LEGISLATIVE COUNCIL

Thursday 5 June 1997

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

VOLUNTARY EUTHANASIA

A petition signed by 501 residents of South Australia praying that this Council will pass a Bill allowing for a State-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill was presented by the Hon. Sandra Kanck.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Vocational Education, Employment and Training Board—Report 1996

Water and Sewerage Pricing for SA Water Corporation—Final Report—April 1997

By the Hon. R.I. Lucas, for the Attorney-General (Hon. K.T. Griffin)—

Local Government Act 1934—

Amendment of Controlling Authority Rules—Centennial Park Cemetery Authority

Notice of Approval of a Controlling Authority—

Livestock Saleyards Association of South Australia

Murray Mallee Community Transport Scheme

Workers Rehabilitation and Compensation Act 1986—Workers Compensation Tribunal Practice Directions

By the Minister for Transport (Hon. Diana Laidlaw)—

Public and Environment Health Act 1987—Report 1995-96

South Australian Council of Reproductive Technology—Report 1996

Supported Residential Facilities Advisory Committee—Report 1995-96.

ABORIGINAL HERITAGE ACT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today in another place by the Minister for Aboriginal Affairs on the subject of the Aboriginal Heritage Act.

Leave granted.

WATER PRICES

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Minister for Infrastructure on the subject of SA Water Corporation's prices oversight, and also a copy of the final report 'Water and Sewerage Pricing for SA Water Corporation, a Pricing Oversight Investigation under the Government Business Enterprises (Competition) Act 1966'.

Leave granted.

QUESTION TIME

VACATION CARE

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

Leave granted.

The Hon. CAROLYN PICKLES: Although the standard of care for teenagers with disabilities has improved over the past 20 years, successive Governments have found it difficult appropriately to categorise funding arrangements for those young people who fall somewhere between the education and health portfolios. I know that the Minister and I both attended a meeting at which those issues were discussed at some length in a review that has gone to the Government.

I am speaking particularly of young people aged 15 to 20, sometimes with physical disabilities, who have a mental capacity of, perhaps, a two-year-old or 10-year-old, or somewhere in that range. Many of these young people attend school until they are 20, after which time their families are, in a sense, left to fend for themselves.

Because we are talking about young people who attend school, funding for vacation care for these teenagers has, as I understand it, generally come through the Department for Education and Children's Services, with a significant input from the Commonwealth. Funding, as I understand it, comes under the umbrella of child-care programs, although these young people are really a special case and their needs for after-school care and vacation care are quite different to those of other teenagers.

At present, I have been informed that funding is provided through the Department for Education and Children's Services for vacation care programs at venues such as Christie Downs, Modbury and Minda. I am advised that funding is intended for children up to 15 years of age, although some leeway has been allowed at the Minda site as to the age of those taking the vacation care program, probably because there is no alternative for the 15 to 20 year age group. In theory, something called respite care is available, but these services are booked up well in advance; the system simply cannot cope with the demand.

One should bear in mind also that many parents of disabled children attempt to work full-time rather than stay at home as carers and, with the numerous extra costs associated with having a disabled member of the family, this is often a financial necessity. If the vacation care program is taken away and no respite care is available, some of those parents may have to give up work altogether.

Drastic changes put forward by the Federal Liberal Government are set to bring about a restructuring of child-care services across Australia as of early next year. As I said, although teenagers with disabilities are a special case, they have been lumped in with mainstream children with no special consideration in relation to these changes. The upshot is that Commonwealth operations subsidies for vacation care programs, such as the one run at Minda, will be cut at the end of the year. There will be no more Minda vacation care programs, and this has left many families with great anxiety and doubt about arrangements for the care of their children in these next Christmas holidays and beyond.

A meeting to address this issue was held last night at St Ann's Special School at Marion. The meeting was well

attended by representatives from 15 families and several agencies, including DECS, as well as the Labor candidate for Mitchell, Mr Chris Hanna. I have been advised that the parents at that meeting were very concerned and angry, especially having received conflicting advice from DECS officers about what the cuts would mean. The changes forced upon these families will have drastic effects, especially for the teenagers concerned, and they are looking for reassurance as a matter of urgency. My questions to the Minister are:

1. Will he guarantee continuing DECS funding for the vacation care program run at Minda until an alternative program consistent with the new Commonwealth guidelines is established?

2. Taking an interagency approach, if necessary, will he immediately provide departmental assistance to ensure that an alternative program similar to the Minda vacation care program will be established as soon as possible?

The Hon. R.I. LUCAS: Certainly, this is an important area in terms of the services that the Department for Education and Children's Services provides and then the cross-over to other agencies, both Government and non-government, including the role of the Health Commission. I would need to take advice, obviously, from my colleague the Minister for Disability Services in relation to the programs that exist and the programs that are intended in this area before I would be able to make an informed comment in response to the honourable member's question.

The Minister for Health was delighted with the decision by the Premier and the Government to increase very significantly in the current budget the funding available for people with disabilities. I will need to check the exact figure, but I think there is a huge boost of about $5 million to be put into the area of funding not just for young people but for people with disabilities. I am not sure what range of programs is intended to be funded with that significant increase. As I said, I will need to take advice from the Minister.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I am happy either to write to you or reply in the Parliament when I am able to get that information from the Minister for Health. I think it is fair to say that in respect of this whole area of disabilities the current Minister has been finding it hard to gain extra funding. This area has been under-funded for decades under previous Administrations. As I said, the Minister is delighted that the Premier and the Government have seen the need in this area and provided a very significant boost of, as I said, I think up to $5 million.

Regarding the cross-over between care programs, the Commonwealth guidelines and what the State Department for Education and Children's Services might or might not be able to do, again I will need to take advice. My recollection of the Commonwealth guidelines leads me to think that it would be most unusual if the Commonwealth vacation care programs provided assistance for young adults aged 15 and over. I will need to check the Commonwealth funding guidelines in that respect. I will need to check the detail of those guidelines and bring back a reply to the Parliament or write to the honourable member. I will take up those issues and respond as soon as I can.

UNITED WATER

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Attorney-General a question about the practices and ethics of United Water International, in particular, one of its main owners, Compagnie Generale des Eaux, and the subject of serious fraud.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: Here it comes again. As the Council would be aware, serious issues of propriety have been raised about the awarding to United Water International of the $1.5 billion contract for the private operation and management of Adelaide's water systems, brokered by the Premier (Hon. J.W. Olsen). There have also been very serious charges of impropriety and, indeed, corruption levelled at one of the main owners of United Water International, namely, Compagnie Generale des Eaux, and the ethics of its activities throughout Europe and elsewhere in the world.

The Leader of the Opposition in the Lower House has received correspondence dated 2 May from the Serious Fraud Office in Auckland, New Zealand, concerning the tendering procedures for the award of the franchise to operate the water supply for the Papakura District Council in Auckland, New Zealand. The Leader of the Opposition has supplied the Serious Fraud Office with additional information about the activities of Compagnie Generale des Eaux. I seek leave to read the text of the request made to the Leader of the Opposition under the letterhead—

The PRESIDENT: This might be a hilarious question, but it is to be taken seriously, and I do not think being laughed at while the question is being asked will induce anything but laughter in the response. So, I suggest we all just listen to the question.

The Hon. R.R. ROBERTS: It is indeed a very serious question from the Serious Fraud Office. The letter is dated 2 May 1997 and addressed to the Hon. Michael Rann, Leader of the Opposition, South Australia. Under the heading 'United Water International Pty Ltd', it states:

> Dear Mr Rann,
>
> The New Zealand Serious Fraud Office has been asked to inquire into the activities of the above named company. This company has recently tendered for and been awarded the franchise to operate the water supply for the Papakura District Council, Auckland, New Zealand. The basis of our inquiry is to establish whether or not there has been any impropriety in this particular tender process, partly because of overseas media reports suggesting the company is or has been under investigation concerning other contracts they have been awarded. To explain our progress thus far, we have looked closely at the Papakura District Council's tender process and to date found nothing wrong. The complainant in this matter has reported to us as follows:
>
> Generale de Eaux Bulgaria: 1995 Water. Generale des Eaux competed with SAUR for a Sofia water contract: 'there are press allegations of corruption involving council officials with the companies exchanging public accusations of improper practices'.

The reference is FT Water Briefing 12.7.95. The next reference is France 1995 Water:

> Chairman of Generale des Eaux subsidiary CME investigated for alleged misappropriation of assets, bribing witnesses and forgery.

The reference there is *Le Monde* 9.5.95. There is another reference to Gambia 1995 Water and Electricity:

> Generale des Eaux subsidiary MSG abruptly sacked from a 10 year water and electricity contract in Gambia signed in 1993. According to Radio France Internationale the Gambian military government has cancelled the contract on the grounds of poor performance and failure to respect the terms of the contract. MSG failed to submit financial reports and accounts on its activities. Four managers jailed and searches of homes carried out.

The reference there is Radio France Internationale, 24 February 1995, monitored by the BBC. Again, in Thailand 1995 Water:

Thames Water awarded water contract in Thailand. In September 1995 it was reported that a Government Minister was accused of accepting 500 million baht bribe allegedly offered by Thames Water. Contacted by the *Bangkok Post* a representative of Thames Water declined to make any immediate comment.

The reference there was the *Bangkok Post* of 16 September 1995. Again, in France, the home of Generale des Eaux, France Construction:

Generale des Eaux: Senator admits to receiving 1.5 million franc bribe from Campenon Bernard (Generale des Eaux) for construction contract.

The reference is AFP 27 July 1994. France 1994 again relating to a water contract:

The Mayor of Szeged admits Generale des Eaux bought the votes of conservative councillors with 102 million forints in order to gain water contracts.

The reference there was PW Financing June 1994. I notice the laughter has stopped; it is quite comforting. France in 1988, Water St Gobain:

Vice Chairman of Generale des Eaux and company director of St Gobain accused of paying 4.4 million franc bribe in Nantes to get water contracts.

The reference there is AFT in 1994. The letter concludes:

The complainant has also advised us that you [Hon. Mike Rann] may be able to assist in further detail on these reports and with any other knowledge of this company's practice you may be aware of. Our objective is to determine if United Water have any corrupt procedures in place when tendering for water contracts overseas which they may have repeated here.

We would be grateful if you could assist us in any way. If you need any further information or assistance, please do not hesitate to contact the writer.

Thanking you, (signed) Charles Sturt, Director, per B. Fox, Investigator.

My questions are:

1. Was the Minister previously aware of approaches by the Serious Fraud Office for information to assist them in their inquiries into the awarding of the Papakura contract to United Water International?

2. Has the Attorney-General or the Premier (Hon. John Olsen) been approached by the Serious Fraud Squad in New Zealand about the activities and tendering of United Water International and Compaigne Generale des Eaux?

3. Is the Attorney-General concerned about the raising of fresh allegations of impropriety concerning the activities of United Water International Compaigne Generale des Eaux in particular?

4. Does he regard these allegations levelled against United Water International and Compaigne Generale des Eaux to have any implications for South Australia? If so, what are the applications?

I understand that the Attorney-General is not here and I also understand that some of these questions are consequential.

The Hon. R.I. LUCAS: I have to say that if I was looking for any information to assist in any inquiry the last person in the world I would be asking would be the Hon. Michael Rann, the Leader of the Opposition in South Australia. It seems a strange connection to be writing to the Hon. Michael Rann seeking any factual assistance in relation to any inquiry on any particular issue as well. When we are talking about fraud and fraudulent activity by a politician, we all remember the Hon. Michael Rann's experiences in relation to Charlie's Bar and the Roxby Downs experience back in the late 1980s. There was no more blatant example in the last 20 years in South Australia's Parliament for somebody in effect seeking to—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: No, it is on the record. It is fact. The Hon. Mike Rann has had to concede it.

The Hon. A.J. Redford: I have heard stories about him in New Zealand, but not that one.

The Hon. R.I. LUCAS: There have been a number in other areas, but I will not enter into those. On the record, in the South Australian Parliament, in terms of fraudulent activity by a member of Parliament who now holds a senior position, the most blatant breach and the most blatant disregard for ordinary standards of ethical conduct have been undertaken by the Leader of the Opposition, Mike Rann, in relation to this issue. So, if I was the serious fraud squad or the non-serious fraud squad in New Zealand or wherever else it was, the last person in the world I would be writing to seeking any sort of information would be the Hon. Mike Rann in relation to any inquiry they might happen to be making.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: That one went straight through to the keeper. You had better explain that.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I would. You might be able to understand his language and translate for me. I will speak to the Hon. Trevor Crothers later on and he can translate for me. I will certainly take up the issues with the Attorney-General. These issues were raised two or three weeks ago in the media here in South Australia—I cannot remember whether it was by the Hon. Mike Rann or some other member of the Labor Party. Certainly they were given some publicity a little while ago. I presume as a result of that previous publicity that someone may look at the claims that have been made.

The Hon. R.D. Lawson: It is stale as well as false.

The Hon. R.I. LUCAS: Yes. When the Attorney-General returns I will certainly take up the honourable member's questions with him and see whether anything useful can be provided to the honourable member.

AIR QUALITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about air quality.

Leave granted.

The Hon. T.G. ROBERTS: I could not carry in the bundle of Messenger Press papers today with the headlines, 'Dual court attack over stink, spill', and so on, referring to the air quality around Adelaide at the moment. So, I have brought in the *Portside Messenger* that attracted my attention. This deals with a major spill down there, plus the odours emanating along the coast resulting from problems associated with sewage treatment works in the area. The article by Matt Deighton on page 1 in the *Portside Messenger* of Wednesday 4 June states:

Port Adelaide-Enfield Council is planning a double-edged legal action against SA Water and United Water following the 'rotten egg' smell which has plagued the Port since early April.

Some articles in other papers have stated that people have been put off their breakfast. I had to stop eating my cornflakes and kippers, which I have together, because the smell

was so bad that I could not continue to eat them! The article goes on:

In a separate action the council will also investigate pursuing litigation against SA Water over a burst pipe which discharged raw sewerage into Rosewater and the wetlands last month.

The defence that the Government is putting up in relation to protecting United Water and its linkage to SA Water this morning by the embattled Deputy Premier was to shout at the convener of the radio interview and to shout at the listeners who rang in to complain. I thought there may have been a little more diplomacy left in the Hon. Mr Ingerson's presentation, but I think he needs a break—it is getting on top of him. I do not blame him as he is having to take the responsibility for something that is not part of his portfolio.

The article carries over to page 5 and states that the Port Adelaide-Enfield council is considering suing and that council officers were investigating the discharge of raw sewage. Last week I asked a question about the Catchment Management Board's dispute with the Salisbury council in relation to levies being raised for wetlands management. Many people in the Port Adelaide-Enfield area and in the Salisbury area are going to a lot of trouble to overcome pollution problems in those areas by putting in wetlands and here we have a major discharge into those wetlands that is supposed to be cleaning up a lot of our stormwater and discharges. Members can see the seriousness of the problem.

The council has requested, according to this article, a report from United Water which claims that SA Water is directly responsible due to a wrongly installed valve component in the pipes. This is in relation to the spill. The article has another headline 'Council delves into Port's big stink'. It states:

Port Adelaide-Enfield's environmental health officers in their report to council said their main frustrations with the Port's big stink were:

1. A lack of acknowledgment by SA Water, United Water and the State Government as to the seriousness of the problem and its effect on the community.
2. A lack of information to council about the problems and the actions being taken to prevent it.
3. Lack of willingness or mechanisms in place for the water authorities to quickly and effectively inform the community, the council and to resolve it. . .
5. Seek legal advice about the possibility of taking action against SA Water and United Water under section 18 of the Public and Environment Health Act in regard to the discharge of waste in a public place.

There are other dot points outlining what the council is seeking to do to try to put some pressure back on the Government, SA Water and United Water to try to get the problem cleaned up. My questions to the Minister are:

1. What steps, other than shouting at talk-back radio listeners, is the Government taking?

2. Will the Government be directing SA Water and United Water to, first, fix the engineering and maintenance problems associated with the pungent odours emanating from the Adelaide Sewage Treatment Works, which includes the southern regions as well; and, secondly, ensure that staffing levels are adequate to cover all maintenance and installation programs to run an effective and efficient odour-free sewerage system?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply. I will, however, make one or two general comments. In the last couple of days the Leader of the Opposition in another place, who is not known for his accurate comments, has again made a number of statements, according to the Minister for Infrastructure, that the odour has been caused by a reduction in the amount of chemicals that have been used and a significant reduction in the number of operational and maintenance staff employed.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Yes, the Serious Fraud Office might be looking at it! The Minister for Infrastructure informed me this morning that the Leader of the Opposition had again got it palpably wrong. That does not surprise us, but the sad thing is that he is out there on the public airwaves making these claims that the odour has been caused by a reduction in the staff and in the amount of chemicals that have been used since the transfer of management.

The Minister for Infrastructure advised me this morning that there had been no reduction in the level of chemicals used and, secondly, that there had been no reduction in the number of people working on the operation of the sewerage system. He said there had been some outsourcing of the gardeners and other certain areas. However, in relation to the operation of the system there had been no reduction.

I hope that the Minister for Infrastructure in another Chamber today again nails the Leader of the Opposition for the false, inaccurate and untrue—and whatever other adjective one would like to use—statements made by the Leader in another place. It would be useful if occasionally he made a statement which bore some resemblance to the truth in terms of his utterances either in that Chamber or publicly.

As I said, the Minister for Infrastructure on those two key issues has indicated that the Leader of the Opposition is not telling the truth. I can only relay the information that the Minister for Infrastructure very kindly shared with me this morning, but I will take up the issues with him and bring back a reply for the honourable member as soon as I can.

The Hon. T. CROTHERS: As a supplementary question, can the Minister inform the Council whether SA Water's sewerage experts have traced the causative effects of the bad odour emanating from works for which it is responsible and, if not, why not?

The Hon. R.I. LUCAS: I will be very happy to refer that question about the causative effects of the odour to the Minister for Infrastructure and ask whether he can provide an answer for the honourable member.

BELAIR RAIL LINE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport a question about the questionnaire which has been compiled and distributed by the Friends of the Belair Line.

Leave granted.

The Hon. SANDRA KANCK: On Tuesday night I attended a meeting of the Friends of the Belair Line at which a questionnaire concerning the operation of the Belair line was distributed. It is an excellent example of a community group operating in a professional manner, and it attracted more than 300 respondents. Some of the results were particularly interesting: 66 per cent of respondents indicated that they would be more likely to use the train service if it ran every 15 minutes; and 89 per cent of respondents thought that the closure of the Clapham, Hawthorn and Millswood stations was a mistake.

Unfortunately, TransAdelaide hindered this valuable exercise by refusing to give permission for the Friends of the Belair Line to distribute the questionnaire to passengers who were travelling on the line. That refusal was made despite a

personal appeal from Jane Brooks, a member of the friends group and also on the TransAdelaide Rail Customer panel. TransAdelaide's refusal to continue with the friends' questionnaire sits uncomfortably alongside the fact that a mere 4 per cent of respondents had previously been asked their opinion of the Belair line. That 4 per cent figure points to an organisation that has almost no engagement with its customers, but apparently the success of the friends' survey has prompted TransAdelaide belatedly to conduct its own survey.

Those attending the meeting on Tuesday night considered TransAdelaide's survey to be yet another example of an almost spiteful attitude of TransAdelaide to community groups supportive of our metropolitan rail system. They pointed to the hopeless duplication of effort and waste of goodwill, believing that a combined effort would have been more harmonious, efficient and democratic. My questions to the Minister are:

1. Why is TransAdelaide duplicating the efforts of the Friends of the Belair Line?

2. What is the Minister's response to the fact that 89 per cent of the respondents believed it was a mistake to close the Clapham, Hawthorn and Millswood stations?

3. Will the Minister commit TransAdelaide to consulting with customers in the event that further changes to the line or its services are contemplated?

The Hon. DIANA LAIDLAW: I do not see that TransAdelaide is duplicating the survey. It has a number of questions that it wishes to ask, and it should be encouraged to do so. I have been over the issue surrounding the closure of the railway stations repeatedly in this place, but I again make the point that it was the former Minister (Hon. Barbara Wiese), as part of the agreements between the then State Transport Authority and National Rail that committed this State to the closure of railway stations along that line as part of the standardisation of the rail system. I inherited that decision and, in turn, I had to nominate the stations that were to close.

Earlier this session I tabled a report of options in relation to the Belair line, and the honourable member will recall that it would cost about $13 million to open those stations because of the need for duplication of the line at various points. You cannot have those stations opened and have a service that is much quicker—and that is what is sought by the people who have been canvassed to date by Friends of the Belair Line. It is a single line operation, and that was the decision of the former Federal and State Labor Federal Governments.

We inherited that decision, and we do not have the money to change it. Indeed, you would have to question whether it would be a wise investment, anyway, to duplicate sections of the line. It was a decision that we inherited, and I keep making that point. Those stations will not open unless by some magic wand the Democrats can find the money, and then you would have to question whether that was the best investment for that money.

Certainly, as to the people who say they want a 15 minute service and who want the stations opened, it is a pity that they were not the same people who used the line and the stations before they were closed, a fact which I suspect the Hon. Barbara Wiese took into account in making her decision that we have now put into practice.

WHYALLA COUNCIL

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about sexist comments in the Whyalla council.

Leave granted.

The Hon. CAROLINE SCHAEFER: This matter has come to my attention by way of a series of letters to the Editor of the *Whyalla News*. They refer to an incident that occurred at the first Whyalla council meeting after the local government elections. Newly elected councillor Anne Warner is now the only female member on the council, and it was suggested that she should be the Deputy Mayor to improve gender balance. The then unfortunate remarks made by Alderman Clinton Garrett are the subject of these letters, and I would like to quote them, as follows:

> Sir, I attended the first meeting of our new council on Wednesday 7 May. It was apparent that, despite the array of talent that the electorate has assembled to lead our community for the next three years, the Mayor, John Smith, has a difficult job ahead of him. Not the least of his tasks will be to discipline the outrageous conduct of Alderman Garrett. A hideously sexist remark directed at Councillor Anne Warner brought gasps of shock and despair from sensible members of council and the public gallery alike.

Another letter was as follows:

> Sir, I write in response to an inappropriate comment by Alderman Garrett at the council meeting on 7 May 1997. At this meeting Councillor Warner was nominated for the position of Deputy Mayor by Councillor Hodge and supported by Mayor Smith, who commented that Councillor Warner was now the only female member on the council. In response, Alderman Garrett made what many would consider to be an offensive statement. He said, 'It is what is between the ears and not what is between the legs that counts.' His intention may have been to focus attention on the intellectual abilities of candidates for the position. However, I believe any reasonable person would have taken offence at the sexual, and possibly sexist, overtones of his statement.

The third letter states:

> Sir, Can you believe it? How does an Alderman of this city, just elected, Alderman Clinton Garrett, a senior employee of the Education Department. . . dare to insult Councillor Anne Warner in his debate in reference to the election of Deputy Mayor? I am sure our past Deputy Mayor, Lyn Breuer, would have been outraged with Alderman Garrett's comments, 'It's what's between the ears, not what's between the legs.'

So, he was not misquoted, because two people have written about it. The letter continues:

> Definitely a need for a retraction, Alderman Garrett, and an apology to Councillor Anne Warner.

To put some balance to this, there has been a second series of letters from people defending Alderman Garrett and claiming that he was misinterpreted. There is a letter from Alderman Garrett himself in which he states, in part:

> The principle which needs to be clearly understood here is that people should be selected on merit, not gender.

But there is no retraction and no apology. Incredibly, there is also a letter from the former Deputy Mayor and now endorsed ALP candidate for Giles, Ms Lyn Breuer, supporting Mr Garrett.

The Hon. Diana Laidlaw: Why would she try to support him?

The Hon. CAROLINE SCHAEFER: I have no idea why she would choose to support him but, in part, her letter states:

> With concern I read of the unfortunate statement by Alderman Garrett at the first meeting of Whyalla's new council. As previous Deputy Mayor of the city for three years, I say 'unfortunate' because it has opened Alderman Garrett to much undeserved and maligned

criticism through being taken entirely out of context. On the surface, it appears to be a sexist and discriminatory comment, and inappropriate for the council chamber.

She goes on:

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: Oh yes, it is. She goes on:

I would hate to see Councillor Warner being made a 'token woman' on this very inequitably numbered council, and I would have been insulted at the suggestion I was qualified to do the job had I been in her shoes on the night.

This comes from the woman who actually held this position previously and who is now the endorsed candidate for Giles because she is female and because her Party has a quota system. My questions to the Minister are:

Members interjecting:

The Hon. CAROLINE SCHAEFER: Yes, ask Frank Blevins about the preselection.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: My questions to the Minister are:

1. Does he find the comments of an employee of his department offensive?

2. Does he think those comments could ever have been appropriate in any circumstances?

3. Has he received complaints on the matter?

4. Does the Minister intend to do anything about it?

The Hon. R.I. LUCAS: I must indicate that I have not yet had the opportunity to go into the degree of detail that, clearly, the honourable member, with her very close interest in the matter of major concern to Whyalla, has been able to do. It is true that I have received at least one very angry letter in relation to this issue. To be fair, as Minister for Education and Children's Services, I would need to have a response from the individual who has been identified in relation to my department, at least to give him the opportunity to put a point of view in relation to matters which are not directly related to his teaching responsibilities within the department.

If the matters are accurately reported (if I could put it that way), then, clearly, I do not think that any member in this Chamber—and I could see the horror on the faces of some members opposite when the comments were reported by the honourable member in her question—would want to support those comments if they are, indeed, an accurate report of what anyone has said. I am amazed that an endorsed Labor candidate, someone seeking public office in this Parliament, would seek to defend those comments, if indeed they are an accurate reflection. I have not seen the letter, but from what has been quoted there does not appear to have been any contention from the Labor member that they were not an accurate report of what the individual had said. In effect, it was a defence of a person and a defence of the statements that were being made.

It is well known that Frank Blevins did not support this individual in preselection. This was not Frank's choice of a candidate to replace him; he supported another individual and he has made that clear in the Whyalla community. Frankly, if this letter written by the Labor candidate—a person endorsed by the Labor Party to replace the Hon. Frank Blevins in Whyalla—is an accurate reflection of her views, then clearly the Hon. Frank Blevins was entirely correct in his assessment of the inappropriateness of this person to be seeking public office in the Parliament of South Australia.

As I said, because I have not been fully briefed on this issue, and the honourable member has clearly done more research than I have been able to undertake, I will certainly take advice. As Minister for Education, I would want to give the individual concerned an opportunity to at least put a point of view in relation to the angry letter of complaint that I, as Minister, and others—the Equal Opportunity Commissioner and a number of other Ministers—have received about this alleged incident.

SOUTH AUSTRALIAN DEVELOPMENT COUNCIL

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Premier, questions concerning the latest annual report of the South Australian Development Council.

Leave granted.

The Hon. T.G. CAMERON: The South Australian Development Council acts as an external source of advice for the Government, offering it an independent view of strategies, policies and initiatives affecting the development of the State. The council has responsibility, in conjunction with individual Government agencies, to develop and integrate an overall economic development strategy for the State and to advise the Premier and Cabinet on those strategies. In short, the council plays a crucial role in influencing the Government's economic strategies. This is why a statement contained on page 22 of the 1996 South Australian Development Council annual report is of such concern.

A document prepared by SADC titled, 'Economic Development Strategy—Setting Directions' reviewed the numerous economic development plans and strategies that have been produced in South Australia over the past four decades. The review argued that efforts to produce 'scientific' development plans had been of little practical value. The document concludes by stating:

. . . the main lesson to be drawn from the council's review of South Australia's long flirtation with 'scientific' development planning is that the opportunistic *ad hoc* Playford strategy is sensible, is what has actually worked, and is what continues to be appropriate in the context of the internationally competitive world in which South Australia now finds itself.

This piece of nonsensical advice flies in the face of the highly regarded economic blueprint, the 'Arthur D. Little Report', which stressed the need for an overall economic development plan for South Australia. The need for a coordinated approach to investment attraction is also supported by the Department of Housing and Urban Development as set out on page 96 its April 1997 South Australian planning strategy, and I quote:

The Government's economic development strategy is there to charter an economic course for Adelaide and the State. A greater degree of certainty in identifying preferred development, together with more efficient decision making, are proposed to aid investment attraction and to protect existing investment.

And we certainly need that. Most economists now agree Playford's opportunistic and *ad hoc* policies of grabbing whatever flew past produced a jerry-built economy based on a tariff and licensing protection rule which resulted in an industrial base that was over specialised and vulnerable, the effects of which are still with us today.

However, the South Australian Development Council, as if living in some sort of timewarp, believes the Playford approach to development to be both sensible and appropriate for South Australia. My questions to the Premier are:

1. Considering that most economists argue to the contrary, does the Premier agree with the South Australian Development Council's statement that the *ad hoc* Playford strategy is both sensible and appropriate for today's climate?

2. Will the Premier ask Mr Ian Webber, Chairman of the council, to please explain on what evidence this extraordinary statement is based?

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

LABOR PARTY, ECONOMIC POLICY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister representing the Premier a question about Labor Party economic policy.

Leave granted.

The Hon. A.J. REDFORD: In an article contained in the Property Council of Australia (South Australia) newsletter, a report appears under the heading, 'Shades of Tony Blair in South Australia'. The article reports upon a speech given by the member for Hart, Kevin Foley, to a business meeting that he had with the property council recently.

The Hon. T. CROTHERS: I rise on a point of order. I thought questions in this House had to be directed to a Minister whose portfolio had responsibility for the questions being asked. My point of order is: which Minister has the portfolio in respect of advancing or retarding the Labor Party's economic policy?

The PRESIDENT: A point of order does not exist. Any member can ask any member a question about anything and there is no restriction in that regard.

The Hon. A.J. REDFORD: I well understand the honourable member's point of order because he has probably seen the article. The article states that Mr Foley said:

> The SA new Labor—

and we have heard that somewhere else before—

> appears determined to portray itself as a cautious Government in waiting when it comes to how active and risk-sensitive Governments should be in attracting and facilitating traditional property development in the State. Mr Foley drew on Playford images to suggest that South Australia will continue to need an active participation in State development to attract more than our share of investment.

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Yes, I did note a contrast. The article continues:

> He pointed to a number of bipartisan issues that had formed major components of the reform needed in South Australia to ensure the State remained competitive and progressive, such as: ETSA/electricity reform, competition policy, asset sales, etc.

It states further:

> [The Labor Party will have] a commitment to driving down the cost of doing business in areas of taxation, State charges and the provision of infrastructure to support investment.

Finally, it states:

> The Foley future view is one that shifts the recent focus from debt reduction to economic stimulation with a sustainable flavour. He stressed the need for government to clearly define the boundaries of legitimate public involvement/risk against private investment and development.

The article goes on to say that Mr Foley clearly saw himself as part of an alternative Government.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: No. What I am surprised about is the conversion on the way to the mount. My questions are—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! Language of that type is not acceptable.

The Hon. T.G. CAMERON: On a point of order, Mr President, you have previously ruled that it was parliamentary.

The PRESIDENT: Order! If the honourable member cannot keep his cool in the Chamber he might as well go and have an icecream.

Members interjecting:

The PRESIDENT: Order! I am on my feet, and I will take the Chair for the moment. The honourable member can have the Chair when he gets to his feet.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Yes. I suggest that the honourable member hold his tongue for a second.

The Hon. A.J. REDFORD: My questions to the Minister are—

Members interjecting:

The PRESIDENT: Order! One at a time.

The Hon. A.J. REDFORD: My questions are:

1. Will the Premier provide this place with some examples of the ALP's bipartisanship in the area of asset sales?

2. Does the Premier endorse the recent conversion of the member of Hart to Playford images?

3. Given the comments of the Hon. Terry Cameron in his recent question which were critical of the Playford images, is there division within the ALP on the topic of economic policy?

4. Does the Premier agree with the member for Hart's stated commitment to driving down the cost of business in areas of taxation and State charges?

5. How does the Liberal Government's record stand against the record for the period in which the member for Hart was on the staff of former Premier Arnold?

The Hon. R.I. LUCAS: I thank the honourable member for his excellent questions, which I will convey to the Premier and bring back a more expansive reply in due course. My attention had been drawn by the honourable member to this article. I must admit that there appears to be great confusion within the Labor Party, the supposed alternative Government in South Australia, in relation to not only economic policy but the whole broad issue of asset sales and privatisation generally.

As I indicated last week in response to a question, the Leader of the Opposition in another place has loudly proclaimed on behalf of the Labor Party that he is anti-privatisation and anti-asset sales. The shadow Treasurer (the member for Hart), clearly someone who is staking out the turf in relation to the leadership post of the Labor Party in the next election, now indicates that he is significantly at odds with his own parliamentary Leader (Hon. Mike Rann) on this critical issue of economic policy, asset sales and privatisation. The Labor Party cannot have it both ways. It cannot sustain any credible position publicly if it has a Leader who claims to be heading in one direction and a shadow Treasurer—someone who is clearly staking out the turf for after the election—indicating that the economic policy of the Labor Party will be 'SA new Labor', Tony Blair like—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Yes—supporting asset sales and privatisation. A person from within the Labor Party has indicated to me that they liken the current Leader of the Opposition to a political carcase swinging in the breeze waiting to be cut down. That statement was not made by me

but by a Labor insider in relation to the medium to long-term future of the current Leader of the Opposition. When one sees the statements made by the member for Hart, one now understands the significance of the turmoil that is currently going on within the Labor Party as people stake out positions in the lead-up to the coming State election.

I am also advised by some Labor insiders that the Labor Party is bringing across from New South Wales to help run its State election a Mr John Della Bosca. He, of course, as members would know and as I am sure the Hon. Terry Roberts would know quite well, has been fiercely defending Bob Carr and Mr Egan regarding the privatisation of the Electricity Commission in New South Wales. So, Mr Della Bosca, who is to be brought in to assist in running the State campaign in South Australia, is already a strong supporter of privatisation and further asset sales à la the member for Hart (Mr Foley). As I said last week, when one hears the current Leader of the Opposition making claims that the Labor Party is opposed to privatisation, one cannot believe those claims, and the statements made by the member for Hart are further testimony to that fact.

MOTOR VEHICLES (FARM IMPLEMENTS AND MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 1258.)

The Hon. CAROLINE SCHAEFER: I support this Bill in the strongest possible terms. Many of us have been involved for some time with the introduction of registration of farm vehicles and, due to that registration, the coverage for third party insurance of farm vehicles on road. This has been a new initiative by this Government and, like many new initiatives, has not been without considerable glitches and many of us who live in rural areas know to our cost that there has been considerable dissatisfaction, to say the least, among many farm vehicle owners. This Bill attempts to address some of the difficulties that we had with the initial Registration of Farm Vehicles Act and it attempts to bring some commonsense management practices into that Bill.

There was some difficulty when it was decided that we would cover farm vehicles for third party insurance by way of registering them—and I might add that it is a cost-neutral exercise: the Government does not make money out of the registration of farm vehicles, in spite of the fact that many farmers feel that that is what it was put in there for. In fact it is to protect the farmers against the possibility of them being involved in an accident and having a third party claim made against them in what was technically an unregistered vehicle. However, when the time came to define just what was a farm vehicle and what was not a farm vehicle, with the necessity to register and the practical implications of registering, there have been a number of difficulties. This Bill attempts to address those difficulties. One thing it does is it changes the definition of a farm vehicle, so that now a farm implement is one which is towed and not self-propelled, and a farm machine is for self-propelled farm vehicles. Farm implements do not need to be registered, but must be towed by a registered vehicle on road.

One of the anomalies of our former Act was the difficulty with slow-moving vehicles such as cherry pickers, hydraulic lift platforms, grape harvesters and that sort of thing. These vehicles, as people who have worked in those regions would know, do not move any faster than walking speed. They are purely vehicles for harvest. They are, therefore, rarely on a public road, but there are occasions when they need to be on the road or cross the road in order to continue harvesting. It seemed quite ludicrous to those of us on the Minister's policy committee that these vehicles should need to be registered, since they are large, easily seen and extraordinarily slow moving. Their chances of being involved in an accident would be about one in every 2 million, and the chances of anyone being injured by running into a vehicle that is moving at walking speed would be considerably less than the chances of someone being run into by, for instance, a cycle—which, of course, moves considerably faster than one of these vehicles—and they are not required to be registered.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLINE SCHAEFER: I have just been asked a series of questions by the Hon. Mike Elliott. I am not the Minister handling this Bill, and when we get to the Committee stage I am sure that the Minister will answer those questions. If she does not, I will be happy to answer them at the time. There are about 300 of these vehicles in South Australia. Their operation is limited, their chance of being on the road is minimal and to exempt them, in my view, from the need to register is nothing more than commonsense. The owners of these exempted vehicles are covered for third party insurance via their public liability insurance, in any event. In the rare event that they are involved in an accident, they are covered by their public liability: so that if a person—who would have to be travelling around a corner blindfolded, in the same direction, at walking pace—was involved in an accident they could claim on the public liability insurance of the machinery owner. It is also compulsory for these vehicles to be covered when being towed by the vehicle which tows them.

We are constantly verbally beaten about the head by farmers and operators who consider that many of our laws go far beyond that which commonsense would require. This Bill is an attempt to allow some commonsense into our legislation and, as such, I support it. There are various clauses which allow for exemption for some farm implements, the registration, the definition of tractors and further clauses which simply tidy up the original Act. I am disappointed that the Bill has not moved forward a little more quickly than it has, because there is a small group of grape harvesters, in particular, who are not quite sure which section of the law they need to comply with.

Apparently there are to be some amendments to be put forward. That again disappoints me because, as a member of the backbench committee which discussed this at some length, I believe that we have covered the risk involved to very few people and we have negotiated to cover their risk of accident, while allowing for some commonsense and some minimalist legislation.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

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

A quorum having been formed:

ROAD TRAFFIC (U-TURNS AT TRAFFIC LIGHTS) AMENDMENT BILL

In Committee.

Clause 1.

The Hon. T.G. CAMERON: In relation to the stop that you will have with this U-turn, I understand that the Department of Transport, the Public Transport Board or someone has conducted studies to examine the impact on the flow of traffic both ways along King William Road. Could she report to the Committee on the outcome of those studies?

The Hon. DIANA LAIDLAW: This U-turn initiative is seen to be very similar to the hook turn for which there is already provision in the Act, so we are simply extending what is already available. I do not think in this instance that it was thought such a study was necessary. Anyway, I would indicate it is not the Department of Transport's road. As I said to the honourable member the other day, the Adelaide City Council's roads are entirely the matter for the Adelaide City Council. The Adelaide City Council has given full support in this matter, and it is on the basis of its recommendation that we are moving this initiative, so the Department of Transport has undertaken no such work.

The Hon. T.G. CAMERON: Has any Government department undertaken any study to examine the impact on traffic once these U-turns are installed?

The Hon. DIANA LAIDLAW: It is not our province to do so. These roads are owned, operated and maintained by the Adelaide City Council. They are entirely their responsibility. They are not the responsibility of the Department of Transport or any other agency. The answer was no when I answered the question last time: the answer is still no.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It is entirely inappropriate for any Government department to be doing such study. They are owned, operated and maintained by the Adelaide City Council, as I mentioned. The Adelaide City Council has requested that this legislation be introduced.

The Hon. T.G. CAMERON: In the Minister's second reading explanation, to which I referred in my contribution, she referred to the number of buses that had increased from 104 in 1991 to 400 per weekday currently. She then went on to say the earlier increase was due to more buses from the southern suburbs being extended through the Central Business District from their old terminal points around Victoria Square, and referring to Pennington Terrace, she thought that the remainder was about 60 per cent. One can assume from that that the other 40 per cent was attributable to the contracting out. Had the Minister undertaken any other studies which indicate the increased level of buses in the square mile of the City of Adelaide since the new tendering arrangements were entered into?

The Hon. DIANA LAIDLAW: This matter is being closely monitored by the Passenger Transport Board and the Adelaide City Council. The arrangements for the lay-overs for buses and the re-routing of buses have all been agreed with the Adelaide City Council prior to commencement of the contracts. As I indicated, they are being monitored and where there are difficulties, as we anticipated there would be with Pennington Terrace, we have been seeking initiatives to make alternative arrangements. The Bill before us is such an arrangement.

The Hon. T.G. CAMERON: I understand that is the case. I can appreciate that the Minister may not have the figures with her, but the figures were available on the impact of changes that have taken place in relation to Pennington Terrace. What I am looking for are the figures which indicate the increased level of buses on city streets since the new tendering arrangements were entered into. Would the Minister provide those figures?

The Hon. DIANA LAIDLAW: I can certainly provide details of the number of buses. I am not sure in terms of full monitoring of the impact, but I will certainly provide the numbers. I do not have them at hand. I also indicate that further to a question about regulations and identified bus lanes asked by the Hon. Sandra Kanck during the second reading debate, I indicated it was a $200 fine. I should have said that, under the Road Traffic Regulations 1996, a person who contravenes subregulation (2) and (3) is guilty of an offence under subregulation (7). The maximum penalty is $200, so it is not a flat figure. I thought I had better clarify that. An offence is an expiable one, the expiation fee being $104.

Without wanting to preempt the passage of this legislation, I also indicate that consideration has been given to regulations, and there would be provisions here for the exact operation of the U-turns. Material has been produced about the operation of U-turns at traffic lights. It is proposed under the Road Traffic Regulations that:

> Pursuant to section 71A(2) of the Act—
>
> (a) a bus used for the purposes of passenger transport service according to regular routes and timetables may execute a U-turn at a junction at which there are traffic lights when—
>
> (i) the bus is travelling north along King William Road in the City of Adelaide and making the U-turn at the junction of that road and Victoria Drive; and
>
> (ii) a traffic control device for the exhibition of a steady white 'B' light is installed and operating at the junction so as to be facing towards the bus before it commences the right turn; and
>
> (b) a bus executing a U-turn under paragraph (a) must execute the U-turn in the following manner and in accordance with the following requirements:
>
> (i) The bus must approach the junction to the right of and parallel to and as near as practicable to the left boundary of the carriageway of the road in which the turn is to be made;
>
> (ii) The bus must continue into the junction as near as practicable to the prolongation of that left boundary and make the U-turn so as to enter the opposite side of the road as near as practicable to the left boundary of the carriageway of the road on that opposite side.
>
> (iii) The bus may only make the U-turn when the steady white B line is exhibited.

It says that in terms of bus lanes there should be a change to regulation 4.09, so that on King William Road in the city of Adelaide the last 30 metres of the southern approach of the intersection with Victoria Drive should be a left-hand lane only. That is supported by the bus lane regulation 4.09 in the road traffic regulations, which has provisions for the following classes of vehicles which can use those lanes, and it is only buses, pedal cycles and emergency vehicles. It goes on to state that any driver of such a vehicle must follow the directions of a member of the Police Force, and refers to any vehicle that is driven over or on a bus lane for so long as is reasonably necessary for the purpose of taking a position on the part of the road that is not a bus lane or making a left turn into another road or entering land or premises adjacent to the road where it is otherwise lawful to do so.

It goes on to talk about accidents and breakdowns, disabled vehicles, emergency repairs, and so on. The terms

of the fines and the range of conditions are clear. I am happy to provide a copy of the road traffic regulations to the honourable member. Whenever one reads these regulations, one realises that it is almost easier to drive a bus than it is to understand the road laws in relation to making bus travel easier for the bus operator.

The Hon. SANDRA KANCK: I thank the Minister for the information she has given. Having reflected on what she said when concluding the second reading the other day, I felt reassured by her comments. To follow up on the matter of cars using bus lanes and stopping at intersections where they activate the 'B' lights and then do not move, will the Minister ascertain whether there is record of any apprehensions by police over the past three years and, if so, how frequently is this is occurring? As I said previously, it seemed to me that this was not being policed, and I would be interested to see whether any statistics show that it is indeed happening.

The Hon. DIANA LAIDLAW: I would be interested in the information myself and I will seek from police or court records what information we have.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

[Sitting suspended from 3.46 to 4.15 p.m.]

STATUTES AMENDMENT (WATER RESOURCES) BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1466.)

The Hon. M.J. ELLIOTT: My contribution to this debate will be brief. This Bill is consequential on the passage of the Water Resources Act late in April and that, as I said at the time, was done in what I thought was an inordinate rush. There was a great deal of concern among a number of community sectors about the level of consultation and, more particularly, how well the Bill reflected that, and also concern whether or not we were creating a truly integrated resources management approach, which is something that the responsible Minister (Minister Wotton) had talked about on many occasions. I suppose many people were hoping that more comprehensive resource management would be coming through in legislation.

The very fact that we do not have comprehensive resource management is the reason why we now have this Bill before us. This Bill tackles questions as to what happens in the Environment Protection Act, the Development Act, the Pastoral Land Management and Conservation Act and the Soil Conservation and Land Care Act where there is potential for some overlap between the two Acts, in particular relating to section 12 of the Water Resources Act, which talks about activities that do not require a permit.

When this Bill was circulated there was a great deal of concern about the lack of time for adequate consultation on the Bill itself. As I understand it, many groups did not see this Bill until last Friday, and the Minister was saying that he wanted it through by today. Whether or not the Minister felt that this Bill was non-controversial and that it contained no political agenda and that it was just a machinery Bill is, I think, beside the point. Clearly this legislation involves a very contentious area, even if the matters within it at the end of the day may prove not to be.

I have had correspondence and telephone conversations with representatives of farming organisations, local government and conservation groups, all of whom have expressed concern about what they consider to be an inadequate time properly to study the Bill and its consequences. I think it does need to be noted, and I think the Minister needs to be aware, that even where he feels there is no political agenda sometimes just in drafting there are unintended consequences. There may be consequences that the Minister never intends, and that happens in legislation quite regularly: there is no argument about what the Bill is trying to achieve but, unfortunately, in the drafting occasionally there is a consequence which just simply was not anticipated at the time.

If there is adequate consultation and time for consideration, various interest groups, given the opportunity, will more often than not pick those up and can make suggests which do not change the substance of the legislation, at least in terms of its intent, but which certainly have an impact upon its practical effect later on.

I will place on the record what a few of the groups had to say. A phone response from the Local Government Association was that its lawyer's initial response was that the Statutes Amendment (Water Resources) Bill involved no great problems. But in conversation I had with it the association certainly intimated concern about the time frame involved. The Farmers Federation had some concerns about the South-East Water and Conservation Board but now understands that the Government will amend the proposals. My current understanding is that the Government will withdraw Part 7 of the Act because of those concerns.

The Farmers Federation said that no other problem had been found but that it was nervous about the Bill due to the lack of time for consideration. However, the federation had given it a tick as it has not had the time to go through it in more detail. When one considers that that is support for the Bill, one must recognise that it is fairly qualified.

On the other hand, conservation groups have raised a number of concerns although, at the end of the day, in correspondence I received from the Environmental Defenders Office, again expressing concern about the time given, it said that it is prepared for the legislation to pass.

It is true that some other conservation groups still are concerned. Indeed, the issues about which they are concerned have been raised with me, and I had drafted amendments to tackle some of the concerns that they raised. However, I have been convinced that the concerns raised have come about because of a misunderstanding of the impact of the way in which a number of Bills work in relationship with each other.

I might raise one of these by way of example. The amendments to the Pastoral Land Management and Conservation Act relate back to section 12 of the Water Resources Act, which in turn relates to activities that do not require a permit. If one goes to that subsection which relates to the Pastoral Land Management and Conservation Act, one finds that it makes it plain that an activity which does not require a permit is to undertake an activity that is required to implement an approved property plan under the Pastoral Land Management and Conservation Act, or the Soil Conservation and Land Care Act. That is the only circumstance under which a permit would not be required.

If one looks at section 41 of the Pastoral Land Management Act, which provision is amended in the Bill before us, one sees that it relates to property plans. A property plan is brought into effect only where there has been damage or where there is a likelihood that there will be damage or

deterioration or to prevent, arrest or minimise damage or deterioration to land. It is not for other circumstances. My understanding of the concern of conservation groups was that perhaps water permits might be granted using exemptions granted by this Bill but, if you read what the Bill relates to, it relates to section 41 of the Pastoral Land Management Act and to section 12 of the Water Resources Act. Clearly, we are now talking about permits not being required when a property plan is being produced and that property plan is being produced because the property has been damaged in some way—possibly overstocked in the past or present. As I understand it, the concern the groups had was that somehow there was a contrivance being produced which would allow water permits to be granted, for instance, for irrigation purposes. I suppose they are wary of the fact that in Queensland there were proposals to grow cotton in the Cooper system recently and they have concern that perhaps there would be an attempt to construct a dam and carry out cotton growing here in the South Australian part of the Cooper.

As I understand it, there is also one pastoral property owner who has been trying to get an irrigation licence, wanting to pump underground water for irrigation purposes. Clearly, this part of the Bill would not enable the Pastoral Board to grant a permit for those purposes. These clauses simply do not give it the power to do that. So, the concerns raised by these people are legitimate but they are not legitimate in the way that this Bill works. It is not until you have read not just this Bill but the Water Resources Act and the Pastoral Act in conjunction with this clause that it is evident that it does not empower the board to grant such permits.

They raised concerns about those amendments to the Pastoral Land Management Conservation Act and had similar concerns in relation to the Soil Conservation and Land Care Act and the South-Eastern Water Conservation and Drainage Act. The concerns were of the same type and the answers are of the same type that, in fact, there really is not an empowerment given to these various bodies to start granting water permits under soil conservation orders, voluntary property plans or compulsory property plans. They cannot use that as a contrivance to grant a water licence or permit.

I have been convinced that those areas are not a problem. Certainly, initially I did believe that there was a problem and I had amendments drafted and was about to table them but, following further discussions, I now believe that those amendments were not warranted. After further discussion, I am satisfied that the Bill does not in any substantial way change the *status quo*, that it is largely a tidying up Bill. I think the Bill does reflect problems that I raised when we were discussing the original Water Resources Act, that is, that we need full integration of natural resources. It could be achieved in a number of ways and I would like to see the Pastoral Board perhaps becoming something like an Arid Lands Board, becoming a fully integrated land management body, looking at land and water use and at a range of other issues as well. I have been arguing that way for the best part of seven or eight years.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: It makes more sense having soil boards operating separate from the Pastoral Board and then having water resource management separate again. It would make a lot of sense for them to be handled by a single body. I have a feeling that there are even some farming groups coming to that view as well. I have been involved in serious discussions with conservation groups which, if the structures were right, would probably support that view as well. The challenge will be to get the structures right.

The major objection with which we are left is simply inadequate consultation. I have had assurances from the Minister's office that they realise that they made a real mistake in that regard and that it will not happen again, although I have heard that from other Minister's offices on other occasions, but I certainly hope that is the case. The Democrats support the second reading of the Bill.

The Hon. T.G. ROBERTS: The Labor Opposition supports the Bill as well and will not raise all the same issues covered by the Democrats' representative, the Hon. Mike Elliott, who reflected many of our concerns. It is mostly a process problem. The history of the Bill has been the Government's underestimating the competitive nature of many stakeholders in relation to this important resource, that is, the availability of surface and underground water and, in the Riverland, access to the River Murray water. For some people it is quite a new concept that we are going to have a fully managed resource in conjunction with other management strategies that have been put together over a number of years. This is probably the last of the separated resource management Bills to go in and, as the Hon. Mr Elliott indicated, we would like to see an integrated approach to resource management.

As indicated in the previous water resources debate when the legislation was introduced and finally passed in April, it is difficult to take a snapshot and stop all land-based activities and put together a pact with which everyone will agree. By bringing in individual Bills and then this Bill integrating those Acts it is one way of trying to achieve the same thing, but you then have to eliminate (I will not say 'paranoia') the concerns of those stakeholders in how the Bill relates to them and the other Acts that it is trying to integrate.

I refer to the Development Act, the Environment Protection Act, the South-East Drainage and Conservation Act, the Soil Conservation Act. Those concerned with that legislation and local government are all serious stakeholders in outcomes. People then ask questions about how the reading of the final legislation will work with the integration of all the Acts under this measure. As to the timeframes given, the Minister has been well intentioned and there is nothing controversial in this measure, which will facilitate and streamline the process. The second reading explanation refers to a relatively seamless process occurring, and I am not sure exactly what that means. If it means that it has no seams, it will make it a relatively good Bill and that is fine.

With all Parties now agreeing to the processing of the Bill and its passage in both Houses, I hope that community organisations, conservation groups and those representing individual stakeholders can have some confidence that there is nothing hidden in the small print. Again, that is a problem that both we, as an Opposition, and the Democrats have, but in the lead up to the end of all sessions—although this is not the end of the session but the lead up to the Budget Estimates session—there tend to be one or two Bills that are put together in a rushed way, so both Opposition Parties have to make accommodation for the facilitation of that process, and that is what we are doing with this Bill.

We have had time to consult quickly with stakeholder organisations and they have all indicated that they are prepared to place their confidence in the Government, that there is nothing untoward or hidden in the Bill and it does not change the intention or actions of the previous legislation.

People were getting to know how to work within the South Australian Water Resources Act 1997 and this will not change many of those outcomes.

Part 7, which is potentially contentious, is being removed, that is, the amendment of the South-Eastern Water Conservation and Drainage Act 1992. I understand that the Minister, through discussions, has been able to flag the problems associated with water management. Bringing into conjunction the potential water catchment management board administration, perhaps through water drainage and conservation bodies, is something which will have to be discussed later. I think that is a good way to proceed, otherwise the arguments would continue as the Bill was being debated.

Another problem we had as an Opposition was that the Bill was rammed through the Lower House with little or no debate. That situation tends to get people's backs up in cooperating to facilitate Bills.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I am not indicating that the previous Bill was rammed through because, although it started off on bad footing, in the end there was consultation and everyone had input. However, this Bill was lodged and passed in one day and there was little constructive contribution in the Lower House, because no-one had had time to consult.

We are correcting that process now. We now have general agreement on a way to proceed. As there will be no amendments to the Bill to change the intention, some of the indicated positions from conservation groups and others are to be taken into account, along with any changes that may follow in relation to some of the major issues raised by groups or organisations. Where an opportunity could have been made to bring about some constructive changes to the water resources management legislation through negotiations, then I understand that the Minister is prepared to sit down with groups to find out their problems in relation to improvement, particularly in terms of environmental protection, and we will negotiate those through at a later date in whatever manner is possible and practical. The Opposition supports the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport): This Bill, as members have said, is consequential on the passing of the Water Resources Act 1997. The Bill makes amendments to six other Acts to ensure that the Water Resources Act is able to operate in an integrated way. It also makes small amendments to clarify points raised in this place.

The nature of the amendments was discussed at length with key stakeholders throughout the consultation process, during which the issue of integration of the management of water with the management of other natural resources was consistently raised as a matter of great importance. During consultation all parties agreed that there should be good links between the new Water Resources Act and the other pieces of natural resources legislation referred to in the Act: the Development Act, the Environmental Protection Act, the Soil Conservation and Land Care Act, the Pastoral Land Management and Conservation Act, and the South-Eastern Water Conservation and Drainage Act. Because of extensive consultations at the earlier stage and the fact that this Bill is consequential on the Water Resources Act which was debated exhaustively in this place, it was considered that this Bill would not be a difficult Bill for members to contemplate or, when they sought advice from other parties, there would be difficulty amongst those parties in supporting this legislation. That is why the process adopted by the Minister was undertaken, but we have heeded members' comments about more time for consultation and I note that there will be different processes established in the future.

Bill read a second time

In Committee.

Clauses 1 to 29 passed.

Clause 30.

The Hon. DIANA LAIDLAW: I signify that the Government does not wish to proceed with Part 7 of this Bill in line with the intentions of the Minister as expressed in the ministerial statement on the subject of the South-Eastern Water Conservation and Drainage Board on 6 February this year. The Government has decided to defer any amendments to the South-Eastern Water Conservation and Drainage Act until the larger issue of institutional structures for water management in the South-East can be worked through in accordance with the tenor of that statement. It may well be that the eventual resolution of this issue will overtake the amendments sought to be made in Part 7 of this Bill.

Clause negatived.

Remaining clauses (31 to 33) and title passed.

Bill read a third time and passed.

CASINO BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ASER (RESTRUCTURE) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

The above legislation is proposed in order to facilitate the restructure and sale of certain parts of the ASER development. That development consists of the Casino, the Hyatt Hotel, the Convention Centre, two car parks, the Riverside Building and a Plaza.

Central to this development is the Aser Property Trust, which is half-owned by Superannuation Funds Management Corporation, a State instrumentality, and interests owned and controlled by Kumagai Gumi of Japan.

Aser Property Trust holds a lease over the development (except over parts retained by TransAdelaide for the purpose of its railway station and facilities).

In turn, Aser Property Trust has sub-leased the casino property to the Aser Investment Unit Trust and the Riverside Building to various tenants.

The Aser Investment Unit Trust is two thirds owned by the Aser Property Trust and one third by South Australian Asset Management Corporation.

The Casino is managed and operated by AITCO Pty Ltd, a company wholly owned by the Aser Investment Unit Trust.

The Hyatt Hotel is held by Aser Investment Unit Trust under an occupation licence granted by Aser Property Trust with the right to take a sub-lease of the Hotel under certain conditions.

The Convention Centre and car parks are held by the State under an occupation licence granted by Aser Property Trust with a similar right to take a sub-lease of the properties.

It is proposed that the Casino, the Hyatt Hotel and the Riverside Building be prepared for sale. In order to achieve that end, it will be necessary for the existing property arrangements relating to these assets be simplified and re-arranged.

The development rests on land which is owned by TransAdelaide. Ownership of the land will remain in TransAdelaide or some other entity wholly owned by the Government. Title to the

various properties to be sold will be by way of lease so that at the end of the applicable lease term the properties will revert to the State or an instrumentality of the State.

The Hyatt Hotel, the Convention Centre, the car parks and Riverside Building were initially designed and built as an integrated development. Legal rights of way and other easements appurtenant to the various elements of the development do not exist. Important facilities and services are shared. These are electric power, emergency power, fire protection, chilled water for air conditioning and waste water.

The Hotel, Convention Centre, car parks, Riverside Building and Plaza are all held under a single head-lease granted by TransAdelaide to Aser Property Trust.

As it will be necessary to offer the various properties for separate sale, legislation is needed to facilitate the sales.

It is proposed that the existing leases over the development be surrendered and replaced with new leases without placing in jeopardy important taxation allowances which exist in relation to the buildings included in the development. If the taxation allowances are likely to be placed in jeopardy, the Bill will enable the existing head-lease over the Hotel and other properties to be severed into several leases, one for each property affected and thus enable the properties to be sold as separate properties.

The development includes substantial common areas to which the public have access. The Bill provides for the establishment of a corporation in which the owners of the various properties will have voting rights. The corporation will have the responsibility to ensure that common areas are maintained in good order and condition. It will also be responsible for the management of the shared services and facilities to which mention has already been made. The owners of the various properties abutting the common areas will be levied in order to defray the costs incurred by the corporation in carrying out its duties and responsibilities.

The Bill deals with a number of other incidental matters which are explained in the clause notes accompanying this speech.

I commend the Bill to honourable members.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

This clause defines terms for the purposes of the Bill. The Bill contemplates the ASER Site (the Site) being divided into subsidiary sites (areas occupied by the Hotel, the Riverside Building, the Convention Centre, the Exhibition Hall, the Railway Station, the North Car Park, the South Car Park and the Exhibition Hall Car Park) the casino site and a common area (the area shared by the occupiers of the subsidiary sites). The regulations are to define the various sites and areas. Under the Bill the head lease covering the ASER Site may be severed into separate leases covering the different sections of the Site. Responsibility for the common area is conferred by the Bill on a new corporation established by the Bill, ASER Services Corporation (the Corporation). Each occupier of a subsidiary site is to hold shares in and make contributions to the Corporation.

Clause 4: Act to apply notwithstanding the Real Property Act 1886

PART 2
THE SITE AND ITS CONSTITUENT PARTS
Division 1—The Site

Clause 5: The Site

Regulations are to define the Site.

Clause 6: Enlargement of the Site

The land encroached by the Northern car park may be added to the Site by regulation.

Division 2—The subsidiary sites, the casino site and the common area

Clause 7: Definition of subsidiary sites, casino site and common area

Regulations are to define the boundaries of the subsidiary sites, the casino site and the common area for the purposes of the Bill. The regulations may only be made by agreement between ASER and TransAdelaide or as determined by an arbitrator appointed by the Treasurer.

PART 3
SEVERANCE OF LEASE

Clause 8: Severance of head lease

This clause contemplates severance of the lease under which TransAdelaide leased the ASER site into separate leases for each section of the Site (ie each subsidiary site, the casino site and the common area).

TransAdelaide and ASER Nominees Pty Ltd are to agree variations to the rent payable and to covenants under the lease. If agreement cannot be reached, the Treasurer is to determine the matter.

PART 4
MANAGEMENT OF THE COMMON AREA
Division 1—The Corporation

Clause 9: Establishment of the Corporation

This clause establishes the ASER Services Corporation.

Clause 10: General legal capacity of the Corporation

The Corporation is provided with the powers of a natural person as far as those powers are capable of being exercised by a body corporate.

Clause 11: The Corporation's operations, management and procedures

This clause enables regulations to be made relating to the Corporation's operations, management and procedures.

Clause 12: Membership of Corporation

This clause provides that each occupier of a subsidiary site (a stakeholder) is a member of the Corporation holding the voting rights fixed by the regulations.

Clause 13: Meetings of the members

This clause allows the regulations to fix a quorum for meetings and contemplates the use of proxies.

Division 2—Limitation on liability

Clause 14: Limitation on liability

The Corporation is required to carry insurance as required by the regulations and its liability in respect of matters for which it is required to be insured is limited to the amount of that insurance.

Division 3—The common area

Clause 15: Common area

This clause provides that the common area (*ie* the part of the Site not within a subsidiary site or the casino site) is under the custody and control of ASER Services Corporation. The Corporation is to exercise custody and control for the benefit of the occupiers of the subsidiary sites and the public.

Clause 16: Corporation's obligation to maintain common area

This clause imposes obligations on the Corporation relating to the maintenance and security of the common area.

Division 4—The shared facilities and basic services

Clause 17: The shared facilities and basic services

This clause defines the facilities shared by the stakeholders. They include facilities for electric power, a fire protection service, chilled water for air conditioning and waste water disposal.

Clause 18: Corporation's obligation to provide basic services

The Corporation is required to provide stakeholders requested basic services.

Clause 19: Property in shared facility

This clause provides that shared facilities vest in the Corporation and that they are to be regarded as chattels.

Clause 20: Corporation's obligation to provide and maintain shared facilities

The Corporation is required to provide and maintain the shared facilities for the benefit of the occupiers of the subsidiary sites. The Corporation is given powers to ensure that it can carry out necessary work.

Division 5—Compulsory contributions

Clause 21: Budget of income and expenditure

The Treasurer is to approve annual budgets and supplementary budgets prepared by the Corporation.

Clause 22: Compulsory contributions

This clause provides for the basis on which occupiers of subsidiary sites must contribute to the Corporation. The budgeted income is to be raised by contributions from the occupiers. Initially the basis of contribution is to be fixed by the regulations. Thereafter the basis may be altered by a vote of 75% or more of the total number of votes exercisable by all occupiers of subsidiary sites.

Division 6—Accounts and audit

Clause 23: Accounts

This clause requires the Corporation to keep proper accounts.

Clause 24: Audit

This clause requires auditing of the accounts.

Division 7—Enforcement of Corporation's obligations

Clause 25: Appointment of administrator

This clause enables the occupier of a subsidiary site to apply to the

Supreme Court for appointment of administrator if the Corporation fails to perform its obligations. If an administrator is appointed, the Administrator takes over the property of the Corporation and may exercise the powers and carry out the duties of the Corporation as authorised by the Supreme Court.

PART 5
MISCELLANEOUS

Clause 26: Substitution of head lease

This clause allows a new head lease to be substituted for a subsidiary site and ensures that underleases continue without interruption.

Clause 27: Winding up of the Corporation

This clause provides that the Corporation may be wound up in the same way as a company incorporated under Division 1 of Part 2.2 of the *Corporations Law* and that, on the winding up of the Corporation, the common area vests in the Crown for an estate of fee simple.

Clause 28: Exemption from stamp duty

Instruments necessary for the purposes of this Bill are exempted from stamp duty if lodged within 1 year after the commencement of the measure.

Clause 29: Effect of things done under Act

This clause provides protection related to transactions under the measure.

Clause 30: Interaction between this Act and other Acts

This clause ensures that dealings under this Act within 1 year of its commencement are exempt from certain requirements.

Clause 31: Regulations and proclamations

This clause provides general regulation and proclamation making power.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

FRIENDLY SOCIETIES (SOUTH AUSTRALIA) BILL

Returned from the House of Assembly with the following amendment:

Page 6, after line 6—Insert new clause as follows:

Levies

11. (1) This section imposes

(a) the levy payable under sections 119 and 120 of the AFIC (South Australia) Code by a society; and

(b) the supervision levy payable under section 51 of the Friendly Societies (South Australia) Code by a society.

(2) An expression has in subsection (1) the meaning it would have if this section were in the AFIC (South Australia) Code or the Friendly Societies (South Australia) Code, as the case requires.

Consideration in Committee.

The Hon. R.I. LUCAS: I move:

That the House of Assembly's amendment be agreed to.

I am advised that this amendment refers to a money clause which was in the original legislation when it was discussed in this Chamber. The procedure of the Houses is that because it is a money clause the Council cannot insert it, so it has been inserted by the House of Assembly and has come back to the Council for agreement.

Motion carried.

STATUTES AMENDMENT (WATER RESOURCES) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

ADJOURNMENT

At 5.35 p.m. the Council adjourned until Tuesday 1 July at 2.15 p.m.