DIVISION 5—COUNCILS AND CONTROLLING AUTHORITIES

Clause 86: Responsibility of councils and controlling authorities
Sets out the responsibilities of councils and controlling authorities.

DIVISION 6—AUTHORISED OFFICERS

Clause 87: Appointment of authorised officers
Provides for the appointment of authorised officers.
Clause 88: Powers of authorised officers
Sets out the powers of authorised officers.
Clause 89: Hindering, etc., persons engaged in the administration of this Act
Makes it an offence to hinder or obstruct an authorised officer.

PART 7
WATER PLANS

DIVISION 1—STATE WATER PLAN

Clause 90: The State Water Plan
Provides for the State Water Plan.
Clause 91: Amendment of the State Water Plan
Requires the Minister to keep the State Water Plan under review and to amend it or replace it whenever necessary.

DIVISION 2—CATCHMENT WATER MANAGEMENT PLANS

Clause 92: Catchment water management plans
Sets out the required content of catchment water management plans.
Clause 93: Proposal statement
Requires the preparation of a proposal statement before a plan is prepared. Members of the public must be invited to make submissions in relation to the proposal statement.
Clause 94: Preparation of plans and consultation
Provides for preparation of the draft plan and for public and other consultation during preparation and on the draft plan after it is prepared.
Clause 95: Adoption of plan by Minister
Provides for adoption of the plan by the Minister and for consultation before adoption.
Clause 96: Amendment of a Development Plan
Provides for amendment of a Development Plan where a report setting out proposals for the amendment is included in the plan.
Clause 97: Review and amendment of plans
Provides for periodic review and amendment of plans.
Clause 98: Time for preparation and review of plans
Allows for the first plan to be of limited scope. This provision is necessary because of the long time required to prepare a comprehensive plan.
Clause 99: Time for implementation of plans
Allows for the implementation of a draft plan that has not been adopted if the Minister and the constituent council agree to implementation of the plan.
Clause 100: Availability of copies of plans
Provides for the public availability of copies of plans and submissions.

DIVISION 3—WATER ALLOCATION PLANS

Clause 101: Preparation of water allocation plans
Provides for preparation of water allocation plans.
Clause 102: Proposal statement
Clause 103: Preparation of plans and consultation
Clause 104: Adoption of plan by Minister
Clause 105: Amendment of a Development Plan
These clauses correspond to clauses 93 to 96 inclusive.
Clause 106: Amendment of allocation plans
Provides for the amendment of plans.
Clause 107: Availability of copies of plans
Provides for availability of copies of plans.

DIVISION 4—COUNCILS WATER MANAGEMENT PLANS

Clause 108: Local water management plans
Provides that a council may prepare a local water management plan.
Clause 109: Proposal statement
Clause 110: Preparation of plans and consultation
Clause 111: Adoption of plan by Minister
Clause 112: Amendment of a Development Plan
These clauses correspond to clauses 93, 94, 95 and 96 respectively.
Clause 113: Amendment of plan
Provides for the amendment of plans.
Clause 114: Preparation of plan, etc., by controlling authority
Enables a council to establish a controlling authority under the *Local Government Act 1934* to prepare a local water management plan on its behalf.
Clause 115: Availability of copies of plans
Provides for public availability of plans and submissions.

DIVISION 5—GENERAL

Clause 116: Consent of the Minister administering the Waterworks Act 1932
Provides that the Minister must not adopt a plan under Part 7 that affects the quality or quantity of water flowing into the waterworks without the consent of the Minister administering the *Waterworks Act 1932* or the consent of the Governor.
Clause 117: Validity of plans
Provides for validity of plans.
Clause 118: Amendment of plans without formal procedures

Enables straightforward amendments to be made without formal procedures.

Clause 119: Water plans may confer discretionary powers

Enables plans to confer discretionary powers. This provision is common in regulation making powers.

PART 8
FINANCIAL PROVISIONS
DIVISION 1—LEVIES IN RELATION TO TAKING WATER

Clause 120: Interpretation

Defines terms used in Part 8 Division 1.

Clause 121: Report as to quality of water in watercourse, etc.

Clause 121 provides for the Minister to prepare a report relating to the management of water in a proclaimed water resource and the estimated cost of implementing management proposals.

Clause 122: Declaration of levies by the Minister

Enables the Minister to declare levies.

Clause 123: Special purpose levy

Provides for the declaration of a special purpose levy.

Clause 124: Liability for levy

Sets out provisions relating to liability for levies.

Clause 125: Notice to person liable for levy

Provides for the service of a notice of the amount payable by way of the levy.

Clause 126: Determination of quantity of water taken

Sets out provisions as to the determination of the quantity of water taken for the purposes of determining the amount payable by way of levy.

Clause 127: Interest

Provides for the payment of interest on unpaid levies.

Clause 128: Cancellation of licence for non-payment of levy

Provides for cancellation of a licence if a levy is not paid.

Clause 129: Levy first charge on land

Provides that an unpaid levy is a first charge on land.

Clause 130: Sale of land for non-payment of a levy

Enables the Minister to sell land if a levy is not paid.

Clause 131: Discounting levies

Provides for discounting levies to encourage early payment.

Clause 132: Declaration of penalty in relation to the unauthorised taking of water

Provides for the declaration of a penalty in relation to the unauthorised taking of water. The other provisions of the Division will apply to the penalty as though it were a levy.

Clause 133: Appropriation of levies and interest

Provides for the application of levies and other money paid under the Division.

Clause 134: Accounts and audit

Provides for the auditing of the Water Resources Levy Fund.

DIVISION 2—CONTRIBUTIONS BY COUNCILS TO BOARDS

Clause 135: Contributions

Requires councils to contribute to the costs of a catchment water management board in their areas and provides for the shares in which the councils will pay that contribution.

Clause 136: Reduction of council's share

Provides for the reduction of a council's share by rebates, remissions and exemptions.

Clause 137: Payment of contributions

Sets out the time for payment by a council of its share.

Clause 138: Imposition of levy by constituent councils

Enables a council to impose a levy on ratepayers to recover the amount of the share paid by the council.

Clause 139: Administrative costs of councils

Provides that the board must pay the administrative costs of councils in complying with the requirements of Division 2.

DIVISION 3—REFUND OF LEVY OR RATES

Clause 140: Refund

Provides for the payment of a refund of a levy to a person who has implemented water usage or land management practices that are designed to conserve water or to maintain or improve its quality.

PART 9
CIVIL REMEDIES

Clause 141: Civil remedies

Provides civil remedies.

PART 10
APPEALS

Clause 142: Right of appeal

Sets out rights of appeal.

Clause 143: Decision or direction may be suspended pending appeal

Provides for the suspension of a decision that is subject to a right of appeal.

PART 11
MISCELLANEOUS

Clause 144: Constitution of Environment, Resources and Development Court

Sets out the constitution of the Environment, Resources and Development Court when exercising jurisdiction under the Bill.

Clause 145: False or misleading information

Makes it an offence to provide false or misleading information.

Clause 146: Compensation

Provides for the payment of compensation.

Clause 147: Immunity from liability

Provides for immunity from liability of members, employees and delegates of authorities under the Bill and immunity from liability of authorised officers.

Clause 148: Determination of costs and expenses

Makes it clear that the costs of an authority under the Act that are to be paid by a person who has failed to comply with a notice are the full costs that would be charged by an independent contractor.

Clause 149: Interference with works or other property

Sets out offences relating to interference with infrastructure, works and other property.

Clause 150: Vicarious liability

Clause 151: Offences by bodies corporate

Clause 152: Evidentiary

Clause 153: General defence

These clauses are standard clauses.

Clause 154: Proceedings for offences

Provides for the commencement of proceedings for offences.

Clause 155: Money due to Minister, etc., first charge on land

Makes money due to the Minister or another authority under this Act a first charge on land.

Clause 156: Exemption from Act

Enables the Governor by regulation to provide exemptions to the Bill.

Clause 157: Service of notices

Provides for service of notices.

Clause 158: Regulations

Sets out regulation making powers.

Schedule 1 sets out classes of wells which are exempt from the requirement for a permit.

Schedule 2 sets out common provisions in relation to the Water Resources Council, boards and committees.

Schedule 3 sets out transitional provisions.

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

INDUSTRIAL AND EMPLOYEE RELATIONS (TRANSITIONAL ARRANGEMENTS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

DEVELOPMENT PLAN (CITY OF SALISBURY-MFP (THE LEVELS)) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill will bring into effect development control policies for the MFP Smart City project at the Levels by amending the City of Salisbury Development Plan.

Following the Government's recent decision to approve the Smart City project, it is critical that appropriate development control objectives and principles supportive of the proposed development

are put in place. In particular, there is a need to give clear indications of policy, to provide certainty to proponents and the community, and to enable essential works to begin on site.

Given the importance of proceeding with the project to promote economic development, encourage information technology advantages, take a lead in energy efficient housing, and implement aspects of the Planning Strategy, it has been decided to provide for the appropriate development plan amendments by Act of Parliament. The effect of these amendments is to rezone the land to 'MFP mixed use', which will accommodate the Smart City project. The amendments will allow for development of a mix of 'smart' housing, commercial, open space and high technology industries.

It is acknowledged that the Bill replaces the public consultation processes for plan amendments established by the Development Act 1993. However, there has been substantial discussion about the project and there has been consultation in preparing the amendments, particularly with the Salisbury City Council. The development plan amendments provide for some broad principles of development control and an initial concept plan. Upon passage of this Bill, the development plan amendments will be brought into effect and the Act will effectively have no further purpose. It is intended that subsequent amendments will be made to the Development Plan through the usual procedures.

It is not intended that the Bill should set a precedent for other rezonings by the State government. It is only because of the extraordinary nature and scale of the proposed development that the government is undertaking this approach. It is intended that a more detailed plan amendment will be prepared under the *Development Act*, which will provide further refinement of the development control objectives and principles for the MFP The Levels area, and which will include policies which promote the leading edge of technology and energy efficiency. The Department of Housing and Urban Development, the City of Salisbury and MFP Australia have already met in order to ensure that a more detailed Plan Amendment Report is commenced early next year.

Finally, it has been agreed that it would be appropriate for the Development Assessment Commission to be the planning authority to assess development applications, and a regulation under the Development Act to this effect will be introduced shortly. It is also proposed to constitute a sub-committee of the Development Assessment Commission to undertake the relevant assessments.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause provides for the short title of the measure.

Clause 2: Commencement

The measure will come into operation on a day to be fixed by proclamation. This arrangement will allow the commencement of the Act to coincide with appropriate variation to the *Development Regulations 1993* to provide that the Development Assessment Authority is the relevant authority for the purposes of the assessment of developments within the relevant zone.

Clause 3: Interpretation

A reference in the measure to the Development Plan is a reference to the Development Plan under the *Development Act 1993* that relates to the area of the City of Salisbury.

Clause 4: Amendment of Development Plan

The Development Plan is to be amended in the manner set out in the schedule.

SCHEDULE

The schedule incorporates detailed amendments to the Development Plan.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.40 p.m. the Council adjourned until Thursday 28 November at 11 a.m.