LEGISLATIVE COUNCIL

Wednesday 10 November 1999

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 1998-99—
Legal Practitioners Disciplinary Tribunal
Legal Practitioners Guarantee Fund

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Commissioner for Consumer Affairs—Report, 1998-99.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the sixth report of the committee 1999-2000 and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the seventh report of the committee 1999-2000.

PARTNERSHIPS 21

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement from the Minister for Education, Children's Services and Training in another place on the subject of education funding.

Leave granted.

QUESTION TIME

GOVERNMENT UNDERSPENDING

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question on underspending.

Leave granted.

The Hon. CAROLYN PICKLES: I refer the minister to statements by the Premier regarding areas of state government underspending. After presiding over this government's gross underspending and after repeated calls by the opposition, which has highlighted this matter on numerous occasions, the Premier has decided to change his tune. Will the minister please detail the areas of underspending in her portfolio areas?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Southern Expressway is one example. As the honourable member would appreciate, stage 1 went through an area where essentially there were no adjoining houses. While there was a lot of close consultation with people in the area, we did not have neighbours directly adjoining the road reserve. With the Southern Expressway we have decided that it was prudent to have much more consultation with local residents. That has been strongly supported by the local Labor members in the area, so I would be surprised if the honourable member's question was seeking to imply that she did not agree with the local members.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: No, but I am just saying that there seems to be some criticism.

The Hon. Carolyn Pickles: The Premier is criticising you.

The Hon. DIANA LAIDLAW: I do not think the Premier is criticising me: he is concerned about underspending, and so am I; but I am explaining that, with the support of local members, we have extended the consultation period for the Southern Expressway. That consultation will be ongoing, but bridge work is going on now. I think that work on the O'Sullivan's Beach road bridge starts this week. The tenders have been called for the major works and we will be able to let those very shortly.

The money for the state library has not been spent as promptly as we would like, but we are now in the final throes of resolving issues with the Adelaide City Council regarding the future of the City of Adelaide Lending Library within the new state library building. The final design work is being completed and we should be calling tenders early next year. The Adelaide Festival Centre Trust work has been delayed because more asbestos than any of us would have wished was found in the building, and the Hon. Mr Ron Roberts would strongly support the fact that we attended to that issue as the priority. Until we had gone through the whole of the Festival Centre and removed the asbestos it was seen as unwise to do other work before we had cleaned up the site. Therefore, other work has been delayed and we are in the process now of advancing the other capital works.

I can assure the honourable member that there is no-one keener than I to see these projects advance, but for good reason on every count we have not been able to advance as fast as we would like. The Premier understands, and I, in turn, understand his frustration that, when money has been voted and jobs arise from the expenditure of that money, we have not been able to satisfy the timetables. However, we are well advanced and money will be spent in the next few months of this financial year.

DEFAMATION INDEMNITY

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about defamation indemnity.

Leave granted.

The Hon. R.R. ROBERTS: The Auditor-General has made pointed criticisms of the government's practice and methods of providing indemnity for ministers of the Crown who are defendants in defamation actions. The Auditor-General quotes the current guidelines for representation for ministers in defamation proceedings as follows:

- indemnity will extend only to costs reasonably incurred;
- indemnity may be terminated if significant unreasonable costs may be incurred;
- for costs relating to engagement of a legal practitioner to be recovered the Crown Solicitor must certify that the engagement is 'necessary', the costs must be 'reasonable' (or ordered by a court) and if there is no certification the costs will be taxed according to the Legal Practitioners Act;

The Auditor-General went on to say in his report that indemnity should not be provided where a minister defames a person in circumstances that cannot be reasonably said to relate to ministerial functions of an executive nature. In addition, the 1997 cabinet handbook states:

Where defamation proceedings are taken successfully against a minister because he or she has been found to have dishonestly or

wantonly and recklessly attacked the reputation of another person, the government will not provide an indemnity in respect of any legal costs incurred or damages awarded.

The Hon. K.T. Griffin: What happened with John Cornwall?

The Hon. R.R. ROBERTS: I can tell you what you said about John Cornwall and I will at an appropriate time. I have read with some interest widely varying newspaper reporting of the current defamation case—

The Hon. L.H. Davis interjecting:

The Hon. R.R. ROBERTS: —which is more important—and you ought to concentrate your remarks on that—taken by Mike Rann against the Premier, John Olsen. Given the variation in the reporting by different publications, it is sometimes difficult to determine whether they are talking about the same case. However, I will leave that to the courts. I am given to understand that Mr Rann is paying his own legal bills whereas Mr Olsen's legal bills are being picked up by the government. My questions are:

1. Can the Attorney-General advise the Council whether the government is picking up Mr Olsen's legal bills, given that this case has not concluded and, if so, can he advise how much the government has incurred in legal costs and so on or paid out so far?

2. Have all the relevant guidelines and procedures relating to the indemnity of ministers been adhered to in relation to the Rann v. Olsen matter?

The Hon. K.T. GRIFFIN (Attorney-General): It was obvious that the question had been prepared for the honourable member because he could not tell me the page reference in the Auditor-General's report and I think, looking at some of the language in it, it is quite clear that he would not have asked the question if he had fully understood the significance of it. I make the point right from the beginning that the Auditor-General has raised some issues: he has not made the criticism of the government. If you look carefully at the report, you see that he has not reached a conclusion in relation to the indemnity granted regarding the way in which that was dealt with. The Rann v. Olsen matter is currently sub judice—it is in the courts—and I do not intend to comment on it.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. Cameron: But who's paying Mike Rann's legal fees?

The Hon. R.R. Roberts: He is.

The Hon. T.G. Cameron: Are you telling this Council that Mike Rann is paying his own legal fees?

The Hon. K.T. GRIFFIN: I can't believe that Mr Rann is paying his own legal fees.

Members interjecting:

The Hon. K.T. GRIFFIN: Trades Hall, the ALP, friends of Mike Rann.

Members interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts has asked his question. I ask the Attorney-General to answer it.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. Stefani: Ask Bob Gregory whether as minister he had to pay my legal costs.

The Hon. K.T. GRIFFIN: I suspect he probably did.

The Hon. T.G. Cameron: Did the government pay Jamie Irwin's legal costs?

The Hon. A.J. Redford: No, he's not a minister.

The Hon. K.T. GRIFFIN: That is right.

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts! I would appreciate the Attorney-General answering the question.

The Hon. K.T. GRIFFIN: It didn't pay Mr Ingerson's legal costs in relation to the Xenophon matter, I can tell you that. If Mr Rann's legal costs are being paid by Trades Hall, one can take some consolation from the fact that those moneys will not be available for campaigning.

The Hon. M.J. Elliott: They are not public moneys, either.

The Hon. K.T. GRIFFIN: That is all right.

The PRESIDENT: Order! If the Attorney-General has concluded his answer, he can resume his seat.

The Hon. K.T. GRIFFIN: I haven't finished yet: I am just waiting for peace and quiet.

Members interjecting:

The Hon. K.T. GRIFFIN: I will tell you, if you wait and stop interjecting. An indemnity has been properly granted to the Premier under the guidelines, and there is no secret about that. In fact, I think we have made that comment publicly.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: The honourable member confuses the Crown Solicitor with the Solicitor-General, and I think he ought to go back and reread the explanation he made, because then he might wake up to what is being required of him to ask of me.

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Premier's comments in respect of defamation indemnity.

Leave granted.

The Hon. R.R. ROBERTS: I noted with interest the Attorney-General's answer yesterday to the question I asked about the Xenophon v. Lucas case, and his reference to the Cornwall defamation. In 1988 the then Liberal leader, John Olsen, complained bitterly about the Bannon government's indemnity of Health Minister Dr John Cornwall, who resigned immediately after losing a defamation action. At that time, Mr Olsen said in a press release—

The Hon. L.H. Davis interjecting:

The Hon. R.R. ROBERTS: Exactly! Wonderful fellow, John Cornwall. He had your measure by half. The press release stated:

'It would be grossly improper—and, equally, offensive—if Mr Bannon expected the taxpayers of this state to foot the bill for Mr Cornwall's inability to hold his tongue,' Mr Olsen said.'It is only in exceptional circumstances that the taxpayers should provide an indemnity to ministers of the Crown in respect of personal actions—

this is like spontaneous remarks about calling people liars—

taken against them or by them. Such circumstances clearly do not exist in this case. The defamation was not something which the minister could be excused for using in order to promote government policy or other decisions.

Yesterday the Attorney-General told this Council, 'If some people could hold their mouths outside the Parliament, we would not need to worry about this, would we?' I note that recently aspects of the Rann v. Olsen defamation case were heard by the Full Supreme Court where, as well as apparently paying for Mr Olsen's legal team, which included a QC, the government was itself represented by a legal team headed by the Crown Solicitor. It was reported that the case may be headed for the High Court. That ought to attract a few fees. The questions I ask are:

1. Can the Attorney-General explain to this Council why, in relation to the Xenophon matter, he decided that

Mr Lucas's obviously defamatory remarks fell within Mr Lucas's executive capacity?

2. Can he explain why he decided that Mr Olsen's alleged defamation fell within Mr Olsen's executive capacity and that Mr Olsen would be fully indemnified for the cost of engaging lawyers, including a QC, and will he table all advice and approvals provided by himself or the Crown Law officers in relation to the question of the indemnity of Mr Olsen?

3. Can he explain why he believed it necessary to intervene in the Full Supreme Court in support of Mr Olsen's application for a stay of proceedings, knowing that Mr Olsen's own legal team, funded by the state taxpayers, was well able to put all the relevant arguments?

The Hon. K.T. GRIFFIN (Attorney-General): Obviously, the honourable member did not listen to the ministerial statement that I made the week before last in relation to intervention in the Rann v. Olsen case pursuant to the section 78B notice under the federal Judiciary Act. I have been quite open about it. I indicated that on the advice of the Solicitor General, having received notification that there was an issue of constitutional importance, I took the decision to intervene on the basis of advice given to me, to argue the case which Mr Sumner argued when he was Attorney-General on behalf of the House of Assembly back in the Lewis and Wright case—exactly the same point. I am not departing constitutionally—

The Hon. T.G. Cameron: That was about parliamentary privilege.

The Hon. K.T. GRIFFIN: Let me say—

Members interjecting:

The Hon. K.T. GRIFFIN: The Hon. Mr Sumner was going down the path of arguing for the protection of the privilege of the Parliament but ultimately, when Lewis and Wright was decided, he actually instituted an appeal to the High Court and the state convention, I think it was—

Members interjecting:

The Hon. K.T. GRIFFIN: Well, because there was a resolution of the state convention of the ALP that directed him to do it: that is why. He was acting quite properly in wanting to pursue these proceedings as part of his independent responsibilities as Attorney-General. In intervening in the application in the matter before the Full Court I did exactly the same.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I was not given any directions not to do it and, if it goes to the High Court, I will make that decision as part of my responsibility. I will not be directed by the state convention of the Liberal Party as to what I should or should not be doing in relation to that. What I have done regarding the intervention in relation to Rann and Olsen is exactly the same as was done by the Hon. Mr Sumner before he was forced to withdraw his appeal to the High Court. He believed, as I believe and as every member of this Council should believe, that there is not a role for the courts in determining what is the motive of a member of Parliament raising an issue in this place, even if it is done in a way that might defame someone outside if it was raised outside the privilege of the Parliament.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts has made the point continually.

The Hon. K.T. GRIFFIN: You do not understand the case.

Members interjecting:

The Hon. K.T. GRIFFIN: You do not understand the issue of privilege.

The Hon. T.G. Cameron: How pathetic suing somebody for calling you 'a liar' in this place.

The Hon. K.T. GRIFFIN: Well—

The Hon. L.H. Davis: Mickey Mouse.

The Hon. T.G. Cameron: Rann has gone writ happy.

The Hon. K.T. GRIFFIN: I do not want to get into the merits of that case because it is sub judice. The fact of the matter is that there was an important constitutional issue. We even intervened, on my direction and on the advice of the Solicitor-General, in the New South Wales case of Egan and Willis. The Treasurer of the ALP government in New South Wales—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, it has everything to do with it, because we argued consistently—

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —with the argument that we are making. We are arguing in the Rann and Olsen intervention consistently with the arguments which Mr Sumner made and which I am made in relation to Egan and Willis.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: That is rubbish and absolute nonsense. The intervention—

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. K.T. GRIFFIN: Members opposite—some of them, not all of them, and I say 'opposite' in terms of the opposition—ought to understand what this is all about. It is not about a dispute between two politicians. When it gets to the point of parliamentary privilege it is about the rights of the people and the rights of the chamber.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order.

The Hon. K.T. GRIFFIN: All I can suggest is that the honourable member go and read some of the decisions of the High Court, that he get a transcript of the argument which was presented in the Full Supreme Court last week, I think it was, or the week before, and he might better understand the issues that are at stake. I commend that to all members of the opposition, because they ought to learn a bit about parliamentary privilege, about the protection of that and the way in which the courts cannot intervene in the processes of the parliament and cannot intervene in questioning the motives of a particular member for raising something under privilege or the facts which led to that.

I can tell members that, from time to time, some members of the Labor Party raise these issues with me on the basis that they have a genuine concern about the protection of the privilege of the parliament. If members opposite want to disagree officially with that, that is their business, but I do not intend to be brow beaten or frightened away from taking these sorts of actions.

The honourable member raised the issue of Dr Cornwall. All I can do is refer to the record. He made a wanton, unprovoked attack upon Dr Humble outside the parliament. Simple. It was a wanton, deliberate, unprovoked attack.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: Look, let's not get into the merits of it. Who made the criticism of Mr Olsen—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! I am tired of hearing the Hon. Mr Roberts' whining voice.

The Hon. K.T. GRIFFIN: —under parliamentary privilege? That is the trigger point for it.

The Hon. P. Holloway: He didn't.

The Hon. K.T. GRIFFIN: The honourable member must be in cloud-cuckoo-land. He should get into the real world, and he should look at the facts.

HIGHWAYS, NAMING

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the naming of highways.

Leave granted.

The Hon. J.S.L. DAWKINS: I commend the minister's recent announcement in relation to the naming of the coastal route between Millicent and Kingston South-East as the Southern Ports Highway. For a number of years I have had a view that not enough of South Australia's major tourist roads have been identified by highway names. This view was emphasised during my recently completed term as Chairman of the Gawler Tourism and Trade Authority, when I had many conversations with visitors to this state.

I acknowledge that the naming of such tourist routes needs to be done in consultation with the relevant local government bodies, and with state MPs to a degree. However, I would like to suggest that consideration be given to allocating highway names to some of the following tourism routes. Perhaps the route from Kulpara to Stenhouse Bay via Maitland and Minlaton could be known as the Yorke Highway. Port Wakefield to Edithburgh, St Vincent. From the top of St Vincent's Gulf to Wallaroo could be known as the Copper Coast Highway.

The Hon. T.G. Roberts: Where's the Dawkins Highway?

The Hon. J.S.L. DAWKINS: Right next to the T. Roberts Highway! The highway from Port Wakefield to Port Augusta is an interesting one because this is part of National Highway 1 but seems to lack an official name. Perhaps it could become Eyre Highway, as it is west of Port Augusta, or Princes Highway, as it is known east of Adelaide. Alternatively, it could be known as the Wakefield Highway. The highway from Kulpara to Port Pirie via Port Broughton—and pay attention Ron, although I am not going to suggest that this be the R. Roberts Highway—could be known as Broughton or Spencer. Angaston to Loxton could well be known as the Mid Murray or Riverland Highway. Gawler to Monash via Kapunda and Morgan could well be known as the Kidman Highway. The Flinders Highway on Eyre Peninsula north to Kyancutta via Cummins and Lock could be known as Todd, and I think this name may have already been suggested. Can the minister advise the Council whether any consideration has been given to the naming of further major roads in South Australia?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): When we were involved in looking at the name of the Southern Ports Highway in the South-East, Tourism decided that this approach had a lot of potential for tourism across the state. It has set up a naming of highways committee, and that includes representatives of Tourism SA, the Geographical Names Board, Transport SA and the Local Government Association, as I recall. I will certainly forward the honourable member's suggestions to that committee. As he stated, local community input is extremely important. In the case of the Southern Ports Highway the suggestion was prompted by the local government associations within that area and then had to go through the process of being approved by the Geographical Names Board and the like.

The honourable member has reminded me that, in terms of the roads on Eyre Peninsula, I have spoken in the past to the Local Government Association suggesting that Sylvia Birdseye be honoured. She was an extraordinary pioneering woman in terms of bus services to Eyre Peninsula, Other than sea travel it was probably the only form of public transport. I was also very conscious of the fact that no woman has been recognised in terms of the naming of roads, anywhere in Australia. We have the Matilda Highway, but that is after the song, with Waltzing Matilda and all the rest, and probably a mythical character, rather than an actual person. I think Sylvia Birdseye is a name that would be well received. So there might be some competition between the honourable member's suggestions and my own names submitted to this group.

I advise the honourable member that I will forward these names to the committee promptly. The committee does aim by early next year to have done all its research, to have undertaken its consultations with local communities and to have prepared names for highways, because Tourism is very keen to do major re-signing of tourism routes in South Australia from early next year. It wants to advance this initiative promptly. It is seen as an important tourism promotion effort. As the honourable member says, many of our roads are nameless. We are numbering them, but numbering (other than route 66 in the United States) would not make them very well known in terms of a promotional tool.

AMBULANCE SERVICE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about the SA Ambulance Service.

Leave granted.

The Hon. IAN GILFILLAN: In publicity for the emergency services levy a great deal of attention has been paid to the role of CFS volunteers. Many of them are dissatisfied with the way they have been treated or portrayed by the government in its publicity about the levy. I refer to a leaflet which was distributed last Saturday (referendum day) in the Mitcham Hills area by some CFS volunteers. The leaflet states:

> Although previous media campaign may have led you to believe that this is a CFS levy, the organisation receives less than 16 per cent of the amount collected. We supported the concept of an emergency services levy on the basis that it would be cost neutral to those people who previously paid insurance and council rates. However, we find that the public of South Australia is paying up to $30 million more than what was collected by the old system.

CFS volunteers are a powerful political lobby group, and I do not begrudge them that power. Despite their understandable dissatisfaction with aspects of the levy, I note that over the past few months they have won concessions from the government as to how some of the levy funding will be spent. On 11 August, Minister Brokenshire announced, after a great deal of lobbying by CFS volunteers, that a total of $700 000 would come from emergency services levy funds to be spent on protective equipment, including coats, helmets, boots, gloves and overalls, for more than 2 000 CFS firefighters. This was one of the demands made by the CFS frequent responders group.

However, volunteers in other emergency type community services are wondering whether anything is left in the government's coffers—especially since $7 million has been found for Football Park in the past 24 hours. I quote from a letter that I received recently from Mr Peter Foster, a volunteer ambulance officer at Lock on Eyre Peninsula. I remind members that $700 000 did go to the Ambulance Service from the emergency services levy, but that was equal to a reduction in the amount of revenue that came from general revenue. Mr Foster states:

> Both my wife and I have been ambulance volunteers at Lock for the past 13 years. I have been the team leader here for four years and devote an enormous amount of my time to the SA Ambulance Service, St John and, recently, St John cadets. I recently spoke to Mr Brokenshire on 5AN radio talkback about the lack of funding to SAAS and the impression that the levy included all 'emergency' services. . . I also mentioned to the minister that our SAAS budget is under pressure and that our volunteers are not properly equipped.

Mr Foster goes on to outline the substantial shortfall in equipment for ambulance volunteers. He states:

> As I mentioned earlier, my business does not make me a rich man. We rely on family income supplement to put food on the table for our children. I often wonder if the time spent on my volunteer work would be better spent trying to earn a living. Sadly, this extra tax grab confronting me in the next 12 months [the emergency services levy] may decide the issue for me.
>
> I often get the impression that ambulance volunteers are seldom considered when the focus is put on SA's volunteers. Probably because our paid counterparts in the cities are more visible than us. Our level of training and expected expertise is much higher than the average CFS volunteer, but they are the first people thought of when 'emergency volunteer' is mentioned.
>
> If we are heading for a true 'user pays' mentality in South Australia, when can my wife and I expect to be paid for our ambulance work? The time that we spend saving lives is very small when compared with the amount of time spent behind the scenes training, teaching and performing mundane administration tasks. Or should the government be 'paying' volunteers with a reduction or exemption to the levy? Can this be biased towards emergency service volunteers with consideration to the amount of time they spend on the 'job'?
>
> It is extremely difficult to get people to volunteer for anything nowadays, so how do we get new volunteers when everyone can now say that they do their bit by paying the levy? I think Mr Olsen and friends are about to shoot themselves in the foot.

My questions are:

1. If the minister can find $700 000 in the levy fund for protective clothing for CFS volunteers, how much can he or will he find to properly equip ambulance volunteers such as Mr Foster and his wife?

2. Why are ambulance volunteers not equipped to the standards specified in the recruitment brochure to which Mr Foster refers?

3. Will the minister consider a reduction in the levy for the benefit of emergency services volunteers? If not, does he agree with Mr Foster that the level of recruitment of volunteers is likely to drop off severely?

The Hon. K.T. GRIFFIN (Attorney-General): It appears that the question was all based around one particular letter which, with respect, did not accurately reflect the position. A significant number of volunteers, whether ambulance or otherwise, are very keen to continue to participate in providing services to the community right across the state in not only the emergency services areas but also other areas of service. The suggestion that they want to be paid or should be paid is something which has just occasionally surfaced among a handful of people but most, if not all, volunteers do not entertain such a concept seriously. I will refer the questions that have been raised by the honourable member to the minister and bring back a reply.

OLDER CITIZENS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about the employment of older people.

Leave granted.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: I can read my own writing, and that is more than you can do. Yesterday's *Advertiser* contained reports of the inaugural Congress of the Council for the Ageing. The congress addressed a number of employment issues for older people, and there have been a number of reports on the TV, in the radio news and also in yesterday's *Advertiser*, where a Mr Stevenson is quoted as saying that the problem of older unemployed people was complex and involved the cost of older people, downsizing and the stereotyping of older people. He went on to say that the nature of work was changing rapidly in response to economic, political, technological and business changes. What, if anything, is the state government doing to assist older people in obtaining and keeping employment?

The Hon. R.D. LAWSON (Minister for the Ageing): This morning I attended the annual general meeting of the DOME association—Don't Overlook Mature Expertise—a very good community organisation which provides job placement, training and support for unemployed people over the age of 40. DOME has been providing that service for a number of years and it has achieved very good results. It is true that most of the efforts of governments across Australia in relation to employment issues in recent years have been directed to reducing the rates of unemployment amongst younger people.

Whilst that focus is important, it is easy to overlook the significance of employment issues for older people, many of whom have lost jobs as a result of downsizing, restructuring and business reorganisations and are finding it difficult to obtain employment because of lack of experience in modern technologies and the like. It is an extremely difficult issue because older people do face significant disadvantages in the labour market. I think one of the most significant disadvantages they face is the fact that they are stereotyped and many employers—

The Hon. Diana Laidlaw: That is why I introduced age discrimination private member's bills.

The Hon. R.D. LAWSON: Not age discrimination; you sought to prohibit discrimination. The removing of stereotypes or overcoming those stereotypes is very important, and that attitudinal change can only be developed over time. A number of programs to achieve that are being introduced across the country. Yesterday at the COTA conference (to which the honourable member referred in her question) the federal Minister for Aged Care (Bronwyn Bishop) released a federal discussion paper on this very important issue.

In addition to removing stereotypes, my colleague the Minister for Employment (Hon. Mark Brindal) has announced a couple of initiatives. For example, one of them is the mature age employer incentive scheme which offers a $2 000 financial incentive to employers who take on an unemployed person over the age of 40. There is also a mature aged skills training grant of $500 which provides individual grants to mature aged unemployed people. In addition, the minister has announced that he will be conducting a number of forums for older job seekers across South Australia beginning at the end of this month. I believe that this is an initiative for which the minister is to be congratulated.

I think improving understanding of employment issues for older people is important. In my own portfolio we have supported the South Australian network for research on ageing, and that network has produced very useful work, some of which relates to employment issues. I was delighted to see that earlier this year it released a paper titled 'Older workers and age discrimination in the labour market' by Dr Philip Taylor, an international expert on this subject, of the open university Milton Keynes in the United Kingdom. Dr Taylor noted that in the United Kingdom, especially during the recessions of the 1970s and early 1980s, when the economy experienced simultaneous contraction of full-time employment and higher numbers of young people entering the labour market, older people were actively encouraged to take early retirement, and I believe that a similar phenomenon occurred in this country as well. I believe that that is a practice which should be discouraged and exposed, and there should be improved understanding on the part of employers. This is a complex issue and I am delighted that my colleague the Minister for Employment is ensuring that we do have programs to provide support for older job seekers.

COURTS ADMINISTRATION AUTHORITY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions about funding for South Australia's court system.

Leave granted.

The Hon. T.G. CAMERON: In the annual report of the State Courts Administration Council the Chief Justice Mr John Doyle said:

> Present projections indicate the council will have exhausted its financial reserves and moved into deficit by the 2000-2001 financial year.

The Chief Justice said:

> It is difficult to see how council can continue to provide services at the existing level without an increase in recurrent funding.

The Chief Justice fears that members of the public will be the ones to suffer if funding is not increased. Areas of particular concern include inadequate Supreme Court facilities, costly re-engineering of the computer systems used by the courts, the potential for increased delays if funds are not increased and poor facilities at the Port Augusta courthouse. The Chief Justice in a recent interview with the *Advertiser* stated:

> An increase of $2 million a year is required just to maintain services at present levels.

The provision of justice is a fundamental right of all South Australians and should not be compromised by government cuts. My questions to the Attorney-General are:

1. Does he agree with the Chief Justice's statement that services will need to be cut if funding for our state courts system is not increased?

2. Will the government increase funding to the courts system by $2 million as recommended by the Chief Justice and, if not, why not?

The Hon. K.T. GRIFFIN (Attorney-General): I will deal with the second question first. The normal process in relation to budgets is that we begin our budget bilateral processes (that is, the portfolio meets with the Treasurer) towards the end of the calendar year, then there is a series of meetings through until the budget is actually delivered. Under the umbrella of the justice portfolio, which has been in place now since the election in 1997 (basically, for two financial years), we begin gathering at an early stage of a year (the current time—August, September or October) the so-called bids from agencies, and we endeavour to identify what are priorities, what are funding difficulties, what are revenue pluses and where we might be able to make some adjustments. Then we go into the budget bilaterals, identifying the pressure points.

The courts did have some difficulties with the computing re-engineering, which took a much greater level of funds than was originally budgeted for. It was specifically referred to in last year's Auditor-General's Report and I think also more recently, and the courts themselves in their annual report, both last year and this, indicated that that is a particular difficulty. No-one has been trying to hide the fact that the computing issue was a significant burden upon the courts. The advantage in being much more a part of the justice portfolio, even though the Courts Administration Authority remains an independent statutory authority, is that there is now much more interchange of information and much more provision of support.

I noted the references by the Chief Justice to the need for additional funding, although I must say that I do not agree that the courts may need that sum. It will be identified during the course of the budget bilaterals, so there is not a closed mind to the issues that the Chief Justice raises. There is a deliberate attempt to work on a cooperative basis to address that, and I think the honourable member will find that in the Courts Administration Authority the Chief Justice specifically recognises that there is a cordial relationship, particularly between him and me, as well as between the courts and the rest of executive government.

It is too early to identify that $2 million is actually needed: other savings may be made in the portfolio through adopting other programs and processes. That will all be developed as we lead up to the next budget. The assurance that members can have is that the courts are in good shape for the current financial year and that we are not insensitive to pressures for the future. It will be a matter of trying to work through those, and I have no doubt that we will be able to do that.

The courts are always trying to act in an innovative fashion. The new fines enforcement system will come into operation fully in the early part of next year, and that will increase the revenue from those who have refused to meet or failed to meet their obligations through expiation notices and fines and enforcement orders. Innovative practices such as the domestic violence court, the Aboriginal court day and the mental impairment court have been implemented, all of which are directed towards providing better justice delivery.

Only this morning I launched a new pilot project, Bushlink, which is directed towards piloting video links between the District Court and the Magistrates Court in Adelaide, the Remand Centre, the Legal Services Commission and communities in Port Lincoln, Port Augusta, Amata and Ernabella—all directed towards providing better access to justice. We are not insensitive to the issues raised by the Chief Justice.

The Hon. T.G. Cameron: Sounds like we can be cautiously optimistic.

The Hon. K.T. GRIFFIN: Well, I think you can be optimistic without caution that we will work through the issues constructively and it will not be a 'them and us' approach to the issue.

HISTORIC VEHICLES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about the levy on historic vehicles.

Leave granted.

The Hon. J.F. STEFANI: Yesterday I was contacted by a constituent who advised me that he recently renewed the registration of his historic vehicle and was required to pay an amount of $32 for the emergency services levy. Today I rang Transport SA and was informed that the levy of $32 is still being collected on the renewal of registration of historic vehicles because 'the government has not yet ratified the amending legislation'. My questions are:

1. Will the minister advise when Transport SA can expect to be notified of the change in legislation to enable the department to collect the lower levy rates applicable to historic vehicles?

2. Will the minister advise when the owners of the historic vehicles who have paid the higher levy can expect a refund cheque?

The Hon. K.T. GRIFFIN (Attorney-General): I am surprised at that situation. If the honourable member would care to give me details of the registration, I will be only too pleased to try to get an answer to the questions he has raised specifically. I understand that we passed the regulations exempting historic vehicles quite some time ago. The concession was being implemented. I do not have the detail at my fingertips, but I am surprised at the information—

The Hon. T.G. Cameron: It may not be recorded.

The Hon. K.T. GRIFFIN: I do not have the details at my fingertips, but I am surprised at the situation. It may be, as the Hon. Mr Cameron suggests, that the information about its being an historic vehicle and therefore qualifying is not properly registered or incorporated on the register.

The Hon. Diana Laidlaw: You're blaming us!

The Hon. K.T. GRIFFIN: No. It may be that it is a fault on the part of the owner or that it is an older registration renewal notice. There are a whole range of possibilities. If the honourable member gives me the detail, I will undertake to have it followed up.

MARINE SCALEFISH FISHERY MANAGEMENT COMMITTEE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, Natural Resources and Regional Development, a question on the Marine Scalefish Fishery Management Committee.

Leave granted.

The Hon. P. HOLLOWAY: The opposition has received copies of letters from the Commercial Marine Scalefish Executive Committee (COMMSEC) to the Minister for Primary Industries regarding the Marine Scalefish Fishery Management Committee. A letter dated 11 October 1999 states that PIRSA sought the involvement of COMMSEC in the selection panel process for commercial representatives on the Marine Scalefish Fishery Management Committee with the President of COMMSEC being appointed to the panel. Other panel members included Martin Cameron, Chairman of the Marine Scalefish Fishery Management Committee—

The Hon. R.R. Roberts: Is that Martin Cameron, the ex politician?

The Hon. P. HOLLOWAY: It is indeed—I do not think he needs the assistance to get a job that the Minister for Disability Services talked about earlier. Representatives of SAFIC and PIRSA are also on the panel. According to COMMSEC, this panel met in May and June of this year and has not met again since. COMMSEC's representative on the panel has received no information at all regarding the outcome of the selection process, which COMMSEC calls 'a completely inappropriate and unreasonable situation'. The letter states:

> It is clear to us, and I am sure to you, that this inordinate delay is starting to raise doubts in people's minds. They are beginning to lose faith in the process and indeed the system itself. One hears talk of conspiracy theories. . . COMMSEC has been extremely patient and acted cautiously thus far. However, we can no longer do so given the growing cynicism and anger of our members. To restore faith and allay our concerns, we request an urgent response to the issues raised above.

In the month since this letter was forwarded to the minister, COMMSEC had received no response. The second letter from COMMSEC to the minister expresses concern regarding a perceived conflict of interest by Martin Cameron, chairperson of the Marine Scalefish Fishery Management Committee. It states:

> . . . it is crucial that marine scale fishers have confidence in the independence of the chairman. Indeed, a ministerial letter to Mr Ken Lyons, then General Manager of SAFIC, of 4 August 1995, stated:
>
> > Wherever possible, chairpersons should be independent of both government and industry, but knowledgeable of fisheries management issues.
>
> . . . Mr Cameron is President of the Seafood Council and hence not independent of industry. Regrettably, the Seafood Council appears to be in conflict with SAFIC, which you acknowledge as the peak industry body. COMMSEC supports, and is a member of, SAFIC. The chairperson's situation is extremely unsatisfactory to us and I urge you to address this lack of independence of the chairperson.

In view of those letters, my questions to the Attorney, who represents the Minister for Primary Industries, are:

1. Why has the minister failed to respond to the concerns of the Commercial Marine Scalefish Executive Committee?

2. Is the minister concerned about the perceived conflict of interest and lack of independence of the President of the Marine Scalefish Fishery Management Committee, Martin Cameron, and how will he address this concern?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to my colleague in another place and bring back a reply.

FREEDOM OF INFORMATION ACT

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Attorney-General a question about the Freedom of Information Act.

Leave granted.

The Hon. M.J. ELLIOTT: I made an FOI request to the Environment Protection Agency on 13 August and sought both raw data and modelling results in relation to the Mount Barker foundry. I received a letter telling me that two documents had been identified—and, although I was surprised that there were only two, that is not really the thrust of this question. I was informed in the letter from the EPA that, following legal advice, access to these documents was denied, and four reasons were given. I paraphrase: the first reason was that there was a possibility of court action and, therefore, the documents were being withheld. I have no problem with that. The second reason was that clause 6(2) of schedule 1 to the act states:

A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) and the truth of those allegations or suggestions has not been established by a judicial process.

The letter then states:

The report on emission testing could conceivably contain data suggesting impropriety by Mount Barker Products in the operation of their business that has not been established by the judicial process therefore would also be exempt in accordance with this clause.

The effect of that statement is that any FOI request which resulted in a finding that the rules had not been obeyed would suggest improper conduct, and immediately access would be denied. Two other reasons are given, but time will not allow any real exploration of them.

I want to focus on the interpretation of clause 6(2) and whether or not it is the government's intention that the Freedom of Information Act should be interpreted in this way. Does the minister recognise that, generally speaking, one of the important reasons why people make a freedom of information request is that they fear that something has gone wrong where it should not have gone wrong? If the minister does concede that that is the reason why many FOI requests are made, does he also concede that the interpretation given here means that, when something had been done incorrectly, access would be denied, thereby gutting the Freedom of Information Act and the very reason for its existence?

The Hon. R.D. LAWSON (Minister for Information Services): As the minister to whom the Freedom of Information Act is committed I will provide the honourable member with an answer. His question raises a number of issues of alleged fact in relation to a particular instance, as well as supposed issues of government policy. These are quite complex issues and I will examine them and bring back a reply.

EMERGENCY SERVICES LEVY

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General a question about the emergency services levy.

Leave granted.

The Hon. CARMEL ZOLLO: I refer to the ESL Update newsletter. I was recently contacted by a constituent who has come to me seeking clarification of that newsletter, in particular the fourth edition, which talks about a series of television commercials. I quote from the newsletter:

The commercials appear courtesy of the insurance companies who have provided $400 000 for the marketing of the new levy. Further funding for production and other materials is provided by the Department of Justice.

Can the Attorney advise the chamber how much funding is being provided by his department and to whom the funding is to be paid, or has already been paid?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the question and bring back a reply.

MATTERS OF INTEREST

VIRGINIA MARKET GARDENS

The Hon. J.S.L. DAWKINS: On 22 October I was pleased to attend the formal commissioning of the Bolivar Dissolved Air Flotation Filtration Plant and the Virginia Pipeline Scheme by the Premier. About 1 000 market gardens, employing some 3 000 people, are located on the fertile soils of the Virginia region, which provides 30 per cent of Adelaide's vegetable needs, as well as supplying other mainland capitals and Asian markets. The gardens, which currently grow $50 million to $80 million worth of produce annually, are expected to double in size over the next decade following the construction of the $22 million pipeline extending from Bolivar to the township of Virginia in the heart of this growing region, and beyond to the Gawler River.

Expansion of the industry has been prevented in recent years by limited underground water resources, compounded by a steadily falling groundwater table and increasing salinity, which has already forced some local growers out of business. Underground water supplies are now being used up to three times faster than nature can replenish them. The Virginia Pipeline Scheme will provide 20 billion litres of irrigation water a year for the growers, an amount about equal to the current bore water consumption and half the total outflow of the Bolivar Wastewater Treatment Plant.

SA Water has invested more than $30 million to build the new filtration plant at Bolivar to supply the growers with irrigation water which conforms with public health requirements. Before it is used to irrigate the gardens the water will be treated twice and disinfected, allowing unrestricted use approved by the Health Commission.

The 100 kilometre pipeline network, which spans the Virginia region, was built and operated by private enterprise with financial assistance from the state and federal governments and SA Water and will revert to ownership by SA Water after 20 years. The design, construction and operation of the pipeline has been in the hands of Water Reticulation Systems Virginia Pty Ltd, otherwise known as WRSV. When it is fully operational the pipeline scheme will enable the profitable reuse of 50 to 70 per cent of Bolivar's waste water flows and dramatically reduce the discharge of nutrients from Bolivar to the sea.

More than 200 market gardens have already contracted to join this irrigation scheme, which leading growers believe will boost exports and help develop a $250 million a year industry in the area. Further expansion of the scheme is a real possibility, and the whole scheme and water application in particular will be managed to ensure sustainability in the long term.

The government's vision for this state is that by 2010 South Australia will achieve a food industry worth $15 billion a year, providing thousands of new jobs. To do this will require water. This project will go a long way to supporting that vision which is being advanced by the Food for the Future Council, which is convened by my colleague the Hon. Caroline Schaefer.

I would also like to indicate that, since the opening of the dissolved air flotation filtration (DAFF) plant, the Murray-Darling Association has provided an opportunity for many people to look at that facility and the extension of the pipeline to the Virginia area. I was pleased to attend a briefing last

week with my colleague the Hon. Carmel Zollo. I commend the Murray-Darling Association, the City of Playford and the Virginia Horticultural Council for their assistance.

In closing, I would like to add that this project has come to fruition after many years in the pipeline—pardon the pun. In his earliest days in this chamber, my father promoted this project together with many Virginia producers of great vision.

Time expired.

REPUBLIC

The Hon. CAROLYN PICKLES (Leader of the Opposition): My remarks today will address the issue of the referendum proposal that was defeated on Saturday. One thing that I think was singularly lacking during the whole referendum campaign was a modicum of passion. Perhaps now that the proposal has been defeated, those of we republicans who did feel passionate about it might gird our loins once again for the long term and try, once and for all, to get some kind of a decent question put before the people of Australia, not the kind of devious question that was put by the Prime Minister of this country.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Well, If we had had a proper question, the referendum proposal would have got up—you know it and all the monarchists know it. The Queen was not mentioned once, but we all know that on Saturday night the monarchists were joyful. They probably were wearing their little crowns—sycophants of the royal family of Great Britain.

The Hon. A.J. Redford: Do you always lose this badly?

The Hon. CAROLYN PICKLES: On this issue I will lose very badly indeed.

An honourable member: It ain't over yet.

The Hon. CAROLYN PICKLES: It's not over yet. One thing that we need to look at is the role of some members of the Liberal Party. I commend the Hon. Mr Davis, the Hon. Diana Laidlaw, the Hon. Sandra Kanck, and the Australia Democrats, the Hon. Terry Cameron of SA First, the Hon. Trevor Crothers and all my colleagues in this place. I also commend the Hon. Rob Lucas, who strongly supported the Yes vote. They, too, were passionate about this issue, and I know that they, too, will not give up.

It seems to me that the role played by some members of the Liberal Party in this state was less than honest. I refer, in particular, to Senator Nick Minchin whose role I think was very devious. The Minister for Foreign Affairs—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. To call a member of the federal parliament devious and dishonest is unparliamentary. I ask the honourable member to withdraw that remark.

The Hon. T. CROTHERS: I rise on a point of order, Mr President.

The PRESIDENT: Order! I have a point of order.

The Hon. T. CROTHERS: I have a point of order, Sir, and I am entitled to be heard.

The PRESIDENT: Order! The honourable member will resume his seat. I will rule on the first point of order before I hear the other. My inclination is that it is not desirable to use those words about another member of any parliament or any person, but according to the general tone of language in this chamber they are not unparliamentary. The Hon. Mr Crothers.

The Hon. T. CROTHERS: You have answered my point of order, Sir. My point of order was that the Hon. Carolyn Pickles is simply quoting from media reports that describe these individuals as scurrilously dishonest—

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

The Hon. CAROLYN PICKLES: The comments of the Minister for Foreign Affairs, the Hon. Alexander Downer, were less than honest.

The Hon. Carmel Zollo interjecting:

The Hon. CAROLYN PICKLES: Yes. Mr Martin Cameron, a former Leader of the Opposition in this place, played a significant role in the Yes campaign. For the Yes campaign to be successful, perhaps we will have to look at having Kim Beazley as the Prime Minister and Peter Costello as the Leader of the Liberal Party—then we might get somewhere in this country. Unfortunately, the monarchists had their day, as did those who advocated a direct election—their whole campaign was absolutely shameful.

This has brought home to us the fact that, if we have to wait perhaps five years, it is absolutely crucial that school-children across the whole of Australia be provided with a strong civics program. When I visit republican countries such as the United States of America and France, I am struck by the civics programs conducted in schools. Schoolchildren are taught about politics in an apolitical sense. They know about the role of their country and their government. I was shocked to hear one of my colleagues say that on Friday night a couple of young women came up to him and said, 'Could you tell us whether this is a state or a federal election?' What kind of an education campaign have we had if some of our young people do not know the meaning of a referendum or a preamble?

The Hon. A.J. Redford: Now you're criticising the young people.

The Hon. CAROLYN PICKLES: And I criticise the honourable member opposite for his role in this. We all know what he did—and other members of this place used their position to try to push their scurrilous cause. Yes, I am a very bad loser, but I will not give up and neither will other members of this place on all sides of politics.

Time expired.

RISDON PARK SCHOOL SITE

The Hon. R.R. ROBERTS: I rise today to talk about some incidents that have occurred recently in respect of the former Risdon Park High School at Port Pirie. In 1993, the school was closed and an amalgamation of high schools took place. On current estimates, it will probably cost at least $5 million to replace the buildings and infrastructure if we take into account the cost of the buildings and the current value of the land on which they are built. Great speculation has taken place over the past five years. The buildings have become somewhat dilapidated. However, they are structurally sound, there are a few broken windows and the grounds need some maintenance.

I am informed that, yesterday, a decision was taken following a lot of debate during which a number of civic-minded people (including the Hon. Rob Kerin, the local member, and I) were asked to give their opinion about what could be done. A public debate has raged, in particular, over the past three or four months, about what will happen to these buildings. I am told that they have been sold to a private contractor and are to be demolished and that 50 building blocks are to be established in their place. I am also advised that the details of that deal and the development plan are at this stage commercially in confidence.

This raises an issue which is relevant to all members of parliament. When governments decide to sell off the assets of the taxpayers of South Australia, it is beyond me why the information surrounding the sale of those assets can be deemed by the government or the people elected to represent the people of South Australia to be commercially in-confidence and not be made available to the people who own the infrastructure at the time.

Another issue is that there has been great speculation by people living in the near vicinity of this property as to what will occur in the future. Whilst there has been consultation between the state government and local government, I believe that, before the sale process is completed or signed off completely, those ratepayers living in that area should have an opportunity to look at that development and, if they have any objections, they ought to be able to raise them. My suggestion is that the development plan and development outline as to who will provide the services, roads and electricity services ought to be put on the table so that those residents living in the vicinity can be assured that the amenity of their area and their way of life will not be changed dramatically. It is highly unlikely that there will be a problem, and I am sure that the people living in the area are quite happy that at least they now know what the future of that facility will be. They can take some comfort from the fact that a residential development will take place.

The price of the property is another issue. I call on the Treasurer as the person who handles the government's money to release the cost of the infrastructure so the residents can compare it with what we sold the infrastructure for and what the likely returns to government would be if it had developed the site in another way or even in the same manner in which the contractor is undertaking. It seems likely that the contractor would not be taking on this project if he was likely to make a loss. If there is a case that money could be made, my belief is that that land could have been used for Housing Trust infrastructure or the development of some sort of retirement precinct, where the people of South Australia could be provided with prime land at reasonable cost.

Time expired.

MULTICULTURAL COMMUNITIES

The Hon. J.F. STEFANI: Today I wish to speak about two important community functions which I attended on Saturday 30 October and Sunday 31 October 1999. As members would be aware, the South Australian polish community celebrated the Dozynki Festival, which was officially opened by the Hon. John Olsen, Premier of South Australia, on 31 October 1999. This year the festival celebrations commenced with a folkloric competition held at Rymill Park, which was attended by a large number of people supporting 12 groups who performed to an audience of more than 500 people and who were competing for the first prize of $1 000. The winning dance ensemble, known as Vision d'Or, represented the Balkans. Other groups representing Aboriginal people, Cambodians, Italians, Greeks, Germans, Spanish, and Sri Lankans presented a spectacular performance which reflected the diversity of our multicultural South Australian society.

South Australia is a state which has very early links with Poland, and they date back to the early settlement times and to the Polish hill river. Our early history is also witness to the influence of the famous polish explorers who traversed the isolated outback of Australia. Poland is a nation which has always captured the imagination of the world through the spirit of its people. Over the years South Australia has become the home for many migrant groups, including numerous polish settlers, who have made and continue to make valuable contributions to the benefit of South Australians. I congratulate the Chairman, Mr Jerzy Syrek, and George Dudzinski, the secretary of the Dozynki polish festival, together with a team of volunteers who worked tirelessly to make the 1999 Dozynki festival a great success.

I will now say a few words about the golden anniversary celebration of Homin, which is a choir founded by the Ukranian community 50 years ago. The first immigrants from the Ukraine began arriving in South Australia in late 1948, with the vast majority arriving between 1949 and 1950. Australia was not well known to the Ukranian immigrants. There were no established Ukranian community organisations; nevertheless, Australia was a country that offered a new way of life removed from the devastation of postwar Europe.

Among those who arrived in 1949 were Josafat Klisch and his wife, Maria. Josafat had studied music in Lviv, in the Ukraine. While completing his commercial studies at the Vienna Academy of World Trade, he also gained experience as a conductor with a professional choir. Upon his arrival in Adelaide, Josafat became the conductor of the newly formed Homin choir. This choir was to be the first of all Ukranian choirs established in Australia. His dedication and determination as well as his professional approach made Homin a very successful choir in preserving Ukranian folklore and tradition in choral music for future generations of Australians of Ukranian origin.

The Ukranian community has maintained and promoted many traditions and cultural activities, including singing, dancing and drama, which have been of great importance to the Ukranian people. The Ukranian community in South Australia has a strong commitment to their culture, language and family traditions. I congratulate the Ukranian community for supporting Homin for the past 50 years and helping to preserve the colourful folklore and musical traditions, which they have generously shared with the wider South Australian community.

AUDITOR-GENERAL'S DEPARTMENT

The Hon. A.J. REDFORD: In the past few weeks the Auditor-General has tabled a number of reports—10 in all—to this parliament reflecting on the performance of the executive arm of government, and some of us are still wading through them. In a statutory sense the Auditor-General performs a valuable role in the delivery of government services to the people of South Australia. I note from the Treasurer's 1999 budget outcome report that, whilst parliament costs the South Australian taxpayer some $12.9 million, the Auditor-General costs it at $8.7 million, or more than two-thirds of the entire parliamentary budget. Indeed, the Auditor-General spent $250 000 on consultancies. It would appear that the Auditor-General's office employs 111 people, a number of whom appear to earn in excess of $100 000. I note that one of them earns in excess of $220 000.

I also note—and it may surprise some people in this place—that, given the number of comments made about difficult and technical legal issues, only two of the 111 employees have any formal legal qualification, that being a law degree. Obviously, with that paucity of in-house legal expertise, the Auditor-General seeks advice from other lawyers. Indeed, 3 per cent of his budget is spent on outside

consultants, of which $47 000 was spent on a legal firm, Piper Alderman, which provided advice solely on the Courts Administration Authority computer.

The external training program is diverse. When one considers the report on intellectual property management, a report which took up some 40 pages, it is pleasing to note that someone in the Auditor-General's Department attended a course taking up 30 hours over one day—some 1½ pages of report per hour—on the topic of intellectual property. I also note that the Auditor-General's office attended two hours of training on the topic of keeping off the front page, a singularly unsuccessful training exercise, if one looks at this morning's paper. Indeed, 46 employees or fewer have spent two years or fewer in the Auditor-General's Department, and 42 have spent fewer than two years in the public sector. I assume that the Auditor-General's department does not count as work experience in the public sector and that it falls under some other category.

I must say, armed with the above information, the fact that he has access to only two lawyers gives me some cause for concern. Given that the Auditor-General has been quite gratuitous and indeed second guessing of matters legal, one would hope that he is not over stretching his expertise. One only needs to consider the report on intellectual property. Indeed it goes further: it provides us with a detailed report on an issue of civil proceedings and defamation law involving ministers of the Crown, and one would hope that the two lawyers from whom he has sought advice have some expertise in the conduct and the running of civil litigation or, indeed, if they have not, that he sought advice in that regard.

I also note that a significant proportion of his report is set out on the topic of health administration. In his report at page A4-29 he says:

> An important component of the public sector audit mandate requires the review of systems and controls adopted by public sector agencies to meet specific statutory obligations or operating outcomes of a commercial or community service nature.

One might wonder why he has spent a significant part of his report on the issue of food legislation and what that has to do with state finances other than an exposure of risk. One would hope that he sought advice from a legal perspective in that regard.

He also (with these two lawyers) has sought to be critical and disagree with legal advice given by the Crown Solicitor to the government in relation to the purview of the Public Works Committee. I would hope that he would acknowledge that, faced with legal advice from the Crown Solicitor, it is appropriate for a government to follow that legal advice rather than anticipate what the Auditor-General might provide gratuitously on a subsequent occasion. I know he has an important role—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. A.J. REDFORD: However, it is very important that he be consistent and operate within his brief, in particular that he operate within the skills base that he has currently available to him.

Time expired.

REPUBLIC

The Hon. T. CROTHERS: In the time allotted to me I refer to the events of last Saturday—the republic versus the monarchy debate. I do so from the position of being a reformed monarchist. Some years ago I believed that having a titular royal as the head of your state meant that you had the best of all worlds: it meant that you had a head of state who would be beyond corruption. However, events of the latter decade or so have shown me how wrong I was and how much I erred when I saw the two profligate princesses going overseas to the ski slopes of Austria and Switzerland, spending millions of pounds of British taxpayers' money while tens of thousands of their young male and female countrymen and women were sleeping in cardboard boxes on the Thames embankment in the second worst winter on record in Britain since the end of the Second World War.

The world will not end, in spite of the monarchists and what they say, if we change to a republic. The number of nations in the commonwealth that are republics far exceeds those that are monarchies. The referendum cost the Australian taxpayers $150 million and I think they were done a disservice by those republicans who wanted a directly elected president—which I do not support—and they were also done a disservice not by the 54 per cent (as the previous member of the government backbench suggested) but the 9 per cent who, a straw poll showed, were pro monarchy. The rest were anti the role model that was being presented to them for the election of president.

A role model is good if we are to learn the lessons of the United States, where there are two separate executives and the congress and the senate are elected separately from the president: their wills clash to such an extent that the only time a decision is made is when a matter goes to the American Supreme Court. For that reason, I support what came out of the constitutional convention, and I am only sorry to say that the people who were supporting the republican debate for that model did not put the case forward as well as they could have. Of course, Britain has been a republic before—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: And, who knows, the Hon. Mr Redford's relatives might have been one of the Roundheads who made it so under Oliver Cromwell, 1649 to 1660, in that 11 year interregnum when the monarchy got carried away and Charles I got carried away by believing in an absolute and total royal prerogative, then for six months after Cromwell's death under son Richard, when he was deposed by General Monk who brought the parliamentary army down from Scotland and restored Charles II to the throne, for his endeavour being made the Duke of Albermarle. But the world will not end in respect of disposing of the monarchy.

Let us look at what has happened in Europe and other places over the past 125 years where nations have done away with the monarchy: Bulgaria, Russia, Austria, Hungary, Portugal, Germany, France, Roumania, Yugoslavia, Greece, Albania and Mexico, with the French pretender Maximillian (and that does not mean, for the Hon. Mr Redford's benefit, that he pretended: it comes from the French word pretendre meaning to claim—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Nolle prosequi. Maximillian did not last long when he was imposed on the Mexicans by the French. Of course, Umberto of Italy had to resign after the Second World War. I point out that all the South Americas that were governed either by being settled by the Portuguese, in the case of Brazil, or by Spain, in the case of the rest of the Americas, have done away progressively with their monarchies. I feel a bit of pride in saying that Simon Bolivar led the republican fight in Bolivia and—wait for this one—Bernardo O'Higgins led the fight in Chile to get rid of the monarchy

there. Have these nations ceased to exist? Of course they have not.

These attitudes were taken because the government had all the strings in framing questions by John Howard. It has been said this will not go away and let me say that, no matter how much he tries to put a quietude on his ministers, it will not go away for John Howard. They may not have got rid of the queen but it is the beginning of the end for the Prime Minister: the attitude that he has taken will come home to haunt him. There is much more that needs to be said about the matter but I reserve my right to come back at another time on a more regal occasion.

Time expired.

WATER, FILTERED

The Hon. SANDRA KANCK: Twice this year I have attended public meetings held by residents of Houghton, Paracombe and Inglewood about the quality of their water. They receive unfiltered water through the Mannum pipeline. At those meetings they expressed a great deal of anger about the turbidity of the water and the smell of it—they described it as often being like water in a swimming pool—and the general impact that this has on different appliances in their homes, including deterioration of hot water systems and suggestions that gold fish have died because of the amount of chemicals in the water and also that their own health has been affected. There is good reason for their anger: they live only 1½ kilometres from the Anstey Hill filtration plant.

At the second meeting I attended a woman brought out a dry towel. She had filled her bath on the weekend, put the towel in the bottom, allowed the dirt in the water to settle and then emptied the water. The colour of this towel was just appalling. It was water straight out of the tap. At times, the problem has been much worse than this. Earlier in the year they were very much up in arms because flooding in Queensland had resulted in extra silt entering the Darling, which, in turn, had increased the turbidity which normally (according to SA Water) is at 70 units but at that stage went almost off the scale at 300 units.

Those meetings were told that filtration in that area would cost $4 500 per household compared with the most recent filtered water system that had come on stream, that on the Yorke Peninsula, where it was $2 500 per household. These people pay the same water rates as metropolitan dwellers pay—and it did cross my mind that this bore some similarity to the way in which people in the Hills also have to pay metropolitan rates for their car registration but country rates for their bus fares.

I do not think it unreasonable to expect that the government ought to be able to say to these people that within five years they will have filtered water. But the government does not appear to be interested in doing that. I have been trying to look at what could be an interim solution, and one of the things that looks the most promising is the use of water tanks. I have two in my own backyard and, as a consequence, I am able to drink beautifully sweet, clean water that is not chemically contaminated, and I wonder what research the government has done into this as an interim measure.

It is very viable to use rainwater in that area, because of the high rainfall and, when we consider that 50 per cent of filtered water used by metropolitan users goes on the garden, there seem to be many good reasons for the installation of rainwater tanks. Certainly, it would be a lot cheaper than $4 500 per household. Even if SA Water took on the financial cost of cleaning and maintaining the rainwater tanks, it would still be way ahead.

The people of Houghton, Paracombe and Inglewood are entitled to the same sort of treatment as the rest of the people of South Australia, and I understand their anger at being forced to wait while their clothes, electrical appliances and so on are worn away much more quickly than those of people in the metropolitan area.

The Hon. T.G. Cameron: They're sick of being taken for granted.

The Hon. SANDRA KANCK: They are sick of being taken for granted. Given that the local member is John Olsen, I think he should be looking very carefully at this.

Members interjecting:

The Hon. SANDRA KANCK: I suspect he probably will, after the Victorian election result. Rainwater tanks could be installed at minimal cost, and I really query why the government is not pursuing this as a short-term option to solve some of the problems for the people in Houghton, Paracombe and Inglewood.

HINDMARSH SOCCER STADIUM

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

That the Legislative Council requests that the Treasurer, under section 32 of the Public Finance and Audit Act 1987, requests that the Auditor-General examines and reports on dealings related to the Hindmarsh Soccer Stadium Redevelopment Project and, in particular—

I. Whether there was due diligence by government representatives prior to the signing of agreements for construction of stages 1 and 2 of the project.

II. Whether due diligence was applied subsequent to the commitment to stages 1 and 2, including whether the Crown Solicitor's advice as described on page 12 of the thirty-third report of the Public works Committee, August 1996, was adhered to.

III. (a) Whether undue pressure was placed on individuals leading to legal commitment by them on behalf of sporting clubs or associations.

(b) The present status of all relevant deeds of guarantee or other legal documents, the financial status of the signatories and whether the legal agreements have created financial difficulty for any non-government persons or organisations.

IV. Whether there were any conflicts of interest or other imprudent or improper behaviour by any person or persons, government or non-government, involved with the project, and whether the appropriate processes were followed in relation to—

(a) the planning stages of the project;
(b) the awarding and monitoring of consultancies;
(c) the tendering process;
(d) the letting of contracts;
(e) the construction of the stadium; and
(f) the ongoing management of the stadium.

V. The Auditor-General be requested to include in his report recommendations for government and the parliament where appropriate.

In moving this motion it is not my intention to go exhaustively through the entire history of the Hindmarsh Soccer Stadium saga, nor indeed to do a great deal of finger pointing. But I will cover the broad outlines of what has happened in the past, point to areas of concern and argue that it would be appropriate if we referred questions surrounding the Hindmarsh Soccer Stadium redevelopment project to the

Auditor-General under section 32 of the Public Finance and Audit Act.

The issue of the soccer stadium first went before the Public Works Committee back in 1996, at which time it was projected to cost $8.125 million. One of the major justifications given for the upgrade at that stage was to make it capable of hosting preliminary soccer matches for the Sydney Olympics. That upgrade was to contain 15 000 permanent and 5 000 temporary seats. As I recall, 3 000 of those 15 000 permanent seats were to be under cover. At that time a memorandum of understanding was signed between the Minister for Recreation, Sport and Racing and the South Australian Soccer Federation, under which memorandum money was to be supplied 50 per cent by the South Australian Soccer Federation and 50 per cent by the South Australian government, and the government also was to offer security for the total loan.

One of the obligations under the MOU was that the Soccer Federation would ensure that there was a $3 levy on every ticket sold to spectators at the Hindmarsh Soccer Stadium. I encourage members to look at the entirety of the thirty-third report of the Public Works Committee, August 1996, on the Hindmarsh Soccer Stadium upgrade; I will refer to just a few components of it. On page 8, under 'Project outline', the report states:

> Based on the evidence taken from witnesses, the committee had some concerns regarding the use of Construction Management for this project. These concerns, together with evidence received from the Crown Solicitor in relation to the process, are detailed in section 3 of this report.

So, the committee at that stage made it plain that it had some concerns. Page 9 of the report notes:

> To ensure Adelaide retains the opportunity to host preliminary rounds of the competition, it is essential that a stadium meeting the FIFA minimum requirements is available. Although some ad hoc upgrading of the stadium has taken place over recent years, it does not meet all necessary FIFA requirements. The proposed upgrade will ensure those requirements are met.

Page 10 notes:

> Although it is intended that a traffic study will be undertaken some time in the future, the committee is concerned that there is no allowance for additional car parking in either the plans or budget presented as part of this proposal. The committee highlights the fact that extreme difficulties will be experienced if additional space is not secured for car parking prior to the completion of the project.

To this day, issues around transport and parking do not appear to have been adequately addressed. This is in relation to the $8.125 million upgrade—which was not then known as stage 1. There was not going to be a stage 1 and stage 2; it was simply the upgrade. On page 11 of the report, looking at procurement methods, paragraph 3.2 states:

> A major factor in the selection of Construction Management as the procurement process for this project is that it will maximise the South Australian Soccer Federation's opportunity to secure additional sponsors. The potential risk of conflict of interest existed as, while a particular tenderer may not be able to provide certain works at the cheapest price, they may be able to offer the Soccer Federation excellent sponsorship opportunities.

In fact, there are some suggestions that the opportunity for further sponsorship is not the only thing that might have eventually had some impact, but that is a matter I do not intend to go into in any depth. Certainly, serious allegations are being made. The Minister for Recreation, Sport and Racing on 26 June during Estimates Committees stated:

> . . . the inference that any member of that [executive] committee, whether a member of this parliament or any other members, might have a role in that decision is incorrect.

The report states:

> Given this statement was in direct conflict with the evidence given to the committee on 12 June 1996, witnesses were recalled on 10 July to seek clarification.

At the subsequent hearing the committee was advised of the following:

> The project. . . should follow the usual government approval and delivery process. Accordingly, cabinet will approve the funds, the Minister for State Government Services will be the principal in the numerous contracts and Services SA will perform the contractual role of superintendent. Probity will be managed by the utilisation of the government audited process, for example, the calling of tenders, the opening of tenders and tender acceptance.
>
> All trade tender calls for this project will be on a selected basis following a registration of public interest. . . the registrations will be assessed in the first instance by the construction manager, who will then recommend a short list selection to the Services SA project manager [who] will then seek endorsement by the project executive committee. Any unresolved dispute in regard to the tender selection will be resolved finally by Services SA as the government's risk manager in construction matters. Services SA will also ensure that all trade tenders invited can adequately perform the services tendered.
>
> The process of accepting a trade package will be that Services SA will call the tenders. . . [and] close and schedule the tenders. The tenders will be appraised by the construction manager and Woods Bagot, who recommended to the Services SA project manager, who will table the appraisal and recommendation to the executive committee for endorsement and then recommend acceptance to the government delegate. The delegate for trade packages less than $500 000 will be the Services SA Director of Building Management and the delegate for trade packages greater than $500 000 will be the Minister for State Government Services.

The Public Works Committee sought assurance from the Crown Solicitor that the procedure being adopted for construction management is well founded, lawful in all respects and legally defensible. I quote from the report on page 12:

> Advice received indicated;
> that the process. . . would be legally defensible as an appropriate arrangement expeditiously and efficiently to undertake the redevelopment of Hindmarsh Stadium in the light of all relevant circumstances, provided that each of the following conditions are satisfied:
>
> 1. Cabinet approves the Minister for State Government Services to be principal contracting party and to be contractually responsible to undertake the development.
> 2. The various commercial, prudential and risk management issues attendant upon the Minister for State Government Services directly contracting to undertake the redevelopment are adequately addressed, especially in respect of the contractual relationship between the Crown on one hand and Soccer Federation on the other.
> 3. The processes set out by Services SA are implemented and observed. This would include the following:
>
> 3.1 All usual Government tender processes are implemented and observed;
>
> 3.2. The minister is exclusively responsible to accept the lowest conforming tenders;
>
> 3.3 The Hindmarsh Redevelopment Executive Group and the Hindmarsh Redevelopment Committee are, in relation to the actual undertaking of the development, merely performing a liaison or consultative function and do not have any right or power to determine or influence the acceptance of tenders or the performance of the Minister's contractual, prudential or construction responsibilities and obligations.
>
> 4. Any 'sponsorship' arrangements proposed by individual tenderers for 'trade packages' are considered separately from the acceptance of the actual tender and are negotiated independently by the Soccer Federation directly with any such tenderer.

That is the end of the Crown Solicitor's advice within the report, but the report continues:

> The Public Works Committee was advised by Services SA and the Minister for State Services that Services SA will table tender

appraisals and recommendations to the executive committee and as such draws attention to 3.2, 3.3 and 4 above. The committee stresses that approval for the proposed works is subject to all the above conditions being met.

It is worth making the point, as the committee did, that the land upon which the development is taking place is not owned by the Soccer Federation or by any soccer clubs but indeed is the property of the City of Hindmarsh-Woodville. Finally, in the conclusion section at page 14 of the report, it is stated:

Furthermore the committee is concerned by the conflicting evidence received regarding the construction management process and emphasises that the proposed works are endorsed subject to the strict adherence by all parties to the Crown Solicitor's conditions as detailed in section 3. As such the Public Works Committee stresses the importance of a distinct separation between the tendering process and possible sponsorship opportunities for the South Australian Soccer Federation. In addition, due to the nature of construction management, the committee recommends close monitoring of the project to ensure it is completed within budget and at cheapest possible price.

At that stage I guess the Public Works Committee felt that it had done its job. The South Australian public believed that it would get an upgrade to the soccer stadium costing $8.125 million, of which the government would pay half and act as guarantor for the other half, and that a $3 levy on each entrance would be sufficient to cover that commitment. It became apparent a little later that things were just not that simple. There is also the assumption that the advice given by the Crown Solicitor and endorsed by the Public Works Committee would have been adhered to.

When the 1997-98 budget papers emerged, people became aware that there were extra allocations in relation to the stadium. This aspect had not found its way to the Public Works Committee. Someone managed to work out how to read the budget papers, which each year are becoming less readable and less informative. They contain an increasing amount of numbers but it was much easier almost 14 years ago when I came into the parliament to read a budget paper and work out where the money was spent than it is today.

The Hon. T.G. Cameron: Are you complimenting the Liberal Party?

The Hon. M.J. ELLIOTT: Complimenting? No, I am not. I actually support accrual accounting but they have not produced a budget paper that is in any way useful and readable. The Public Works Committee had another look at the question of the Hindmarsh Soccer Stadium and suddenly there is another 9 700 permanent seats and another $18.5 million to be expended on what has now become stage 2 of the Hindmarsh Soccer Stadium. The given reason was that it was necessary to secure Olympic matches. We had been told that that was what the $8.125 million was for: suddenly we are told that, without spending another $18.2 million, we would not be able to secure Olympic matches.

That is not adding other things such as the consultancies for Mr Ciccarello, which ran, I think, to $378 000, if my memory serves me correctly, nor the fact that it appears that the state will also have to foot the transport bill and accommodation costs for players who come to South Australia. Further, there is a grave risk that we could lose considerable sums of money on each game in itself, aside from the fact that the stadium has been upgraded and doubly upgraded, the major reason being given that we could have soccer preliminary matches played here in Adelaide. That is an aside. That is another couple of million done cold. I am focusing on the public works aspect of this matter and the fact that now we have a bill that is running closer to $30 million than the $8.125 million—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Well, there is more to come—that is right. The story is not finished yet. I suppose it becomes obvious that something is going astray when even government members start asking questions in this place—and when they ask not one or two questions but quite a few. That is one of the strengths of upper houses: you are more likely to find backbenchers who will kick the party system in an upper house than in the other place.

A series of other concerns have been raised, some through questions in this place and some elsewhere. For instance, while the MOU states that the Soccer Federation was to take up the responsibility through this $3 levy, it has been suggested to me that other agreements were reached directly with the two clubs that were then using the stadium. It has been suggested that a great deal of pressure was brought to bear on them to get them to sign off on agreements in terms of their responsibilities. It has even been suggested that part of the reason why the club that fell over did so was the financial problems that were being created for it by the commitments which—

The Hon. T.G. Cameron: It would have fallen over anyway.

The Hon. M.J. ELLIOTT: It might have, but it certainly was not assisted by this sort of agreement. Clearly, the big question that is coming up at this point—other than the contract process and contract management process which everybody had an understanding was to be complied with, but now there is a general belief that those arrangements were not complied with—is whether the Soccer Federation had the ability to meet the commitments that were created by the 1996 agreement in relation to the first upgrade.

Although it appears that the government may be footing the entire bill for the second upgrade, it still creates other costs for the Soccer Federation. Clearly, if you have bigger and additional buildings to maintain, you have a much higher maintenance cost, and it is difficult to put numbers on that. But, as I understand it, those sorts of things simply were not taken into account. A report commissioned by the government and prepared by Arthur Anderson suggested that conditions which the South Australian Soccer Federation was meant to comply with—in particular 8.1, 8.6 and 8.11—were not being complied with. That does not mean that it was doing it wantonly, but it was having difficulties in being able to raise the necessary funding.

An important question that needs to be answered is, 'Was there due diligence in terms of investigating the cash flows in relation to the first stadium upgrade to find out whether or not it was capable of supporting the financial commitments that were being created for the Soccer Federation?' Clearly, things have become far more difficult now that we have gone from having two national soccer league clubs in Adelaide to one—and the government might not have foreseen that—but I am told that the remaining club was seeking to shift its games and had looked at going to Norwood Oval, and that the reason for that was the financial constraints that were being created because of the additional costs of the stadium which were affecting its cash flow. However, I understand that legal pressure was brought to bear and that, in the end, that shift did not eventuate.

When the Auditor-General appeared before the parliamentary Public Works Committee it was quite apparent that,

while he had spent some time looking at the issue of the Hindmarsh Soccer Stadium, he had not looked at all aspects of it. He certainly raised concerns in his reports about aspects of the soccer stadium, but it was clear that when the committee asked him questions there were matters of which he was not aware—matters which may have made the situation worse and caused him more concern than that which he expressed in his reports.

I said at the beginning that I did not want to go exhaustively through every allegation made about every individual, who did what to whom and so on. However, what I want to do is make it plain that there are issues of significant concern about whether or not there was due diligence in relation to the government's decision initially to enter into the contract for the upgrade; whether or not there was due diligence in relation to the further upgrade to ensure that costs that were being incurred would be met; and whether or not there was due diligence in relation to the maintenance of the contract and that the contract was administered along the lines as suggested by the Crown Solicitor and supported by the Public Works Committee.

Those matters are of real concern. If sporting clubs or associations were in any way subjected to undue pressure, whether or not they made commitments that ultimately they were unable to meet—which of course rebounds back on to the public purse—is a matter of importance. If one has concerns about these things, the next question is, 'What is the best way of getting to the bottom of them?' I was approached by several people on this matter, and the suggestion that was made to me was that we should look at some sort of judicial process. I know that the Hon. Mr Cameron has some concern about the cost of an Auditor-General's inquiry, but I can assure him that any judicial inquiry where large numbers of lawyers are involved will—

The Hon. T.G. Cameron: My worry is sending it to the Auditor-General: I don't want him wasting any more taxpayers' money on reports. I will have my say about that in a moment.

The Hon. M.J. ELLIOTT: If you are going to have your say in a moment, you should let me have mine now. There is no question that a judicial inquiry would be horrendously expensive. We have had recent experience with a number of them, and I do not think the taxpayers would thank us for that. If you have already done some 20-odd—

The Hon. T.G. Cameron: A royal commission would be cheaper than sending it to the Auditor-General.

The Hon. M.J. ELLIOTT: I think that we could question that. Having already done $20 million to $25 million cold, I was a bit reluctant to do another $1 million or so cold by going through a judicial process, because if you set up a judicial process everybody would be represented by lawyers. Frankly, there have been a few quasi judicial inquiries in this state recently that I have extreme reservations about, but having expressed those reservations I will not go into them further at this point.

Another proposition that was put was that perhaps there could be a select or joint house committee investigation. I gave that consideration, but that is not my preferred route because while the committee process works extremely well in this parliament most of the time it becomes more difficult when an issue is referred that is of a highly political nature. That is not a reason for it not to go to a committee, but it is a reason why you might look at the other options.

If, for instance, an allegation has been made about the government not doing things too well, what you end up finding is that the government members are hardly ever available and you cannot get a meeting—that is the first thing that happens. By way of convention—although I think it is a ridiculous convention—these committees are chaired by government members, and they manipulate the process even further in terms of stalling, obfuscation and everything else; and on the other side I presume we would have Foley and Co. playing their games as well, and at the end of the day I do not think that would take us a long way.

Of course, the other problem is that, while the committee has the power to call for persons and papers, etc., if there are public servants who had reservations about what had happened, they are not going to appear before a parliamentary committee and say so. I saw that problem happening with the committee looking at some of the privatisation matters, and I have seen it on other committees, where I have known public servants who privately have said one thing and when they get before a committee say something else again, because they are covering their own backsides. There would be a lot of people involved in the Soccer Federation, and clubs also, which, for a variety of reasons, would be reluctant to speak. Certainly they would answer questions but I am not sure that we would get full answers.

If we have to end up going down that track then I am prepared to consider it. However, the reason I have opted for the Auditor-General is that, despite interjections earlier, there is no doubt in my mind that the Auditor-General's process would, first, be cheaper than a judicial or quasi judicial process. Secondly, because the Auditor-General has already looked at the issue, although clearly there are aspects of it that have not been brought to his attention, I believe that the Auditor-General has a significant head start. On this matter the Auditor-General will not be starting from square one, because this is a matter that he has already reported on to this parliament on a couple of occasions. So he has more than a working understanding of the general issue, if not some of the more specific issues. I noted earlier that when he appeared before the Public Works Committee matters were raised there that had not previously been brought to his attention.

My motion calls for section 32 of the Public Finance and Audit Act to be invoked. Section 32 provides:

> (1) The Auditor-General must, if requested by the Treasurer—
> (a) examine the accounts of a publicly funded body and the efficiency and economy of its activities; or
> (b) examine accounts relating to a public funded project and the efficiency and cost-effectiveness of the project.
> (1a) An examination may be made under the section even though the body or project to which the examination relates has ceased to exist.
> (2) After making an examination under subsection (1), the Auditor-General must prepare a report setting out the results of the examination.
> (3) The Auditor-General must deliver copies of the report to the Treasurer and to the President of the Legislative Council and the Speaker of the House of Assembly.

Members can see that this type of inquiry has clearly been entertained under the Public Finance and Audit Act 1987. It is not me suggesting that here is a new role for the Auditor-General. In fact, that role was contemplated in the drafting of the act. It is a request that must be made by the Treasurer, and it is for that reason that the framing of this motion is:

> That the Legislative Council requests that the Treasurer, under section 32 of the Public Finance and Audit Act, requests that the Auditor-General examines and reports on dealings related to the Hindmarsh Soccer Stadium Redevelopment Project. . .

Having indicated that this is my preferred course of action and having pointed out the weaknesses, I think, of a judicial

process, and of a committee process, if I have an indication that the numbers are not here for this, then next week I am prepared to support a motion for a parliamentary committee. I would ask government members, and other members of this place, to consider that very seriously. I do not think that is the preferred course of action on this matter but it might be the only action that is left available, and that would be a great pity.

I said that I was not going to go through the whole issue chapter and verse. I have not repeated a large number of allegations that have been made to me. I think in the first instance those allegations can be made to the Auditor-General. They will not be made in open session, but the Auditor-General will be in a position to examine those matters and then eventually report back if real concerns remain after due consideration. I urge all members to support the motion.

The Hon. P. HOLLOWAY: I indicate that the opposition will support this motion. Indeed, my colleague in the House of Assembly, Michael Wright, the shadow Minister for Sport, has a motion couched in similar terms and he will be moving that in private members' business in the House of Assembly, presumably tomorrow, and I am sure that he will place on record the opposition's position on this matter in greater detail than I am able to do. Nevertheless, I think we should go through the chronology of events and set them out to indicate just what a scandalous episode in the history of this state this business of the Hindmarsh Soccer Stadium has been.

This particular episode has been characterised by some cavalier indifference on behalf of the Olsen government, sloppiness, poor process, lack of accountability to an appalling degree, contempt of parliamentary processes, excessive secrecy and, above all, gross incompetence on behalf of the Olsen government. Let us just go through the background of this matter.

Let me say that the concerns about the Hindmarsh Soccer Stadium redevelopment have come from a wide variety of sources, including members of the Olsen government itself, the opposition and from the Democrats. We have just heard the Hon. Mike Elliott move this motion. Also, concerns have come from Independent MPs, from parliamentary committees, a number of which have been involved, and indeed from people involved with soccer at the community level. All of these people have raised their concerns about this particular matter.

The Liberal MP Peter Lewis and the Liberal MLC Julian Stefani we know have persistently asked questions about the Hindmarsh Soccer Stadium in their respective houses and, indeed, the chair of the Public Works Committee, and also one of the Independents who supports the Olsen government, have refused to endorse Stage 2 of the development. To not take notice of all these concerns would be a dereliction of duty by the opposition and the government, and everyone else in this parliament. We have to address this matter, Mr President.

Let me make it clear from the outset that in raising this matter we are not attacking soccer. Nothing could be further from the truth. Taxpayers have a right to know and expect that their taxes are being used wisely and prudently. That should apply for whatever purpose taxes are being used, whether for schools or hospitals or for a soccer stadium. If we go back through the history of the development at the Hindmarsh stadium, probably a useful place to start is 1992 when the then state government provided about $1.8 million to upgrade the Hindmarsh stadium to enable it to host four teams in the 1993 World Youth Soccer Championships. These works included an upgrade of flood lighting, an upgrade of players' and referees' facilities and VIP area, and the installation of 3 000 permanent seats, and there was also an upgrade of catering facilities.

In February 1995, then Premier Dean Brown announced that Adelaide would host Olympic soccer for the Sydney 2000 Olympics. In August 1996, the parliamentary Public Works Committee approved a $8.1 million upgrade of the Hindmarsh stadium after it was told by government representatives that completion of these works would ensure that Adelaide would have the necessary facilities to host a round of soccer matches for the Sydney 2000 Olympic Games. However, in its report the Public Works Committee did express concerns about the construction management processes, and it requested a separation between the tendering process and possible sponsor opportunities for the South Australian Soccer Federation.

The committee requested close monitoring to ensure that it was completed within budget—it wasn't—and at the cheapest possible price. It ended up costing $9.26 million, or more than 15 per cent, over the original budget. The Public Works Committee was also concerned that the government did not own or have control over the facility, as the land was, and incidentally still is, owned by the local council, which is the Hindmarsh Woodville council. Following the report of the Public Works Committee on stage 1 in August 1996, in April 1997 Sam Ciccarello was hired by the government as a consultant for 90 days at $770 per day to win Olympic soccer for Adelaide.

The Hon. Carmel Zollo interjecting:

The Hon. P. HOLLOWAY: Indeed it is. Ciccarello continued to be hired by the government until this year at a total cost of $378 000. I am sure that members are aware, if they have been following this matter in the media, that there are other states that will be hosting Olympic soccer that did not see the need for a special consultancy of this nature, certainly of this cost, to win for their state this facility.

In May 1997, the Public Works Committee discovered, via the government's 1997-98 state budget, a $16.2 million stage 2 development of the Hindmarsh Soccer Stadium. In November 1977 when the Auditor-General brought down his report, he expressed concerns about the project. When the Auditor-General recently appeared before the Economic and Finance Committee, he said that he had the 'amber lights flashing' in his 1997 report and that he remembers thinking to himself, 'This is a very serious issue.' That was the Auditor-General's opinion in 1997. It is interesting to recall the recommendations that the Auditor-General made in that report in 1997. He said:

> In my opinion, it would be prudent to seek the advice of the Crown Solicitor as to what may be an appropriate process to be undertaken regarding the next stage.

He concluded by commenting on the importance of the work of the Parliamentary Public Works Committee, as follows:

> Given the public importance of the role of the Public Works Committee, its statutory charter and the integral role it plays in providing a control mechanism for the expenditure of public money on public works, any matter that impedes its operation and its effectiveness is a matter of importance which should be brought to the attention of the government and parliament. If there is any doubt about the resources available to the committee to discharge its statutory functions the matter should be remedied. In my respectful

opinion, it would be prudent to review the adequacy of the resources of the committee having regard to the importance of its role.

He recommended back in 1997 (we know now that the government chose to ignore it):

To ensure that the committee is in a position to report to parliament on several of its functional responsibilities, in my opinion, it would be materially assisted by receiving, in all cases upon which it is required to report, representations/evidence from certain executive government agencies.

In a footnote, the Auditor-General says:

This would be a procedure analogous to that used by company directors and members of statutory boards to receive from management representations on matters within the knowledge of management for which the directors/statutory board members must accept ultimate responsibility.

He went on to say:

These agencies and the nature of the advice/representations suggested is as follows: Department of Treasury and Finance—advice on the effect of proposed public works on the consolidated account or the funds of a statutory authority.

He gives a reference to the relevant subsection of the Parliamentary Committees Act. He says further:

Department of the Premier and Cabinet—advice on compliance with established prudential management and other procedural frameworks to provide assurance of procedural regularity within the executive government; the Crown Solicitor—advice on legality of processes that have been adopted.

So, in 1977 the Auditor-General was clearly saying that there was basic information that should be made available to the Public Works Committee if it was to adequately discharge its duties, if this parliament was to be correctly and adequately informed of what was happening and, more importantly, if the government of the day was to be held accountable to the parliament for the expenditure of large sums of public money.

In April 1998, the Parliamentary Public Works Committee issued an interim report for stage 2 which concluded that it was unable to endorse stage 2 of the works or to lodge its final report to parliament as six items of information requested by the committee to verify that stage 2 was now needed if Adelaide was to secure a round of the Olympic soccer tournament had not been supplied. The committee said in its report that it must be given all material evidence needed for the proper evaluation of the project according to law.

The report of the Public Works Committee of April 1998 states:

. . . even though the committee has requested the documentation to substantiate this view, members are yet to be presented with any hard evidence. To date, the evidence that has been requested and not provided includes: the benefit/cost study carried out by the SA Centre for Economic Studies on the economic viability of the additional works; the Ernst and Young report prepared in 1996 assessing SASF's capability to service a loan; the memorandum of understanding between the SASF and the state government signed and sealed in May 1995; the memorandum of understanding between SOCOG, FIFA, Australian Soccer and the state government signed in August 1997; acquittals from the Departments of the Premier and Cabinet, Attorney-General and Treasury and Finance; and evidence of correspondence between SOCOG and the South Australian government which details the need for, and specifications of, additional work at the Hindmarsh Soccer Stadium. The committee is of the opinion that at this time, as crucial information has not been provided it cannot fulfil its obligations pursuant to section 12C of the Parliamentary Committees Act 1991.

The recommendation concludes in bold type:

The committee must be given all material evidence needed for the proper evaluation of the project according to law.

This is a parliamentary committee clearly outlining information that it needed to make a decision on a matter that was before it. It was not given that information.

Other concerns expressed by the committee at that time included a consideration that the expenditure of another $18.5 million would render the venue over capitalised; that the average attendance at National Soccer League games was more than 1 000 fewer than even the then existing grandstand capacity at the Hindmarsh Soccer Stadium; that the committee found it difficult to perceive how $18.5 million of work was overlooked in the stage 1 phase of the project; and that it was concerned that the question of the ownership of the stadium was still yet to be resolved. That had been reported several years before.

The report said that the South Australian Soccer Federation's government loan was for $4.065 million and that in September 1997 it borrowed a further $2 million to finance the fit-out of facilities in the western grandstand—all paid for by levies on ticket sales. However, the committee said that there was an ambiguity about which part of soccer obtains revenue from ticket sales and who accepts lawful responsibility for costs associated with each type of function.

In June 1998, in parliament, the then Deputy Premier, Hon. Graham Ingerson, moved and had carried a motion sending back the interim report and instructing the Public Works Committee to present a final report by 16 June 1998. On that date, the committee submitted its final report and again was unable to recommend that the redevelopment of the Hindmarsh Soccer Stadium proceed. Mr Ingerson might have given an instruction, but he did not supply the information. The committee said that the government's decision to withhold vital information and direct the committee to report through the vote of the parliament meant that the committee had been denied the opportunity to resolve those matters that it considered to be in the public interest.

Turning now to October 1998, the Auditor-General again raised the issue of the Hindmarsh Soccer Stadium in his 1998 annual report. He revealed that the soccer stadium had been unable to fully fund the loan repayments requiring the government (in other words, the taxpayer) to meet the shortfall.

In December 1998, the Hindmarsh stadium tenant, the national rugby league club, the Adelaide Rams, folded, and that further reduced the viability of this venture. In June 1999 the Hon. Julian Stefani asked a series of questions, some of which have still not been answered, about the Hindmarsh stadium redevelopment. Then in about August 1999, Liberal MP Joan Hall, previously known as the ambassador for soccer, resigned from that role and is now known as the minister for Olympic soccer. In September 1999 the National Soccer League club, the Adelaide Sharks, folded, halving the number of national league games played at the stadium. South Australia now has only one National Soccer League club, the Adelaide Force. That club also threatened to leave Hindmarsh for Norwood oval unless it could reduce the cost of playing at Hindmarsh. The government negotiated a new and as yet undisclosed financial arrangement to keep the Adelaide Force at Hindmarsh.

Coming to last month, October 1999, the Auditor-General's 1999 report is again concerned about adequate standards of accountability in relation to the Hindmarsh Soccer Stadium. The Auditor-General appeared before the Economic and Finance Committee, where he expanded upon the concerns he had expressed about the stadium in his past three reports. Now we have before us the motions moved by

the Hon. Mike Elliott and my colleague in another place, Mr Michael Wright. It is a sad episode, as the timetable shows. Clearly, the parliamentary Public Works Committee has tried to do its job properly by seeking information to determine the viability of the project. However, the government of the day has shown complete contempt for the operations of that committee and therefore, I would suggest, for the parliament by refusing to provide that information and pushing on regardless. That is essentially why this motion is before us today and why we need to further investigate and expose this whole shoddy episode.

I want to make one final comment related to the interesting role that was played in all this by the poor, hapless Minister for Emergency Services. Not only has the minister inherited the emergency services levy and had to justify it but also he had the misfortune to be on the Public Works Committee at the time when the report came down. I must say he did his best.

An honourable member interjecting:

The Hon. P. HOLLOWAY: They certainly are. He tried very hard to represent the government position as best he could. His minority report was full of clauses such as this:

> While I accept that there are some unresolved issues attached to the stage 2 works, particularly in relation to stadium capacity and the associated car parking, I consider that there is an opportunity to explore parking options in certain areas of the parklands (opposite Coca-Cola and the West End brewery).

He further states:

> It is clear that, if Adelaide is to continue to be eligible for the Olympic soccer in the year 2000, this additional expenditure is required. The recent media article by the Chairman of the Australian Soccer Federation, Mr David Hill, confirms this.

So, there it is: the Minister for Emergency Services was quite happy to accept an article in the *Advertiser*: however, he was not prepared to go along with seeking the additional information that the committee would quite rightly require if it were to sign off on this project. Mr Brokenshire continues:

> While I acknowledge that there are some concerns associated with this project, as highlighted in the interim report, I consider that the majority of the committee is exceeding the Public Works Committee's terms of reference. That is, I consider the role of the committee to be to seek the information required (both oral and written) and to assess and evaluate that information to decide whether a project is in the public interest. Sufficient information has been provided to make decisions without handing down the interim report. . .

I read earlier the Auditor-General's comments in his report several years ago when he suggested that the amber lights were flashing and that there was a need for proper information from government authorities for the committee to do its work. I feel sorry for the poor, hapless Mr Brokenshire; not only has he had to cop the emergency services levy but also had to do the government's suckhole job (if I can call it that) on this project. Nonetheless, what we have seen, as always happens with these sorts of sagas, you can keep the lid on for so long but eventually the pressure blows, and I believe it has blown now and we will continue to see revelations in relation to this project which will reflect no credit at all upon the Olsen government. I believe that we should support the motion of the Hon. Michael Elliott.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: Indeed, as the minister has insisted upon referring to the state bank I would remind her that the Auditor-General himself conducted a report on the state bank, which was far more useful—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Perhaps it is a pity that this government did not heed some of his recommendations. It is tragic when taxpayers' money is spent on these reports but a government continues to ignore them. As I said at the beginning of my speech, this whole episode of the Hindmarsh Soccer Stadium demonstrates a complete indifference to and contempt for parliamentary processes. The way the government sought to overcome the Public Works Committee's report by shortening its time frame and totally ignoring its recommendations is quite disgraceful. I believe that the Olsen government will be held accountable for it by the electorate.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Since the Hon. Angus Redford seeks to interject, I noted earlier that he made some very disparaging comments on the Auditor-General of this state. I remind him that not long ago in another state the Premier, who was said to be very popular, sought to get rid of the nagging of the Auditor-General by abolishing the office. I believe that many ordinary, decent Victorians, including many Liberal voters in that state, were so outraged that this became part of the reason why Jeff Kennett is no longer Premier of Victoria. If the Olsen Liberal government in this state wishes to denigrate the Auditor-General and downplay his recommendations—and there is no doubt that the Olsen government completely ignored the amber lights which in 1997 the Auditor-General said were flashing on this matter—it does so at its peril. I support this motion; let us have an investigation by the Auditor-General and clear up this matter and expose the whole shoddy episode once and for all.

The Hon. T.G. CAMERON: It was not my intention to speak on this motion today, and I am only doing so—

The Hon. A.J. Redford: We will give you leave to conclude.

The Hon. T.G. CAMERON: Thank you; I will make a note of that so I do not forget.

Members interjecting:

The Hon. T.G. CAMERON: No; I intend to say a few words. Remind me at the end of the speech in case I forget. It was not my intention to speak on this matter, but the Hon. Mike Elliott indicated that, if people were disposed to vote against his motion and he was aware of that, he would move an alternative motion next Wednesday. So, I believe it is only fair at this time to indicate to the Hon. Mike Elliott that I will not be supporting this motion. I will let the Hon. Trevor Crothers speak for himself, but I merely state that we have discussed this matter and I would be more than surprised if he has a different view from my own. He might have reached his view based on a different assessment of the facts than mine, but I believe it is only fair to let the Hon. Mike Elliott know on the record that I will not support this motion. And I believe it is only fair to advise people of some of the reasons why.

First, it is not my intention to canvass the detail of the Hindmarsh stadium saga; that has been adequately covered by both the Hons Mike Elliott and Paul Holloway. In saying that, I do not necessarily endorse their opinions or seek to verify the information that they have placed before the chamber, but I will outline briefly why I do not intend to support this motion. Quite simply, it revolves around the fact that the motion seeks to have the matter referred to the Auditor-General, and that raises a number of issues for me. It raises the question of whether that is the appropriate or proper place for this inquiry to go to; and I will also need to

address the question of what confidence I would have in the Auditor-General conducting this inquiry, particularly in relation to its cost.

The Hon. Michael Elliott canvassed four options: a judicial option; setting up a Legislative Council select committee; setting up a joint House committee; and sending the matter off to the Auditor-General. The Hon. Mike Elliott suggested that, if we had a royal commission or a judicial inquiry into this matter, it would be far too expensive and, for that reason, he did not favour that option. I must take issue with the Hon. Mike Elliott: the most expensive option, in my opinion, would be if this chamber was to refer the matter to the Auditor-General.

The Hon. A.J. Redford: Why do you say that, Terry?

The Hon. T.G. CAMERON: I thank the Hon. Angus Redford for his interjection. I say that because on a previous occasion—

The Hon. T.G. Roberts: What a team!

The Hon. T.G. CAMERON: The Hon. Terry Roberts interjects and says, 'What a team!' Let me assure the Hon. Angus Redford that I will not be referring to him as 'comrade'; it is not a term that I have ever used.

The Hon. A.J. Redford: Not even on this motion?

The Hon. T.G. CAMERON: As I said, it is a term that I have never used—even to my fellow colleagues within the Labor Party. Even though the Hon. Terry Roberts often used to refer to me as 'comrade', I would always refer to him as 'Terry'. I would like to respond to the interjection from the Hon. Angus Redford. I will not go back over old ground, even though I am tempted to talk about the Port Adelaide Flower Farm and what really motivated the Hon. Legh Davis for all these years on that issue. However, despite the fact that a considerable sum of money was lost by the ratepayers of the Port Adelaide council, the action by the Hon. Legh Davis to refer this matter to the Auditor-General only compounded the losses—only this time the losses were incurred by the taxpayers of South Australia. It was a fairly simple reference that we made to the Auditor-General. I do not know whether one single person, other than the person in his office who would have proofread that document, bothered to read the report.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I doubt that the Hon. Legh Davis would have bothered to wade all the way through that report—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, if he did, he can stand up and be counted as the only person in the state who did bother to read the report. My questions, which were fairly simple, were:

1. How much did it cost to prepare and print the December 1997 report of the Auditor-General into the Port Adelaide Flower Farm?
2. How many working hours went into the December 1997 report of the Auditor-General into the Port Adelaide Flower Farm?

Members should remember that it was a very simple request that we made of the Auditor-General. In his reply, the Hon. Robert Lucas said:

1. The total costs incurred by the Auditor-General's Department in conducting this examination and the subsequent tabling of the report were $446 000.

If the Auditor-General is going to go charging off and, in my opinion, waste taxpayers' money by spending $446 000 on a reference in relation to the Port Adelaide Flower Farm, how much will he spend to investigate this resolution of the Hon. Mike Elliott?

I ask members to remember that this is a six part recommendation. I do not pretend to be an accountant but, if it cost $446 000 to do a report on the Port Adelaide Flower Farm, we are likely to receive a bill for $3 million or $4 million from the Auditor-General if this motion is carried.

The Hon. Diana Laidlaw: And he is not even employing lawyers to help him and it still costs so much.

The Hon. T.G. CAMERON: There has been an interjection that he is not even employing lawyers. I know Piper Alderman will be bitterly disappointed if this motion is not carried. That firm stands to gain a very big fee, because there is no doubt that the Auditor-General will engage them and we will have a legal bill amounting to hundreds of thousands of dollars. It may well be that, in future, this chamber should be a little more circumspect about when it makes references to the Auditor-General. I assure members that I will not be supporting any references to the Auditor-General in future unless a caveat is placed on it as to how much money he will spend and—as in the case of the Port Adelaide Flower Farm—waste.

I refer members to the second question I asked the Auditor-General:

How many working hours went into the December 1997 report of the Auditor-General into the Port Adelaide Flower Farm?

This is the Auditor-General of the state. I do not know how many hundreds of thousands of dollars he gets paid, but in his answer—

The Hon. P. Holloway: Why did he do it?

The Hon. T.G. CAMERON: I will come to that. I would not have raised it, but now that the honourable member has interjected and said it, I have no alternative but to respond and explain why he did it. I draw members' attention to the second part of his answer which states:

Information as to the number of hours involved in the preparation of the report is not available.

We have the Auditor-General not even keeping tabs on how much time he, his senior officers or staff are spending on the preparation of a report. He went on to say:

The examination covered legal, horticultural and financial aspects associated with the flower farm. In carrying out the examination—

The Hon. A.J. Redford: Did you say 'legal'?

The Hon. T.G. CAMERON: Yes, legal.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: We do not know; he might have engaged consultants. These lawyers whom he has working for him must be pretty busy. He then goes on to say:

A number of these engagements involved a contract fee only.

So, we are not able to ascertain whether or not he employed outside lawyers. However, he further says:

In addition, it is not possible to quantify the considerable time spent by the Auditor-General and his senior officers after hours and at weekends—

well, how gratuitous is that—

in respect of their involvement with this examination.

That raises questions in my mind. If the Auditor-General is not keeping proper tabs on the hours that he and his senior staff are spending on the preparation of reports, how can we be certain that the figure that he has tabled of $446 000 is accurate? I submit to this chamber that we cannot be certain about that. In fact, information has been provided to me that the cost was well in excess of $446 000 and was more likely to be in the vicinity of $550 000 to $600 000, if we take into account—and I refer to the Auditor-General's answer—'the

considerable time spent by the Auditor-General and his senior officers after hours and at weekends'. We do not know whether they were paid overtime or what have you for this work; that is all left unsaid.

I have asked the Treasurer to look at this matter and I await his reply, but I would also ask the Attorney-General for some guidance. If a member of parliament believes that the Auditor-General in answer to a question has provided misleading or inaccurate information, how does one go about chasing that down? I would like to remind the Auditor-General that, if I am not satisfied with the answers that I get on this issue, the only recourse I have left is to move to set up a select committee of this chamber to investigate the activities of the Auditor-General in relation to this matter.

I hope that I do not have to go down that track. I am not even sure whether legally I can do that, but at some appropriate time I would ask the Attorney-General to provide me with some guidance on that. Very simply, the point that I am making here is that, if we have copped a bill for $446 000 over the Port Adelaide Flower Farm, God only knows how much the bill will be from the Auditor-General if we send this reference to him. It will certainly be something that I will be looking at—that any references that might go to the Auditor-General in future cannot go open ended, not with the way that he is prepared to spend money on doing a report.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: They would have to have a caveat. The Hon. Paul Holloway interjects and asks why do I not go and ask him. I have asked the Treasurer.

The Hon. P. Holloway: No, I said the parliament asked him to.

The Hon. T.G. CAMERON: We did. The Hon. Paul Holloway interjects and says the parliament asked him to. That is true: he is correct. But surely the Auditor-General is capable of using a bit of commonsense. And spending up to half a million dollars on an issue that was a dead duck—

The Hon. P. Holloway: Why did Legh Davis ask him to do it if it was a dead duck?

The Hon. T.G. CAMERON: That is another matter altogether. For the life of me, I cannot see why we needed that reference to the Auditor-General, and time does not permit me today to speculate or go into the reasons why he did that. I suspect that God himself at times would not know what goes on in the Hon. Legh Davis's mind, so let me not be the first to try to speculate about what he was up to. Members should look at the reference we made on the Port Adelaide Flower Farm and look at the reference that the Hon. Mike Elliott moves.

I would like to make quite clear here that I am not quarrelling with the Hon. Mike Elliott's right to move this motion and not quarrelling with the evidence that both he and the Hon. Paul Holloway place before the Council in relation to what has been transpiring. One only has to speak to the Hon. Julian Stefani, Peter Lewis or members of the appropriate committee, or read the report, to see that all is not well down at the Hindmarsh Soccer Stadium. I wanted to make that clear to both the Hon. Mike Elliott and the Hon. Paul Holloway.

My quarrel with this motion is sending it off to the Auditor-General in its current form with no caveat on it. If there has been money wasted at the Hindmarsh Soccer Stadium—and I will reserve judgment on that until I see and read more about it—we will only add to the losses if we ask the Auditor-General. The Auditor-General is not a law unto himself. He is responsible to a minister, as I understand it, and to the parliament, and I would have thought that the one person charged with the responsibility of overseeing government expenditure to make sure that there was not unnecessary duplication, waste, etc. would be the Auditor-General. Heavens above, I have had a look at his report: he is not loath to comment on any matter where he thinks there has been a misuse or waste of government funds.

The Hon. Sandra Kanck: Thank heavens!

The Hon. T.G. CAMERON: And I do not quarrel with that. But he ought to set an example himself. How dare he criticise Labor or Liberal governments for wasting public moneys when he has done exactly the same thing himself and may have provided misleading information to this parliament. That is why I will not support this motion.

I want to address very briefly whether or not sending it to the Auditor-General is the best way to deal with it—irrespective of whether the Auditor-General is a little more circumspect with the way he wastes taxpayers money—or whether it should go to a judicial hearing such as a royal commission, a select committee or a joint committee hearing. I would have thought that a far more appropriate place for this matter to go would either be a select committee or a joint house committee.

If my memory serves me correctly, I have served on only one select committee. For reasons unknown to me, I always found it very difficult to get on them. However, I must say that I do not necessarily share the concerns outlined by the Hon. Mike Elliott in relation to—

The Hon. M.J. Elliott: I've been on a lot more committees.

The Hon. T.G. CAMERON: I have conceded that I am speaking from limited experience. I take the point that the chairmen of these committees can get a little out of hand at times, but I did not find it too difficult to rein in the Hon. Legh Davis on the odd occasions that he became somewhat errant as a chairperson. I quite enjoyed the select committee approach. I had a good time on that committee.

The Hon. A.J. Redford: Did you enjoy the prostitution one?

The Hon. T.G. CAMERON: That was the Social Development Committee: I am talking about a special committee set up by a resolution of this Council. Yes, I have enjoyed my time on the Social Development Committee, and I had no problems with the process. I was able to get to the bottom of most of the queries that I had. It did at times turn into a little bit of a media circus but—surprise, surprise—I enjoyed a reasonably cordial working relationship with the chairperson of that committee. I was a little disappointed that it all wound up. Perhaps one day I will find myself back on another select committee.

To provide the Hon. Mike Elliott with some guidance as he requested, I will not support this motion, for the reasons that I have outlined. I have conferred with the Hon. Trevor Crothers and will let him speak for himself at a later stage if he so chooses. I am not indicating that at this stage I would support the establishment of either a select committee or a joint house committee. I merely at this stage indicate that I will not support the matter being referred to the Auditor-General. I will not seek leave to conclude my remarks later, as I have taken up enough time of the Council already, so I will resume my seat and perhaps the Hon. Trevor Crothers may indicate his intentions to the Council.

The Hon. T. CROTHERS: Very briefly, like my colleague I shall not be supporting the reference back to the

Auditor-General, perhaps for somewhat differing and different reasons. My reasons are very simple. We have recently seen coming into being at long last, after 90 years, the Adelaide to Darwin rail link. Its gestation period has been very long in the offing.

The situation is similar to the Hindmarsh stadium situation. Let us just recast the history of the Hindmarsh stadium. The Hindmarsh stadium used to be the football ground of the now defunct West Torrens, which of recent times amalgamated with Woodville. They played on that until the 1920s, when they then transferred to Thebarton and the stadium fell into the hands of the South Australian Soccer Federation. What is not known to most members here is that soccer used to be the number one sport in South Australia prior to Australian Rules. At the turn of this century, soccer was the main ball game.

I suppose that, being the most English of the states, it was the main ball game taught, so I am told by old-time South Australians, in most of the schools. Up until the end of the Second World War and the migrant rush thereafter, soccer continued—

The Hon. Carmel Zollo: It was played only by gentlemen.

The Hon. T. CROTHERS: And gentleladies, I hope. Soccer continued to be played, albeit on a more amateur basis than is currently the case. For instance, Port Adelaide Soccer Club is one of the oldest soccer clubs in the history of soccer in South Australia.

The Hon. A.J. Redford: You used to be a good player yourself.

The Hon. T. CROTHERS: Modesty prevents me from answering that. I shall leave that to the crystal ball gazing of those and sundry who are here. It is an absolute shambles for us to try to make political gain from referring the matter back to the Auditor-General. It is a political charade—no more and no less. It is designed to keep the names of particular political parties up in neon lights in front of the electorate. I do not believe there is a case to answer. Something had to be done—

The Hon. P. Holloway interjecting:

The Hon. T. CROTHERS: I have read the Auditor-General's Report—my word I have.

The Hon. P. Holloway: No, the Public Works Committee report.

The Hon. T. CROTHERS: Never mind the public works and jerks—are you on that committee? I have not read that—no. However, I have read the Auditor-General's Report—that is what I am talking to. You may not have been listening. I believe that a stitch in time saves nine. It is not before time—and successive Labor governments had their chance—that, on the eve of the millennium, a twenty-first century update was done on the Hindmarsh stadium, reflecting the increased popularity of the sport in this state. In fact, if you go down to West Lakes and see the beautiful stadium that the SANFL owns one would find that a lot of government money was put into that initially.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Initially as a primer, yes. Indeed one will find that the Labor Party, when Don Dunstan was in government, proposed investing public money in Trades Hall, for which of course there was a precedent. The former Liberal Government had put money into the Old Chamber of Commerce in Currie Street. Because the Liberal Party controlled this Council—and shame on it for doing it—it meant that Trades Hall, one of the constituent parts of the assemblages of people in this state, the trade union movement, had to carry an enormous debt burden for many years, simply for that reason.

I repeat, for whatever it is worth: putting that money into the Hindmarsh stadium shows great vision by this government. In spite of the fact that my bridging amendment of $150 million was knocked off by the Labor Party, being able to get John Howard to put in $65 million—one third of the part of the shortfall for the Adelaide to Darwin rail link—is again a matter that history will record as a matter of vision. When they built the Empire State Building people said that it was disgusting and a waste of money and all the rest of it. The same applied in respect of the Sydney Opera House. I have no doubt that, when they were building the pyramids 3 000 years ago, Cheops the Pharaoh—

The Hon. P. Holloway: At least he owned the land.

The Hon. T. CROTHERS: —you remember Cheops, don't you?—would have been ridiculed the same. Everything in our society today that shows the slightest skerrick of vision is immediately rubbished by people who would seek personal political gain from that matter. The time had come for the stadium—

The Hon. P. Holloway: That's a disgrace.

The Hon. T. CROTHERS: Yes, you are. The time had come for that stadium to have that amount of money expended on it. It is unfortunate that one of the Soccer Federation teams went through the hoop.

The Hon. L.H. Davis: And the Adelaide Rams have closed down.

The Hon. T. CROTHERS: Indeed. In answer to the interjection of the Hon. Legh Davis that the Adelaide Rams have closed down, all I can say to the Democrats and the opposition is 'baa' to your proposals and I will not be supporting them.

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

ALICE SPRINGS TO DARWIN RAILWAY

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

That this council commends the Federal, South Australian and Northern Territory governments for their financial support of the Alice Springs-Darwin railway and recognises—

1. The jobs this project will create in regional South Australia; and
2. The long-term economic benefits to South Australia which will be generated by this new rail link.

It is hard to believe that it was 1870 when the South Australian Parliament first considered the possibility of a rail link between Adelaide and Darwin. It is hard to believe that it has taken 129 years for that dream to be fulfilled. In 1889 there was indeed a link built from Darwin to Pine Creek, some 230 kilometres south of Darwin; and in 1929 that link was extended a further 274 kilometres to Birdum, a distance 509 kilometres south of Darwin. That line finally closed in 1976.

Some 110 years ago, in 1889, at the same time as the Darwin to Pine Creek rail link was commenced, a line was built from Port Augusta to Oodnadatta. Passengers used to alight from the train at Oodnadatta and would then be transported to Alice Springs on camels by the Afghan Cameleers. It was not until 1929 that the train line was extended from Oodnadatta through to Alice Springs. That train became affectionately known as 'The Ghan', to recognise the extraordinary service of those early Afghans who provided transport in the outback of South Australia.

To read the early history of the saga of the Adelaide to Darwin rail proposal is to recognise that some things never change. I have had the opportunity of reading a chapter from a book published in 1979—*The Line that Led to Nowhere—The Story of the North Australia Railway*, by Ian R. Stevenson, and also a monograph published on federal financial relationships by the Centre for Research at the ANU Canberra 1987, titled *Rail Transport and Australian Federalism* by Garth Stevenson, who I suspect is no relation of Ian Stevenson, the author of the first publication that I mentioned.

The Hon. T. Crothers: Stevenson invented the early rocket.

The Hon. L.H. DAVIS: That may well be, but I will resist giving a rocket to the Hon. Mr Crothers and will stay on track. The South Australian colony had thought long and hard about the idea of having a link through to Darwin. They saw it as a need for security, as a possible trade link and it was part of opening up the frontier, which of course was the great dream of the colonists. Interestingly enough, the background to the relationship between South Australia, the Northern Territory and the Commonwealth government in respect of the rail link between Alice Springs and Darwin has a history which I suspect is little known to most South Australians. The fact is that the colony of South Australia, in the debate leading up to Federation, at that time saw little merit in holding onto the Northern Territory and being responsible for the government of the territory.

The South Australian leadership, in the years leading up to Federation, saw the territory as a bargaining chip in negotiations for Federation; they believed that, if they undertook to support Federation and to obtain a Yes vote at the referendum in the late 1890s, they could trade off the territory with the newly formed Commonwealth of Australia. But there was another element in the sense that the commonwealth government of the early 1900s was anxious to develop a transcontinental line—a line crossing Australia from east to west—and for that to occur it needed the agreement of South Australia for the railway to be built through South Australia to Western Australia.

That was one of the interesting facets of the debate that took place about the fate of the Northern Territory, the development of the Adelaide to Darwin line and the transcontinental line through to Western Australia. There was no specific guarantee given to the colony of South Australia that the commonwealth government would accept the Northern Territory if Federation was achieved but, interestingly enough, within three months of Federation the then Premier of South Australia, Mr Holder, in 1901, started negotiations with the first Prime Minister of Australia, Edmund Barton, arguing that the commonwealth should take over the Northern Territory.

The Hon. T. Crothers: Is Barton Terrace named after him?

The Hon. L.H. DAVIS: I do not know. I am pleased to advise members of the Legislative Council that a member of the South Australian Legislative Council, the Hon. J.L. Parsons, moved a motion on 21 August 1901 that the Northern Territory should be ceded to the commonwealth subject to South Australia being reimbursed for its expenditure in the Northern Territory and subject to the commonwealth building a transcontinental railway from north to south. That debate raised passions: there was a lot of public debate about it during the South Australian state election campaign of 1902 and a Transcontinental Railway League was formed to support the notion. But forces against the notion of selling off the Northern Territory succeeded in winning the day, and the Premier, by now Premier Jenkins, argued not only that South Australia could build the transcontinental railway from north to south but also that it could retain the ownership of the Northern Territory.

So, on 1 January 1903 the leadership called for the construction of a north-south line. They placed advertisements in publications throughout Australia and Britain. It was to be a narrow gauge line of 1 711 kilometres in length and it was expected that the work would take eight years to complete; that passenger and goods services would run at least once a week at an overall speed of not less than 32 kilometres an hour; and, most importantly, that it would carry all South Australian parliamentarians and their baggage free of charge. In consideration for the private contractors building the line, they would receive a grant of over 30 million hectares of land.

But when the closing date for tenders came, on 1 May 1904, not one tender was received. So, the South Australian government, being made aware of the reality of the situation, reverted to plan B, which was to request the commonwealth government to take over control of the Northern Territory subject to its being reimbursed for its spending on the settlement and administration of the Northern Territory and also subject to the commonwealth agreeing to construct a railway from Pine Creek to the northern border of South Australia.

The South Australian parliament accepted that motion in 1905. The Premier of South Australia, by now Tom Price, began negotiations with the commonwealth government in early 1906, and that eventually occurred. The agreement was for South Australia to receive £3.9 million for the Northern Territory plus £2.2 million for the Port Augusta to Oodnadatta railway, which would, to quote Ian Stevenson in his publication *The Line That led to Nowhere*, by any standards, seem to be an extremely generous price for a pair of white elephants. So, the commonwealth took over control of the Northern Territory and changed the name from Palmerston to Darwin in 1911, which was the year in which the transfer of the Northern Territory from South Australia to the commonwealth government took effect.

Interestingly, it should be pointed out that this was the first time that the commonwealth had ever owned railways—there was no provision for it owning railways—and it was initially left to the Department of External Affairs to manage the railway which had been taken over in the Northern Territory from the South Australian government.

Moving forward then in the saga of this line, we see that in 1970 a decision was made to build a new standard gauge railway from Tarcoola to Alice Springs. That revived the hopes of the people who believed that the Alice Springs to Darwin link should be built. Indeed, eight years earlier, in 1962, Sir Thomas Playford had gone to the High Court in an unsuccessful attempt to force the commonwealth government to complete the line and fulfil the legal obligation that it had made in 1911 when it took over the Northern Territory from South Australian.

In 1975 the state Labor government transferred all South Australia's non-metropolitan railways to the commonwealth. That diverted attention from the Alice Springs to Darwin rail link argument. As I indicated earlier, the narrow gauge 506 kilometres of line from Darwin to Burdum, which had been open for many years, was abandoned in 1976.

The Northern Territory continued to press for the construction of the Alice Springs to Darwin rail link, arguing that

the commonwealth government should pay for the construction of it. Australian National, which of course was the commonwealth railways statutory authority, was not in favour of the project because it did not believe it could ever operate at a profit. But things changed in the early 1980s when Malcolm Fraser committed himself to the project. Having committed to building a new standard gauge railway in 1970 from Tarcoola to Alice Springs, that 831 kilometre line was completed in late 1980, at a cost in 1996 dollars of $150 million. This inspired people to reopen the debate on the Alice Springs-Darwin rail link. There was a recognition the federal government had a legal obligation to complete the rail link under the 1910-1973 Northern Territory Acceptance Act, the Railway Standardisation (South Australia) Act 1949 and the Tarcoola to Alice Springs Railway Act of 1973.

Indeed, in January 1983, the Prime Minister of the time, Hon. Malcolm Fraser, committed himself to the line, saying that it would be completed as a national bicentenary project by 1988. The Leader of the Opposition at the time in South Australia, Mr John Olsen, also indicated his support for the project, which was costed in 1984 dollars at $578 million. John Olsen in February 1984, at a time, of course, when there was now a Labor government in Canberra, said that he had a commitment from federal colleagues that the next federal Liberal government would fund the line's construction.

But the Labor government in Canberra was not favourably disposed towards the Alice Springs-Darwin rail link, and by 1990, although Prime Minister Bob Hawke had initially supported the project, the ALP cooled on the notion. In 1990, the ALP federal Land Transport Minister, Mr Brown, claimed that it was not a top priority for the Hawke Labor government. Indeed, that apathy and indifference towards the line was mirrored in South Australia, and during the 1993 state election campaign Labor Premier Lynn Arnold said, on 9 December 1993:

> No state money should be injected in the proposal.

That was in sharp contrast to the Northern Territory government, which in 1993 had committed itself to $100 million to fund the Alice Springs-Darwin rail link, and during the South Australian election campaign of 1993 the state Liberal Party committed itself also to $100 million to assist in funding the project. In March 1993, the Federal Liberal Party, in opposition, committed a coalition government to constructing the Alice Springs-Darwin rail link.

So, that is some of the recent history of the project. It is interesting and it is illuminating. We had, for instance, in the 1980s the Hill inquiry, which, as I mentioned, estimated the cost of the railway at $578 million, in 1984 dollars. The Hill inquiry of 1984 concluded:

> Investment in the railway between Alice Springs and Darwin cannot be justified and would constitute a major misallocation of the nation's resources.

Northern Territory residents were not enamoured with that report, and the research monograph by Garth Stevenson entitled 'Rail Transport and Australian Federalism' notes that many of the Northern Territory residents:

> . . . believed that the Hawke government had made up its mind prior to the commissioning of the inquiry, or even that the inquiry had deliberately sought to reach a conclusion which it knew to correspond with the government's policy. The fact that Hill was a known supporter of the ALP possibly lent some credence to the suggestion.

With that result disappointing the Northern Territory government it then commissioned two new studies of the rail project, one by the well-known group Canadian Pacific Limited, which had a consulting arm, and another by the Strategic Defence Studies Centre of the Australian National University, and these reports were tabled in the Northern Territory parliament in October 1984. The Canadian study claimed that the railway would be:

> . . . an economic break-even proposition.

The strategic study argued that the line should be constructed on the basis of its contribution to development and also for national security. As I said, the remainder of the 1980s was not conducive to advancing the long-held dream of the rail link in the north of Australia.

We move now to 1995, when another committee, this time headed by former New South Wales Premier Neville Wran, provided what was undoubtedly the most comprehensive analysis of the Alice Springs-Darwin project. Mr Wran's report noted:

> It is not a question of if, it is a question of when.

That gave backers of the railway new heart. The Wran report estimated that the project would cost over $1 billion requiring $588 million of commonwealth money, $247 million from the private sector and $200 million from South Australia and the Northern Territory. That committee had been set up by the federal Labor government, by the former treasurer Mr John Dawkins, and the report said:

> The benefits of the rail link are currently outweighed by the cost outlay required by the public sector to build the link.

But then it concluded:

> Between 2000 and 2005 it will become possible as the population in Australia's north grows.

With the benefit of hindsight, that assessment back in 1995 has proved to be remarkably accurate.

Then we move forward to 1997, when another element emerged, and that was the proposal by a Mr Everald Compton, a businessman out of Victoria, to build a $10 billion rail link between Melbourne and Darwin. He was arguing that it would not cost a cent of taxpayers' money. This was July 1997. It was described by the Queensland government as follows:

> . . . 4 000 kilometre 'Steel Mississippi' alternative, which is likely to run from Melbourne, through Shepparton in Victoria; Griffith, Parkes, Dubbo and Moree in New South Wales; Goondiwindi, Toowoomba, Hughenden and Mount Isa in Queensland; Tennant Creek in the Northern Territory and through to Darwin.

It would have high speed and provide transportation for people and freight over a distance of 4 000 kilometres in less than 24 hours.

The proponents of the Alice Springs-Darwin line were alarmed, particularly when members of the (by now) federal Liberal-National Party Coalition government made noises, which certainly encouraged the notion that this was a project which perhaps could have support. However, people such as the Defence Minister, Ian McLachlan—admittedly a South Australian—made much of the argument that there would be a benefit to South Australia and to Australia as a whole if the Alice Springs-Darwin link went ahead. One of the arguments was that, by the year 2000, 80 per cent of Australia's strike aircraft and 80 per cent of tanks and armoured fighting vehicles would be situated north of Katherine. So, a rail link to Darwin would certainly add weight to the nation's security and defence interests.

The matter progressed further when in August 1997 John Howard committed the federal Liberal government to spend $100 million on the rail project. That $100 million, together with the $100 million which had been promised by the

Northern Territory and South Australian governments since 1993, gave public sector funding of $300 million leaving about $900 million required from the private sector to make the project viable. Advertisements were placed in newspapers in August 1997 with the deadline for registrations later that year. Premier Olsen announced the formation of the Australasia Railway Corporation board to oversee the bidding process. The chairman of that board was well respected Adelaide businessman Rick Allert.

The Labor Party had waxed and waned in its support for the project. In the late 1980s and the early 1990s, there was very little support for the project federally. Prime Minister Keating was known to be quite indifferent to the project—he saw it as a low priority—

The Hon. Sandra Kanck: The Democrats have been very supportive of it all the time.

The Hon. L.H. DAVIS: I will put that on the record. Let me just deal with the Labor Party first. I will develop this sequentially.

The Hon. A.J. Redford: Are they really important enough to devote time to them?

The Hon. L.H. DAVIS: Yes, they are. The federal Labor government had been quite indifferent to the project. Prime Minister Paul Keating was indifferent—some would argue almost hostile—to the notion. Premier Lynn Arnold in the dying weeks of the Labor government in late 1993 said that the Labor government would not commit any money to the project. So, we had the Labor Party at both state and federal level saying, 'We are not interested in this project; we will not put our money there.' I place on record that the Australian Democrats have been consistent supporters of the project: they have seen its value.

In August 1997, following Prime Minister Howard's announcement that the commonwealth government would commit $100 million to the project, the federal Labor opposition did what was described as a political flip-flop and endorsed the project. In fact, opposition leader Kym Beazley said that Labor would commit $300 million to the project. This was backed up by Mike Rann. The Liberal government had committed itself to the project and the federal opposition also said that it would support the project, but it argued that it would put in more than $100 million.

One of the ingredients of the proposal was that the federal government would gift the Tarcoola to Alice Springs line, the existing Alice Springs railway link which was valued at $400 million, to the successful consortium, and the Northern Territory government would also agree to transfer at least part of the ownership, management and logistics of its new port at the Darwin wharf and container terminal to the rail project. That new $90 million deep water port in Darwin would obviously provide a valuable new trade link to Asia. It was argued that that completed rail link—

The Hon. T.G. Roberts: Plus the free trade zone.

The Hon. L.H. DAVIS: Yes. As the Hon. Terry Roberts correctly notes, it was also a free trade zone. So, the proponents of the Alice Springs-Darwin rail link argued that if the line was completed it would slice many days sailing time off goods now being exported by sea out of Adelaide and Melbourne. There would also be the benefit of the new, most modern port in Darwin and a trade free zone feeding into the population of China, India and South-East Asia—a region which is growing at the rate of 36 million people per annum or roughly double the size of Australia's population.

To its credit, the Fraser government of 1982-83 had begun surveying the line. I think it had completed surveying 300 kilometres of line prior to the change of government in March 1983. That surveying had to resume, there were environmental matters to be addressed and, most importantly, there was the issue of native title. The Alice Springs-Darwin rail link involved the protection of sacred sites, the relocation of about 150 people who lived in the way of the proposed route, and negotiating on native title claims, in particular, along 270 kilometres of the track corridor.

In April 1998, an agreement was reached that the Aboriginal communities would be compensated with $7.4 million following the signing of an historic deal with six Aboriginal regional groups—the northern and central land councils. That was the last stumbling block for this $1.2 billion rail link. The Labor Party in South Australia, having been quite ambivalent about the project and actually antagonistic towards it in 1993—

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: The Hon. Terry Roberts said he supported it all along, and in 1993 he was obviously overruled in caucus, in those desperate days when they were flailing around with a lazy $3.5 billion debt created by the collapse of the State Bank, SGIC and scrimber. He was honest in supporting the project; I put him on the record as saying that and I thank him. But the Hon. Mike Rann, who has given new meaning to the word 'bipartisan', had to find a way to deal himself in. We have seen the most remarkable and convoluted approach to the Alice Springs to Darwin railway link taken by the Hon. Mike Rann and his leader in this Council, the Hon. Carolyn Pickles. Less than two weeks ago, for example, she asked:

> Is the state government considering allocating more public funding to the Alice Springs to Darwin rail link and, if so, how much?

And:

> Will the minister detail from where the extra funding will come?

In response to that, the Hon. Diana Laidlaw quite properly and entirely accurately said:

> . . . the opposition has been entirely unhelpful in terms of taxpayer funds because it has been undermining our case to leverage as high as possible the contribution from the private sector.

The Hon. Mike Rann is on record, and will I quote from his Address in Reply speech of 30 September 1999, when he said, critically:

> Already we have missed several of the start dates promised by the Premier and John Howard just before the 1997 election. . .

Later, he asked:

> Why is Mr Burke [the Northern Territory Chief Minister] flagging [that more money is required] before more money has been secured from Canberra? Why should South Australia offer any more money, especially before John Howard has at least matched Kim Beazley's offer?

As I mentioned, that offer was $300 million. That is a remarkable proposition, if you think about it. The Leader of the Opposition is asking why South Australia should be putting in more when we have said that John Howard should put in $300 million. How bizarre, and how commercially naive—but that comes as no surprise to those members who have followed the Hon. Mike Rann's approach to matters financial.

[Sitting suspended from 6 p.m. to 7.45 p.m.]

The Hon. L.H. DAVIS: I was making the point that both the Hon. Carolyn Pickles and the Hon. Mike Rann had very naively argued that the state government should be revealing

how much money it was intending to ask the commonwealth government for in negotiations with respect to the Alice Springs to Darwin rail link. In particular, the Hon. Mike Rann had claimed (as had Kim Beazley, the federal Labor leader) that $300 million should be committed by the commonwealth government to the rail project. When one recognises that this project involved a partnership between the public sector straddling three governments—the commonwealth government, the Northern Territory government and the South Australian government—and the successful consortium of private sector interests, one does not have to be a genius to realise that negotiations have to take place. One does not have to be particularly smart commercially to recognise that you do not put your cards on the table with the television cameras around.

One has to commend, in particular, throughout this bidding process (protracted as it was) and the negotiation process (protracted as it was) the focus, professionalism and commitment of the Hon. John Olsen. He was totally consistent in his approach to this matter. That is in stark contrast to the Hon. Mike Rann, Leader of the Opposition, who, on the one hand, talks about bipartisanship and, on the other hand, says that he wants to be at the table dealing with this matter as Leader of the Opposition, yet is demanding that the federal government should be putting $300 million into the ring. Even the Hon. Carolyn Pickles, who does not come from the private sector, would understand, I think, if I said it slowly enough—

The Hon. P. Holloway: Don't be patronising.

The Hon. L.H. DAVIS: She raised these points in questions to the Minister for Transport only weeks ago, so I am not being patronising: I am being factual here that—

The Hon. P. Holloway: No, you are being patronising.

The Hon. L.H. DAVIS: The fact is that, if you are trying to leverage a maximum amount of money out of the private sector consortium for this project, remembering that it is making the major commitment to the project, obviously you do not try to lower the bar for the private sector by saying, 'The federal government should be putting in more money.' Delicate negotiations were going on involving the South Australian government, the Northern Territory government and the commonwealth government. There was Kim Beazley, Mike Rann, Carolyn Pickles—and presumably Paul Holloway agreeing with this—saying that the federal government should put in $300 million. That was on the record.

The fact is that, in the end, the result which was announced only days ago has seen the private sector put $750 million into this project and the public sector a total of $480 million. That is made up of $165 million from the commonwealth government—not $300 million as demanded by the Hon. Mike Rann and also presumably the Hon. Carolyn Pickles but just $165 million; $165 million from the Northern Territory government; and $150 million from the South Australian government. Indeed only today, the Premier, the Hon. John Olsen, introduced a bill in another place to enable the state government to contribute the additional $50 million required for the project because current legislation limits our financial commitment to the project at this point to $100 million.

There is a caveat on that $50 million: certain events have to be triggered before that $50 million is payable. In the end, we have a project which has been agreed to and which will proceed for $1.23 billion. It is fascinating to see that, on the one hand, both the federal and state Labor oppositions are arguing that the commonwealth government should have contributed $300 million (note that it has put in only $165 million to get the green light on the project). On the other hand, they have rejected a call from their former colleague the Hon. Trevor Crothers, who, when debating the ETSA lease legislation—having resigned from the Labor Party after a lifetime of service to support it——claimed that the state government should be allowed to spend up to $150 million from its ETSA leasing arrangements on job generating projects, with up to $100 million being made available for the rail project.

What did the Labor Party do, having said, 'We want to be bipartisan; we want to support the project but there could be a shortfall in funding', when the Hon. Trevor Crothers put that proposition to the Legislative Council? Members were missing in action—

Members interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. L.H. DAVIS: The Hon. Paul Holloway and the Hon. Carolyn Pickles were missing in action—nowhere to be seen. Absolutely extraordinary! There we have the Labor Party's commercial sophistication, if that is not too strong a word. We have the Leader of the Opposition, the Hon. Mike Rann, who is yet to apologise for what happened with the state bank, who is yet to understand what a budget looks like and who has no financial credentials at all but who has continued on his merry way with this project again illustrating how financially incompetent he is.

In conclusion, I return to the motion, which places emphasis on the jobs that will be created and the economic benefits that will flow to the South Australian economy as a result of this wonderful initiative. It is expected, for example, that BHP Whyalla may supply up to 155 000 tonnes of steel for rail—that is enough for two years production at Whyalla—and that the 2.3 million sleepers will require 240 000 cubic metres of concrete pre stressed. There will be general construction requiring 100 000 tonnes of reinforced concrete from Port Augusta—an enormous amount of material. There is a commitment that the major part of the project will come from materials provided by South Australia. Steel shipping containers may also come from Port Pirie. As I said—

The Hon. Carolyn Pickles: How many jobs? How many new jobs?

The Hon. L.H. DAVIS: You're really fired up, aren't you? You're really excited about this project: I am so pleased to see it.

The Hon. Carolyn Pickles: How many jobs? How many new jobs?

The Hon. L.H. DAVIS: If you stop interjecting, I will tell you. I will tell you in a minute. As I noted earlier, the sea freight journey between Adelaide and Nagoya will be cut by 15 days if we use the rail route through Darwin. South Australian products could well be in the Asian market within four days of leaving Adelaide as a result of this 1 410 kilometre rail link being developed nearly 130 years after it was first thought of. The other benefit that will obviously flow to South Australia is the ability to transport seafood, to transport fresh fruit and vegetables, to transport wine to the Asian market (where demand has been increasing dramatically) and to transport minerals.

In minerals we are talking not only of minerals out of Western Mining's Roxby Downs but also uranium and the possibility of the pig iron project that is planned for Whyalla, involving Meekatharra Minerals (and I should declare an

interest in that). There is potential for Mitsubishi Motors and Holden's and their car exports, and the fact that it will bring many more jobs into South Australia generally and the Spencer Gulf region in particular. The Hon. Carolyn Pickles has asked how many jobs it will create.

The Hon. Carolyn Pickles: And in South Australia?

The Hon. L.H. DAVIS: The Premier in a media release yesterday argued that economic modelling done for the government recently indicated that the South Australian economy is likely to benefit from the project in net terms—excluding land bridging—in the order of $250 million to $600 million over a 25 year period. From the Premier's press release, to which I have just referred, construction is expected to start in May 2000 and take two years, employing more than 7 000 people directly and indirectly at its peak.

The Hon. Carolyn Pickles: Are these South Australian jobs?

The Hon. L.H. DAVIS: They will be predominantly; there will be many South Australian jobs created in Whyalla, and no doubt we will find that, in time, with the enhancement for export opportunities, people will increasingly use Adelaide as a transport hub, and many goods out of Victoria will be directed for the first time through Adelaide. I see this as a significant initiative. The government deserves great commendation for its perseverance and its lobbying, because many forces were at work in the eastern states and, one suspects, in the public sector in Canberra, which were very much against the project.

But the South Australian government, together with the Northern Territory government, has shown great tenacity in winning this project for South Australia and the Northern Territory, and I believe that the jobs created and the long-term economic benefits to South Australia will mark this project as a watershed in South Australian history.

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

PARTNERSHIPS 21

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

That this Council expresses concern over the pressure placed on school councils and school communities to enter Partnerships 21 rapidly, without a chance to properly assess the impact on their schools in both the long and short term.

Over the past few weeks I have received increasing correspondence from members of South Australian school communities expressing their concern over the pressure that has been brought to bear to rapidly enter Partnerships 21. It is fair to say that there has been concern for some months but, as the first deadline now approaches, that concern is growing. The government had made a promise that entry into Partnerships 21 is voluntary; that is certainly true. But, quite clearly, significant pressures and inducements are being brought to bear—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: I will get to all that as we proceed. But, in many cases, it is not as voluntary as the state government seeks to assure us that it is. I am a strong supporter of strong, local school decision making and would make the point that South Australia has led the nation for many years in this regard. In fact, we go back to the early 1970s to the Freedom and Authority document to recognise that, and there has been a steady progression since that time.

I have served on school councils, during the mid-1980s as a teacher and until about two years ago as a parent, and I have personal acquaintances serving on councils at present. There is no question that before Partnerships 21 school councils already had a very significant role in the running of their schools and a very significant role in decisions about schools. School councils are making decisions about curriculum, deciding what subjects will or will not be taught; I know that. Back in the mid 1980s, subjects were being introduced into the curriculum at Renmark at the request of parents.

It was not being driven by the state or by the staff or the principal; it was the parents themselves who were making requests for subjects to be incorporated into the curriculum. It was the school council that made decisions about putting in computer networks. As I recall in Renmark, the school council made a decision about how it was going to spend funds it had available, and it was redirecting funds so that it could set up one of the first computer networks in the state. But it was the council again—in this case with a couple of very strongly supportive teachers—that enabled that to happen; it was not being directed from the centre.

Certainly, the state was doing useful things. It had established the Angle Park Computing Centre, which was a fantastic resource, to help with the in-service training of teachers in this area. Unfortunately, these sorts of things have largely disappeared since, but the government was certainly facilitating them. But, again, decisions were being made at a local level. Decisions about uniform and about discipline—all those sorts of decisions—are mostly being made at the school council level.

The Blackwood High School, which my two oldest children attend, is constructing a performing arts centre, which will cost around $1.5 million to $2 million. The state government is putting in a very large swag of it, but the school itself is raising up to $300 000. But the decision to have a performing arts centre in the first place is being driven internally. Even though the school is not a special music school, it is has an incredibly comprehensive music program. It has its own senior and junior orchestras that perform regularly outside the school and bands of every sort of description—everything from rock bands, classical guitar bands, string quartets, brass performances, jazz groups.

All this is being driven from inside the school because the school values these things strongly. It was these sort of programs that led the school to dream higher. It was not the state that made the decision that such things would happen: it was coming out of the school. When you see these sorts of things happening, you wonder what extra flexibility you are asking for. Certainly, it is not just a question of flexibility but ultimately the problem with Partnerships 21 relates to responsibility and the long-term implications of that.

I digress: indeed, I am still on the introduction. I support the idea of school decision making: indeed, I blieve that it already exists. I could go on and give any number of examples relating to the primary school which my youngest child attends and which my older two did attend: it contains a patch of scrub that it is rehabilitating. It has very comprehensive environmental programs, which again are being driven because the local community is very interested. It is being driven largely from the parent body. There are very supportive teachers, but much of the work and thinking behind it has been coming from the parent body. By way of introduction, I believe there must be an inquiry into how global budget allocations are made—and I will be asking questions about

that later. I will be paying particular attention to funding formulae being made public knowledge.

Let us look at the pressure being placed on schools to enter Partnerships 21 rapidly. Partnerships 21 as a program was first announced in a ministerial statement on 9 July this year with information being distributed later that month and the first group of schools being encouraged to opt for more information and training by 27 August. School councils meet on a monthly basis so effectively that cut-off date gave school councils one meeting, and at best two meetings, before they were being asked to opt in in the first round. I use the word 'encourage', but there was a whole lot more than that because significant incentives were offered to schools that opted into the first round. In particular there was payment of gaps in regard to school card top ups.

As to how big these incentives become, I recall that Mintabie believes it is being offered $240 000. There are some swings and roundabouts. Some schools are getting a lot less. I think Christies Beach High School is getting some $228 000 less, so there are swings and roundabouts. A significant number of schools, particularly small schools in the country (I suppose so that the government will be able to boast later about numbers), are being offered apparent increases in funding. I stress the word 'apparent' because one has to take into account, first, that the government has significantly cut moneys to education overall and, whereas some schools are getting a greater share, it is at the expense of others that are getting a lesser share.

No new money is coming in, but schools are being told, 'If you do not opt into round one, you will not get this money.' Schools that are struggling for money—for instance some schools are still trying to upgrade their computer resources or a range of other things—are being offered significant moneys which they will not get if they do not opt into round one. One can understand why some schools say, 'Given the way this government works, whether or not we want it, it will do it to us, so we might as well grab what we can and then make the best of a bad lot.' There is no question that many schools that opted into at least the information stage have been thinking along these lines. However, I am told consistently in talking to schools that, before they opted into that information stage, they had no information that was of any value whatsoever. Unfortunately, I have heard from many inside the process that they are still not terribly the wiser, and as I proceed I will touch on some of the reasons for the confusion.

There is a total of six months between the schools being told that Partnerships 21 is around until they have to sign off on the deal. This involves at best five school council meetings. Certainly, for the first two or three of those meetings they had virtually no information at all, so some members of council have been going to information evenings and bringing back what best they can glean, even though information within is still quite confusing. The only good reason they have for signing on immediately—and there is only one good reason to sign on now rather than at stages two, three or four—is that that money is being offered. There is no other reason why a school would want to go in early.

The minister really ducked the question this morning. I heard him being interviewed on radio. He ducked the question, which suggested that, if a school was in need (which was the justification he was giving for the increases for some schools), why do not those schools which are in need and which do not opt into round one also get that money? He just ran for cover. He had to run for cover because we know why it was done: it was nothing more nor less than a political bribe—blackmail. It had nothing to do with justice whatsoever.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: We will get to Victoria in due course. One point that seems to be missing in all this is the reason for the changes. There have been hints from time to time from the government that somehow or other this shift to local school management will improve learning outcomes for students. I invite members who have not yet taken the opportunity to read the document 'Community partnerships in education', which was tabled in this place and which is a report on local school management in South Australia. If one cares to look at what Associate Professor Ian Cox had to say, one sees that there is no proof that local school management improves learning outcomes.

He made quite plain that there is nothing in the literature that confirms that local school management improves learning outcomes. What are schools about? Schools are about learning. They are about other things as well, but their first function is about learning. One can have some arguments about what it is that students learn—and I would certainly argue that it is more than just reading, writing and arithmetic as there are a lot of other important things in the process—but, if this is not about learning outcomes, why is it being done? I believe that it is being driven by the same ideology that is driving almost everything this government does, which is essentially—

The Hon. Carolyn Pickles: The same ideology that drove Victoria.

The Hon. M.J. ELLIOTT: And the same ideology that drove Victoria, which basically says that public is bad and private is good. I stress that it is certainly not for the students. There is no evidence anywhere to show that local school management of the sort that the government is proposing, where it has devolved virtually everything except for staffing, does have an impact on outcomes.

By way of interjection, the Victorian situation has been interesting. If members have not seen it, they should get hold of the book *The Future of Schools, Lessons From the Reform of Public Education* written by Brian J. Caldwell and Don K. Hayward. The significance of the authors, particularly the second, is that Don K. Hayward is a former Victorian Minister of Education. In this book he describes what he set about. He is not an educator: in fact, he knows nothing about education. He became, first, the shadow Minister of Education and, finally, the Minister of Education.

Effectively, has tried to take his knowledge of the business world and apply it to education. These are the sorts of ignorant things that were done by the previous Minister for Education in this place. He understood numbers but never understood education. He was not a pedagogue; he had no idea. If one looks into the book (and I will quote from it) Mr Hayward seems to believe that local school management helps the students. On page 33 Hayward states:

> I had the view that, in the past, education had not been driven by the needs of the student, but, rather, by the needs of, and for the benefit of, those individuals and organisations that were part of the 'education club'. I was convinced that if we wanted to focus on an individual child's needs and bring out that child's full creativity, the emphasis had to be on the individual school, rather than on a centrally controlled 'system'.

Nowhere did he produce any evidence. He said 'I believe' and 'I formed the opinion'. There was no evidence, and there is no evidence. Cox made the point that there was no

evidence that this would happen. But Hayward had a belief. Well, good on him. Unfortunately, he got to be the Minister of Education and then started implementing these beliefs, which had no basis in any research. It continues:

> We already had models of highly successful schools in the non-government, or independent schools, which were attended by more than 30 per cent of Victoria's school students. What we needed to do was to make all our schools 'independent'. We needed to dismantle 'the system'.

He effectively wanted to turn the whole system into a private system. Mr Hayward wanted to dismantle the public education system in Victoria. Another point that should be made is that Victoria had not devolved responsibility as far as South Australia had. South Australia already had a great deal of local decision making: Victoria had not gone that far, so it probably did need to shift. But he leapfrogged straight past us and out the other side. Page 34 states:

> School principals seemed supportive of the concept of operating autonomy for schools.

Yes, minister! It continues:

> However, in discussions with some school principals, they urged that all schools should move towards autonomy at a slow, gradual, uniform pace.

The principals were saying to him—and I suppose this may have been bold—'Yes, minister, we agree with what you are doing, but we really think you should do this steadily.' Hayward then said:

> I saw many objections to this. . . If you are going to make a fundamental cultural change, you have to move quickly, before those who have an interest in the status quo can organise their opposition.

Well, I guess that is one way of putting it. In other words, you hit them so quick they do not know what is coming, and people who may have valid arguments do not have a chance to organise them. He stressed the need for speed. What is happening in South Australia—absolute speed. The formula that was laid in Victoria has been taken over here. We keep being told that this is uniquely South Australian, and then in debate they contradict themselves by saying, 'In Victoria it has all been wonderful.' Well, at least that is the line here.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: That is the next thing. On page 36 he talks about the important role played by Mr Geoff Spring. He talks about a discussion that he had with Stone, the then Leader of the Government of the Northern Territory. He said:

> I want you Victorians to get in next time, and what you need is help. Some of my senior people and me are coming to Melbourne in about three weeks for an inter-government meeting. It's on a Friday. We'll stay over to the Sunday, and we'll spend the whole of Saturday briefing you on the big education issues.
>
> Stone was true to his word, and early one Saturday morning we went to work in the sitting room of his suite at the Windsor Hotel in Melbourne. Stone had brought four people with him, but the person doing most of the briefing was Geoff Spring, secretary of the Department of Education and Training in the Northern Territory. Spring was a large, well-built man who seemed strong in every sense of the word. He had a reputation for being tough, and the teacher union officials in the Northern Territory had nicknamed him 'the crocodile'. By the end of the day, I was convinced that he had the strength to make the Victorian bureaucracy implement our reform.

He goes on to say a lot more about the role of his chosen chief executive officer, but I will not quote more of that at this stage. An interesting article was published in the Melbourne *Age* of 5 November 1999, as follows:

> The Victorian Department of Education's figures reveal Mr Spring was tempted to Victoria with a salary package of just under half a million dollars per annum, somewhere between $460 000 and $469 000.

There seems to be a contradiction here. The *Age* has quoted, apparently from official government figures. What I do not understand is that the minister in South Australia reported that Mr Spring came to this state on an income of $248 000 per annum. So, either the Melbourne *Age* has it wrong, the Victorian Department of Education has it wrong, the local minister has it wrong, or Mr Spring took a pay cut of some $200 000.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: I was just going to say that—or else he could see what was coming, even if nobody else in Victoria could. Anyway, I will leave that to one side. It is no coincidence. The government says that it is uniquely South Australian, and yet the very person who implemented the Victorian system was brought here. Do not give us that nonsense. South Australians are not stupid; the public are not stupid—they can see through that sort of nonsense.

Increasingly, there are examples across South Australia of the impact of this swift implementation of the state government's privatisation ideology. The rush has caught DETE unprepared. The urge to start Partnerships 21 next year—and might I say that nobody has given any justification as to why it should happen next year, no-one has given any justification why it had to move at that speed other than the justification given by Don Hayward in Victoria, that speed was absolutely essential because otherwise the arguments might not go so well—has seen resource profiles (on which global budgets are based) be projected because as yet the full costs for 1999 are unknown.

Further, the Auditor-General notes that there have been problems with the land asset management data which also contributes to the calculation of funding arrangements under Partnerships 21. I bring to everybody's attention the Auditor-General's Report, part B, volume 1, page 180. The rush with which this complex change has been introduced has also left many school councils not only confused but pressured, as incentives diminish the longer they delay. In fact, not only do they diminish but they disappear. Many schools are not clear what global budgets are and how they work, and the state government has not made transparent the underlying funding formulas.

There has been some ruckus about the distribution of moneys according to electorates, but if one looks at a graph of money allocated to individual schools there are some incredible anomalies, which simply are not explicable by size, by location, by aboriginality, or any of the other obvious things one might have thought would go into a formula. There are absolute blatant inconsistencies, where one school which appears to have the same sort of profile as another is getting a much larger bonus and seems to have done far better out of the funding formula. One or two things have happened. Either there is some pork-barrelling going on or the formulae have not been got right. But whatever, there are still some major problems within.

Increasingly there have been reports in the media and to my office of division within local school communities, as principals and school councils are pressured to rapidly decide over Partnerships 21. Principals are being told that if they want to go ahead in the system then they really must be out there promoting Partnerships 21. They are being told that if they are not a Partnerships 21 school they will never get into one because they will not have the experience of it. That one

is almost understandable, but in other cases there have been far more blatant threats than that. Some principals have clearly misbehaved. I have had reports in relation to principals, and these are first-hand reports from school councils, where they are telling the principal what they want, and what is appearing in the school newsletter is absolutely contrary to what the school council has asked. Sometimes the requests have been repeated and over three school newsletters the principal has persisted in pushing one line, contrary to the school council.

I suppose one could argue that, with Partnerships 21 implemented, the principal would have to do what he or she was told, but it is quite extraordinary that anybody who believes in Partnerships 21 would directly go against the will of the school council. Another classic example that has been brought to my attention concerns what has been happening in Mintabie over recent weeks. It has been absolutely extraordinary. I will not detail all of the events at this time but will note a phone call that I received from a Mintabie school councillor. This councillor asked me whether I could assure her that the recently elected school council could not be sacked because they wanted more time to decide on P21. My staff assured her that a school council could not be sacked unless by express permission of the minister and that the school could not enter Partnerships 21 unless the approval of the chair of the school council was obtained.

I understand that what has now happened is that the minister has been asked to sack the school council at Mintabie. As I understand it, this council which was elected only few weeks ago, a newly elected council, expressed a view that it wanted to take its time and really look at the issues. The principal apparently had a different viewpoint. I am told that senior bureaucrats were brought in and pressure was brought to bear, that petitions started circulating within the community to sack the council. I have been told who was thought to be circulating them, but I will leave that for the time being. This is a council that has been there for only a couple of weeks. Indeed, a public meeting was held, although the people who attended were not just parents; all sorts of local government officials and other people in the community were there as well, who were asked to vote on this motion of no confidence in the school council.

The Hon. Sandra Kanck: Who moved it?

The Hon. M.J. ELLIOTT: I can't tell you that. What has happened is that Mintabie is one of the schools that really is going to get a big bonus, and one could assume that some parents have been told, 'If we don't go into stage 1 we will not get this money. It is a once-off and here are the things that we can buy for the school.' In other words, the very bribe that the government has put in place has apparently been effective in dividing this community. Yet, all the council itself wanted to do was to look at the long term and ask—not for the next 12 months or two or three years but in the long term—'What is good for this school?' But, as I said, pressure has been brought to bear. School councillors have not been told at this stage whether they have been sacked or not, but we are told that that has been put before the minister.

I must say that that could be contrasted with another school, the Stradbroke Primary School. In this case, in a vote of 85 to 33 the parents were opposed to entry to Partnerships 21. The staff opposed entry 27 to 19. Despite that, the principal and the school council, who will be the co-signatories, have voted to enter, and will enter, Partnerships 21.

The Hon. Sandra Kanck interjecting:

The Hon. M.J. ELLIOTT: Yes, it is an extraordinary contradiction where we have one school where the school council made a decision that was contrary to the parents, where we have the minister being asked to sack the council, and another school where the parents have more than two to one voted to not enter Partnerships 21, and a staff who voted very strongly not to enter it, but where the council and the principal are going to go against their wishes.

The Hon. Sandra Kanck: The minister sack the parents!

The Hon. M.J. ELLIOTT: Yes, well perhaps the minister might be invited to sack that council because it is clearly not reflecting the will of the parents. I can tell the Council that I have had an absolute host of reports of this nature where parent meetings on the whole have been opposing entry to Partnerships 21 and school councils have been going against their wishes, and I must say I find this most intriguing. As I said, the only thing that is driving people forward into it are the bribes. Although I must say, and I am very hearted by this, that I know of a number of schools that actually stand to get significant moneys and they are choosing not to, and schools that probably would cope with school management at one level, such as Blackwood High School, where my older two children are. It has decided not to go into stage 1. I think my judgment is that many of the parents who are sending their children to that school could afford to send them to private schools but they are people who have made a deliberate decision to send their children to public schools because they believe in the public system, although they could afford to pay additional costs, and certainly, professionally, the skills are there in the parent body.

I think they are making a very clear statement, at this stage a statement of caution, that we do have a good system. It is not perfect, and no-one is claiming that it is. I have criticised the government for things it is doing, but I think funding is the major problem. But we really should not hasten. That is what the principals in Victoria said to the minister. Of course, he ignored them. They said, 'By all means change, but do it in a measured way.' But that is not what the government is trying to do here.

The decision to enter Partnerships 21 is an important one. School communities do need time, they need information, they need support. It would seem to me that the case will stand for itself or not. Will the schools overall be better off financially in the longer term? That is an argument that has been put. All they know is that some of them will be better off in the short term. Others know clearly they will not be. Schools must be encouraged to wait until the review of the education acts are completed. To consider signing off on Partnerships 21 and the responsibilities that are then being handed down to the school, absolute responsibility in many cases, and not even knowing what the Education Act is going to look like—and I must say in this parliament now it is pretty unpredictable what could happen—is really an invitation to disaster.

My researcher went over to Victoria and spent some four or five days there and interviewed and spoke with a number of key players in Victoria. The government, as I have already said, has this contradiction that at one level it says that this is uniquely South Australian but at another level it says that it has happened in Victoria and it is wonderful. Until the recent Victorian election the Kennett government had actively pursued privatisation of schools and links with enterprise.

It has raised the concern of academics such as the Professor of Education at Deakin University and now

Flinders University, John Smyth. I quote a paper presented to the 1998 Australian Association of Research annual conference:

> Enterprise education is being used as a kind of ideological hook with which to draw us into believing that the way out of the youth employment crisis in which young people leave school unable to secure jobs is through having them develop the necessary personal and collective aptitudes, values and dispositions through projects that claim to stress innovation, partnerships with industry, networking, vocational education programs, and acquiring enterprising skills, knowledge and behaviours. Redefining the problems in a way that personalises and individualises it takes the pressure off the collective need to creatively think about what is happening to the nature of work, the predatory nature of the transglobal forces producing these changes, and the abdication of the state in enacting a proper steering role in the economy.

That observation also highlights one of the major practical concerns of schemes such as Partnerships 21: that is, their depoliticising potential. Instead of debate over lack of resources, large class sizes and equity issues being directed towards the state government, immediately they are deflected to the individual school. Whilst we have a situation where there are staffing formulae, where schools know according to a formula what staffing they will get, if the government cuts back in expenditure and on staffing levels and changes the formula, then there is a statewide debate about staffing which ensures that resourcing is adequate to do the job. However, under a full Partnerships 21 program it will be deflected, because the government will say that it is providing the money and how many teachers a school has is a decision for the school council.

It is much more difficult to have an argument about resources. Whilst there could be arguments about staffing, children with special needs or a range of other issues such as the fact that technology is becoming increasingly important and schools need more money, under Partnerships 21 the government's answer will be that the school council will decide how to spend the money. It becomes a school problem and it is no longer a government problem. School councils will then be left with the vaguer debate about whether they are getting enough money. That is a much more difficult argument to have than 'This is what the staffing formula is now providing; clearly we do not have sufficient staff to provide the full range of subjects, we want to do whatever else.'

This government has already cut expenditure to schools greatly and it will be in a position to cut that expenditure further once it manages to pass the buck for spending decisions back to individual schools. If parents have a problem, it will become increasingly difficult to look at it on a systemic level and complaints will fall to the allocation of aspects of global budgets by school councils. Other trends in Victoria were noted by Dr Simon Marginson of the University of Melbourne. I quote from his book *Markets in Education*, as follows:

> While local units gain the capacity for management within a centrally determined framework, administrative decentralisation could be overturned at whim. In curriculum, the hold of the centre was mostly tighter than before. The definition of 'quality' education, the purposes of schools and the contexts, conditions and resources within which schools operate remained centrally determined.

That is a trend that we see happening in South Australia. What is all this nonsense about local school decision making? The government has introduced the basic skills test. Increasingly, it will define the curriculum to the point where there will not be any real decisions made by schools. They will be tinkering at the edges with an inadequate budget trying to do what the government tells them they have to do. That is the situation that we will have: effectively, local decision making will not exist.

My researchers also looked at the impact of the Victorian shift on the practical level by consultation with groups that already have been down the privatisation path. The Victorian Principals Association informed me that the key issue was underlying resources. Whilst the association felt that local school management was desirable, it felt that it failed in Victoria because it was not adequately resourced. That is the key issue and the key concern. This was highlighted by the way in which local school management had hidden a 15 per cent decrease in public school funding since it was introduced in 1992. I am quoting from the ABS Expenditure on Education 1997-98. This was a 15 per cent cut in public school funding in Victoria under 'New schools for the future' and Geoff Spring.

Interestingly, over the same period, funding for public schools in South Australia has dropped by 5 per cent. I note also that in South Australia non-government funding has increased by over 30 per cent. That is from the Commonwealth Grants Commission 1998. Clearly, the Liberal government is running a privatisation agenda, one which effectively seeks to turn the public education system into a private education system.

In meetings with the Australian Schools Lobby they emphasised the danger of competition between privatised public schools. The inevitable narrowing of curriculum and marketing on high scores alienated students who would traditionally struggle and contributed the extremely high levels of truancy and early school leaving in that state. This is shown as significant by a study released in September this year by Anthony King at the Dusseldorf Skills Forum. It estimated that the average lifetime cost of every school leaver was $37 100 of which the state government bears $22 400.

The South Australian experience so far: the only South Australian consideration to date has been the Cox report. The Cox report claims to have undertaken wide consultation, but I note that not all those in the consultation process were involved in writing the report, and several key members have subsequently failed to support the developments from the report. It is one thing to consult; it is another thing actually to reflect the consultation, and the implementation that we are now seeing I would suggest has gone a considerable way past the consultation.

I move on to school council and community fears. These fears are not unreasonable given leaked reports that there has been a $20 million funding cut between rounds two and three of the global budgets. These fears are not unreasonable given that the resource profile on which global budgets are based has been cut back in the last few months with the effect of fiddling figures to make global budgets look better.

I will touch on that a little further. There are at least seven sources of potential error in Partnerships 21 budgets. I refer, first, to SSO hours. True costs of SSOs were factored in at the wrong rate. This produced an error which, according to whomever you believe, is worth $7 million or $9 million in site calculations. Secondly, regarding Aboriginal education, an as yet unexplained error is influencing funds for Aboriginal students. Thirdly, with reference to the new arrivals program, an error costed at $3 million was factored into global budgets.

The fourth matter involves utilities costs. One school asked for an exact breakdown. No water or electricity costs were factored in, providing a false profit in the global budget.

DETE admits that it is inaccurate. Bronte Treloar says in his circular to principals:

> Utilities data appears to contain some anomalies for some sites. This may be a reflection of past accounting policies and/or payment methods (24 September 1999).

With reference to breakdown maintenance, actual costs are not factored into either the current running costs (resource profile) or the global budget. The figures they have used often understate the true running costs by tens of thousands of dollars. The sixth point is that benchmark breakdown maintenance costs do not reflect reality. The Auditor-General states that DETE's database is inaccurate. One school checked its site maintenance costs to find it was being billed for a swimming pool that it did not have.

The seventh matter relates to temporary staffing. DETE cannot accurately track temporary appointments. TRTs, special ed salaries, and a range of short-term appointments are not always accurately reflected in school costs. Somehow, in the October vacation, DETE removed between $20 and $30 million from the resource profiles and global budgets issued to schools in term 3. Many sites compare their term 3 estimates with those for term 4 to find that there have been all round reductions. DETE itself does not yet know the size of its error. Clearly, it is unsafe to make judgments on rubbery figures.

Despite all the promises of extra money for those who enter Partnerships 21, there are still 4 year olds in classes with 8 year olds in city and regional schools because of inadequate staffing; and there continues to be moves to shift responsibility for all staffing into schools. Add to this a drop in funding by $1 200 per head for Aboriginal students, a drop by 60 per cent in school card support and an indication in the department equity report that special needs funding will be reduced from the current 6.9 per cent to only 3 per cent, it is no wonder that parents and school councils have fears. School communities fear that, instead of facing the real issues of ongoing funding cuts to education by this government, Partnerships 21 is a way for the state government to avoid responsibility by shifting it to local schools.

I turn to possible problems under Partnerships 21. There are also real concerns over Partnerships 21 once it is implemented. I have doubts that Partnerships 21 will result in greater freedom. As Dr Marginson's comments highlight, in the area of curriculum, the state government is likely to become increasingly prescriptive. It seems to reflect a trend, described by Professor Smyth of Flinders University in his book *Schooling for a Fair Go*, of a shifting of responsibility without a shift in power.

School councils have fears about how they will attract members with the appropriate experience, when many already struggle to fill positions. They also fear that, should they wish to opt out of Partnerships 21 at the end of their three-year agreement, there may be no public system to return to. In fact, the government is not saying what will happen at the end of the three years. One knows that one cannot give any guarantees of funding beyond three years but, once one has signed in, it appears that one is in for life. Despite questions asked in this place which the minister has refused to answer, we are not being told whether schools can opt out of Partnerships 21.

Also, while the government is saying that their entering Partnerships 21 is voluntary—although it has offered this enormous bribe to get people into stage 1—I suspect it will also offer bribes at the later stages, progressively. What will the government do to those schools that eventually do not enter? I presume they will be forced into Partnerships 21 whether or not they want it. That is clearly the agenda; the government wants to break the back of the numbers as quickly as it can, particularly using the bribes. Once it has done that, the rest will be swatted over the head and told to do what the others have sensibly done.

School councils also have concerns about the low level at which school breakdown assistance ends, leaving responsibility with the council. Further, there is no clear public audit of public works to determine what work is needed to be done to meet occupational health and safety standards, and the state government has given no commitment that work will be completed so that some schools are not disadvantaged from the start.

Principals are concerned about the huge administrative workload that will shift to them, something which the Victorian Principals Association revealed to be a particular problem in smaller and rural schools. Even during the time I was teaching I was worried by the increasing trend of principals becoming administrators. There was a time when the principal was known as the 'head teacher' and the head teacher knew what curriculum was being followed, knew intimately the methodologies that were being used and had a very good handle on everything that was happening in the school. But, even over the last two decades, as responsibility has gone to schools, principals have increasingly become administrators of staff and checkers of numbers, making sure that the pool is being fixed—all those million and one chores—or supervising the bursar, who has had increased responsibilities passed down.

So, the principal has become less and less of an educator. I would suggest that, by the time we have Partnerships 21 in full flight, we could not consider them to be educators. They are former teachers who have become principals. I have worked with principals who clearly did not really understand education and were not good educators, and I have also worked with principals who were. Good principals who understood what is going on in their schools are empowering and they ensure that there are good programs that the kids will flourish under. There is no way known that an administrator will do that. Why would somebody such as Mr Hayward, who came out of business, understand that? I think Mr Hayward believes that schools should be run as businesses. It appears that the current government believes that schools should be treated like a business, too, and that what works in the business world should work in a school. They are just displaying ignorance.

Teachers are concerned that the temptation to further increase workload will be too much when money for TRTs will be received in cash and could add to the school profits or perhaps used to make up the school shortfall. Parents of students with special needs are especially concerned, as I have highlighted previously in this place, over the lack of guarantees that services will be maintained and over the lack of clear grievance procedures. Further, in special needs areas such as attention deficit hyperactivity disorder, which is the subject of public controversy and which makes many parents the subject of stigma, it will be hard to negotiate alone for resources. No longer will the negotiations be at departmental and political levels: the negotiations will be at the individual school level, where the school will be trying to prioritise its spending. I suggest that children with special needs such as ADHD, which has only recently been recognised and is inadequately addressed in our system, will be left to rot.

Currently, only curriculum needs are met, despite research showing that schools are key sites for multi-modal intervention. This is but one example of special needs areas where the needs of students are not recognised by some schools and teachers. It will be difficult. There is a clear lack of information and research to confirm the benefits for schools of Partnerships 21, yet there is significant pressure on school councils and communities to enter the scheme. I have serious doubts that the intention of this initiative is to better educational outcomes, because at no stage has there been any proof or any presentation of a case for improved educational outcomes. There is another agenda. It is mostly blind ideology but, as far as there is an agenda, it is an ideology of making public schools private schools, to eventually have transferable credits that follow the student, and there will be many losers in that system. The losers will not be in the first years of Partnerships 21 but, as it evolves, the losers will be in the smaller, country and poor schools.

As schools become increasingly responsible for trying to find their own funding we will see more McDonald's signs hanging on school fences, and schools will just have to hope they have main road frontage where they can put more McDonald's signs on their fence. This is really not the way to go. As a person who has taught in and has children in the public system, I am gravely concerned about what the government is doing. I will make the point one more time: even if the government had a good case, it has not made a case for the speed at which this is moving or for the bribes that are being given to schools as they go into round one but do not go in in other cases. This is outrageous behaviour by this government. One would have thought it would look over the border and learn some lessons, but unfortunately I think it is too thick to learn any lessons.

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

QUEEN ELIZABETH HOSPITAL

The Hon. SANDRA KANCK: I seek leave to move my motion in an amended form.

Leave granted.

The Hon. SANDRA KANCK: I move:

1. That a select committee be appointed to inquire into the future of the Queen Elizabeth Hospital with particular reference to—
   (a) the demographic pressures for removing, reducing or expanding services;
   (b) the financial constraints on retaining or expanding services, including past and present levels of capital and recurrent funding;
   (c) the current availability of obstetric and gynaecological, cardiac, renal and accident and emergency services, and the impact on residents of the north-western suburbs of reducing such services;
   (d) transport from the north-western suburbs to Lyell McEwin Hospital;
   (e) methods of consultation used by the Health Commission in relation to determining the future of services; and
   (f) for any other related matter.
2. That Standing Order No. 389 be suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.
4. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Since the government's announcement in March that it planned to 'rationalise' the Queen Elizabeth Hospital's maternity services, the way in which information has been communicated and the listless efforts to consult both hospital staff and the community which rely on its services have been a complete bungle. From the outset, the government has been pursuing an economic rationalist policy on the run in regard to the QEH. In so doing, it has ignored the very people for whom the services of the QEH were designed.

This unseemly rush to force policy decisions has undermined public confidence in the decision making process. I can only remind this government of how the Kennett government fared in the last election as a result of ignoring public sentiment about hospital and community services. Perhaps—in the case of the population which uses the services of the QEH—the government has taken a cynical decision because these people live in safe Labor seats.

More than six months after the announcement, what has been achieved? After the obstetric and neonatal services plan essentially recommended there be just three maternity services in metropolitan Adelaide—at Flinders Medical Centre, the Women's and Children's Hospital and Lyell McEwin Health Services—there was public outrage. The government realised it had misjudged the commitment of local people to such an excellent service, so it reacted and set up the Birthing Services Review Group, but again this process was flawed.

No costings were available—and I question whether in fact any had been carried out—and there was confusion on the basic question about what a 'level 1 maternity service' actually is. Decisions were made in haste and under pressure. The group received a feasibility report on Thursday 24 June and was required to comment one day later by Friday 25 June, so that the minister could finalise his decision by Monday 28 June. The response that was given to the minister was not a consensus one, either. The review group met only twice and the majority of the members of that group were opposed to the downgrading of services. The government may have been consulting but it was certainly not listening.

As a result of the recommendations of the review group, another group was established—the Statewide Implementation Group. This third group was charged with the responsibility—at last someone had some responsibility—for economic modelling of proposed plans as well as ensuring appropriate consultation with staff, the community and others. So far there are still no costings finalised. The Statewide Implementation Group is being assisted by yet another group called the Professional Reference Group, which includes representatives from the Australian College of Midwives, the Australian Nursing Federation, the Royal College of Obstetricians and Gynaecologists and the AMA, amongst others.

The report by the Birthing Services Review Group recommended that local implementation groups be established with appropriate community consultation. These groups will liaise with representatives of the Statewide Implementation Group under the direction of the health unit CEO. These groups will then report through the Statewide Implementation Group to the Department of Human Services. So the horse has bolted and four groups and reports and recommendations later the government is trying to rein it under control.

However, as the year has progressed, it has become clear that maternity services were not the only ones the minister was considering axing. It is very important for the govern-

ment to sort out the mess it has created with its planning around obstetric and neonatal services because, if it cannot sort this one out, there is not much hope for the rationalising being planned for renal, oncology and cardiology services.

In May, internal decisions about redevelopment revealed plans to cut back at least 60 beds, as well as specialist services, including interpreting services for people of non-English speaking backgrounds. The western suburbs, I would remind members, are home to a multitude of people from different cultures. A dozen Vietnamese doctors contacted me by letter saying that the provision of these services were vital to the health care of their community. In June, Nick Hakof, the then CEO of the Queen Elizabeth Hospital, resigned. Perhaps continual battling against the health bureaucrats got too much for him, but he is not allowed to talk so we cannot find out.

In August, a decision was made to close 20 gynaecological beds. Closing these beds fundamentally undermines the QEH's ability to provide optimal care for women in the western suburbs. Also of grave concern about the process was the fact that neither the head of the Department of Obstetrics and Gynaecology, Dr Brian Pridmore, nor the head of the division, Professor Gus Dekker, were present when the decision was made.

In September, an options paper was circulated about future service provision for the North Western Adelaide Health Service. That options paper outlines a series of measures to downgrade the QEH. One is the reduction of obstetric services to a low risk maternity unit, which has been described by the minister as 'safe and affordable'. There is much consensus amongst deliverers of health services that a low risk stand-alone birthing unit is not completely safe, particularly if unexpected complications arise during delivery, and complete costings have not yet been done on the model, so how can the minister say that it is safe or affordable?

The renal unit is likely to be placed elsewhere, and at this point the location remains unclear. So, if a birthing mother has a renal problem during or after labour, she would be transferred to the renal unit which could, for instance, be at the Flinders Medical Centre or Lyell McEwen Health Services while her new born baby remains at the Queen Elizabeth Hospital. Surely the minister could not describe this as a best practice model.

Oncology services will be diminished, which Professor John Horowitz (the head of cardiology at the QEH and Lyell McEwin and also a professor at Adelaide university) describes as 'ridiculous'. He says:

> As cancer is a major cause of death in the western suburbs, it is very bad to contemplate reducing services at the QEH.

It is not surprising to hear that Professor Horowitz recommends putting services where the diseases are. Hospitals and specialised service units ought to be located close to the maximum density of a disease or illness. The north-western and western suburbs of Adelaide have a high density of heart disease and cancer, therefore these services should be maintained and upgraded to serve the needs of that population.

There remains confusion and uncertainty over service provision at the Queen Elizabeth Hospital. This has had a detrimental effect on staff morale and the community at large, and there is even some concern that locals believe that obstetric services are no longer available at the QEH. Recent minutes of the Keep the QEH Delivering Action Group—a group consisting of consumers, staff and local government representatives—include an item headlined 'Booking lists at TQEH maternity'. It says:

> Major team effort required, using all available means, to broadcast a clear message that TQEH maternity continues to deliver.

It is good that there are such grass roots organisations putting in time and effort to keep these services going for the community and to let the community know what is happening, even when the government fails to do so.

Consultation has been extremely poor. Nursing staff have become so frustrated that they are now contemplating work bans in protest. Meetings with senior hospital staff have revealed little, and I believe the ANF will be conducting a meeting next week in the hope that invited guests will shed some light on the future of the QEH. If staff feel like this, community members must be equally frustrated. Many health professionals have expressed concern over the review process, which the Department of Human Services has embarked on in regard to obstetrics, renal services and urology, cardiology and oncology. The stated reason for these reviews was to establish the best way to utilise scarce resources.

You would expect in such a review that a careful cost benefit analysis would be carried out on each service, yet this has not been done. Health professionals believe the process to be flawed and biased. Of great concern is that the Queen Elizabeth Hospital Service Review Committee, which is making the decisions about redevelopment and planning of the hospital, has not one QEH or Lyell McEwin clinician represented on it. This is despite considerable objections. How outrageous not to have a representative of the QEH clinicians on that committee.

I believe that Professor Brendon Kearney (who formerly ran the Royal Adelaide Hospital and who may return to that hospital after his stint as a Health Commission bureaucrat) is running this committee. Is it appropriate that he have that role? What has been forgotten amongst all the reports, committees and recommendations are the people who use these services.

A gentleman has spoken in my office about his experiences as a result of the cost cutting and rationalisation at QEH. Earlier this year, this man needed an operation on his hand. He lives at Semaphore Park and previously accessed the services at QEH, but with the downgrading of services he had to go to the Lyell McEwin to have his operation. On the day of his operation he had to be at the hospital at 7 a.m. He took the first train into the city from Semaphore Park at 5 a.m., waited for a bus and then went to Lyell McEwin. The trip took about two hours, which is possible if you get good connections.

When he arrived he was told that the paperwork that he had posted was lost and he would have to wait. He waited for 5½ hours while they tried to find the paperwork. In the meantime, he had been fasting since the night before and, as the time dragged on, he became more frustrated. Staff told him that even if they had the paperwork they would not be able to do the operation, due to his high blood pressure. Later, the surgeon came to see him and said that he could have operated after all because he knew his medical history from the QEH, but by then it was too late. He returned home at 5 p.m. No wonder his blood pressure was high.

Eventually, he had the operation and has been back three times since for physio, each time taking approximately two hours travelling time both there and back. You would hardly

call that best practice. Is the government saying that if you are old and live in the western suburbs you need to travel two hours to get basic hospital treatment? This is the area in Adelaide with the lowest car ownership, the lowest ambulance cover, the highest unemployment and the highest percentage of people from a non-English speaking background. This issue of transport is of major concern, particularly for heavily pregnant women having to get to the Lyell McEwin.

The government's message has been mixed: pledges of capital works funding contradict plans to downgrade services. The QEH provides nationally and internationally acclaimed services in obstetrics, cardiology and renal urology services. Logic says that you would keep them. It is time to set the record straight. If the government and the Health Commission have a sound case for rationalising services, let us see it. They can appear before this select committee and be given an opportunity to justify their plans and their actions.

The people of the western suburbs may well have a different view from that of the government, and they too deserve to be heard. I want to read from a letter to the *Advertiser*, published on 20 October. It is from Llaina Nolan of Flinders Park, who writes:

> How much longer do we have to wait until our learned politicians or 'interested parties' make public their real plans for the Queen Elizabeth Hospital? I ask the Human Services Minister what he considers is the fate of the QEH. Why has nursing administration been so secretively relocated to the Lyell McEwin? What else has been planned under the veil of secrecy? Mr Brown, if you, your colleagues, or the Health Commission have signed, sealed and are waiting to deliver the blow, please do this quickly and do not draw it out any longer. Several million dollars have been spent on the QEH in recent times—the maternity section was upgraded, a mental health section has been built. How much more taxpayers' money do you intend spending on upgrading a hospital you really want to destroy?
>
> The QEH has serviced well a large population over many years, attracting recognition worldwide as a teaching hospital and in the area of research. Relocating and downgrading major services is outrageous, as are the plans for maternity services at the QEH. The QEH does not deserve to be reduced to a 120-bed community hospital. I, for one, do not want to travel to Elizabeth for an outpatient visit, and can imagine the number of people waiting in the casualty section of the Royal Adelaide Hospital on a Friday to Sunday night if there was no more QEH. It is a waste of time for the general public to protest. After all, we are only the voters and our wishes and needs are irrelevant, it seems.

I hope that Llaina Nolan is wrong and, if members agree to pass this motion, we can progress this matter and make some recommendations that reflect the wishes and needs of the community of people in the western and north-western suburbs of Adelaide.

The Hon. T. CROTHERS: It gives me some pleasure and some pain to second the motion. It gives me pain because we ought not to be visiting such a necessary public service as medical health in this fashion, but visit it we must. I take a slightly different tack. I agree with everything that the Hon. Ms Kanck has said so far, but I would go further. If one looks at the sort of medical service we are running here, one sees that those four major hospitals that have been referred to (the Flinders Medical Centre, the Lyell McEwin, the Royal Adelaide Hospital and the Queen Elizabeth Hospital) have been in existence for 15 years or more.

In spite of the fact that our population growth has not been, percentage wise, as large as it should be, it still has been a population growth. Ipso facto it follows then—did you like that, nolle prosequi?—that, if we needed hospitals of that size 15 to 20 years ago, we need them even more today.

The Hon. L.H. Davis: I always thought you were the 'facto' bit of that.

The Hon. T. CROTHERS: Yes, without the c, you see (I spelt that y-o-u-s-e-e, by the way). But the fact is that this inquiry—and there is enough in the six cardinal points to do it—needs to zero in not only on the Queen Elizabeth Hospital but also on health services in their totality in this state. There is no doubt that this is a cash strapped government, as I said when I moved my $150 million amendment, which the opposition parties in both houses (and certainly in the lower house) refused to support. No doubt there have been bed closures—

The Hon. T.G. Cameron: Shame!

The Hon. T. CROTHERS: And I won't forget. No doubt there have been bed closures at the four hospitals and, as the Hon. Ms Kanck quite correctly pointed out, they are the hospitals that serve the impoverished, the ill and the unemployed in those areas in which they stand, more than in any other area of Adelaide. But there are other matters with which to concern ourselves. There are the obscene costs that specialists charge for their services. People ought to know that the various different colleges of specialists are one of the few unions that set their own remuneration rates.

The taxpayers spend hundreds of thousands of dollars training members of the medical profession through tertiary, secondary and primary school, and then spend many more dollars in ensuring that those specialists do the necessary study for their speciality. Then they have the cheek to charge us obscene rates in respect of services rendered. That is an obscenity, and in this day of escalating costs of health service it can no longer be tolerated. I believe that the ploughman is worthy of his hire, but he is not worthy of selling one of the horses and putting the patient in the shafts to pull the plough.

In addition, there is the other matter of the technology that is emerging in the form of equipment. Some of the machines that hospitals have to buy if they are to give effective treatment for diseases, as medicine advances, cost in the area of $3.5 million to $4 million. With many machines, as I am sure the honourable member knows better than I, that is so. Apart from the fact that this is a cash strapped government, there are many other things to consider. The Queen Elizabeth must remain open, in my view. There must be no further diminution of health services in this state, and I warn the government now of that, because that is not on.

I suspect, however, that when the ETSA lease is given effect to and the government commences at my best guess its $1.6 million a day interest saving, which will give it approximately $550 million a year to spend on the necessary services required to maintain, uplift and upgrade our medical facilities, our educational facilities and our services in general to the community in this state, it would be a foolish government indeed that did not learn the lessons of Jeffrey Kennett, the former Premier of Victoria and did not proceed, once it has some cash solvency again from that lease, to address the matters that are currently desperately in need of addressing. I am not blaming this government for that. The indebtedness of this state has caused that and I will not further comment on that at this time, but I may later.

It is a wonderful opportunity that Sandra Kanck has moved and I hope the government supports the establishment of a select committee to give the government and other participating people in this Parliament the chance of a full blown inquiry into health and health services, not just narrowly focused on gynaecology or whatever else, not just narrowly focused on the Queen Elizabeth Hospital, but

focused on the health service in its total capacity, which is represented better in the Queen Elizabeth Hospital than in any other hospital. The totality of health services available are better represented in that microcosm than in any other health area in this state. I commend the Kanck motion to the chamber and hope the government will not play ideological toy boys and girls with this and will accept it and use it. I do not blame the government as it is a cash strapped government.

If we look at placitum 6—'and other related matter'—it is a Johnny Appleyard or 'John amend all' clause. It is a wonderful opportunity for the Parliament to partake in an inquiry into health care in South Australia. It is needed throughout Australia and it is not before time that it was done. One of the problems related to health care—and I will conclude on this point as I am not an elongated speaker, like some I can name—was the original federation, where part of the management of health care devolved in the state government, and more and more over the years as the federal government has become the collector of taxes it now controls more and more of the purse strings. It seems that, because it does that, the states are now much more limited than was previously the case. All those things are there for a knowing, a willing and a politically incorrect service select committee to address itself to. I hope the matter is adopted and I hope it is pursued with vigour and in depth. I commend the Kanck proposition to the Council.

The Hon. T.G. CAMERON: I rise too to support the proposition standing in the name of the Hon. Sandra Kanck. For the first time I find myself in complete agreement not only with the terms of the motion before the Council but also the sentiments and evidence that the Hon. Sandra Kanck moved to support the resolution. I also find myself in agreement with the sentiments expressed by the Hon. Trevor Crothers. It is self-evident that the public health system here in South Australia is in crisis. I do not believe that that statement applies only to South Australia. The public health system right across this country is in crisis.

One could speculate and debate ad nauseam the reasons for that. I strongly suspect that one of the reasons the public health system is in crisis across the country is the federal funding cutbacks. It appears that the federal government is keen on creating a two tier health system in this country: a second rate public health system for those who cannot afford access to the private health system and a private health system where, if you can afford it, you can have the best of medical care on offer anywhere in the world.

I noted an interjection from the Hon. Legh Davis that this matter should be referred to the Social Development Committee. The Social Development Committee I understand will be looking at health issues in its next reference. It will be an extensive exercise that the Social Development Committee has to undertake as it looks at country health services covering areas like obstetrics and gynaecology. As I understand it, another reference will be coming to the committee to look at genetic alteration of food, a topic which I believe is worthy of investigation by the Social Development Committee. I reject any suggestion that this matter should be bundled off to the Social Development Committee on the basis that it could take us anywhere between six months and two years to get to it.

The Hon. L.H. Davis: I just thought it had superior membership.

The Hon. T.G. CAMERON: The Hon. Legh Davis interjects that it has superior membership. I cannot see why the select committee, if this motion is carried, could not have the same composition as the Social Development Committee, at least in terms of the representatives from this place. I say to the Hon. Legh Davis that the Social Development Committee has enough on its plate at the moment. I also echo the sentiments of the Hon. Trevor Crothers. The government would be foolish to oppose this reference to a select committee. We know how much it loves select committees, and in the short time that I have been here I have watched members opposite time and again throw their full and complete support behind the establishment of select committees. This matter does need to be looked at as our health system in South Australia is in crisis.

My support for the motion is similarly based to that of the Hon. Trevor Crothers. There needs to be a recognition that over the past 10 years since the State Bank collapse, since this state was plunged into a per capita debt greater than any other state in this country, both Labor and Liberal governments have found it extremely difficult to fund the health system here in South Australia. This has been compounded of course by a rather mean spirited attitude by the federal government towards health. I support the motion.

I support the references that the Hon. Sandra Kanck puts forward and I would briefly like to recount to members some other reasons why I will support the motion. I grew up in the vicinity of the Queen Elizabeth Hospital when my parents moved to the corner of Woodville and Torrens Roads. We were just up the road from the Queen Elizabeth Hospital. When I left home I moved into West Croydon—again just a stone's throw from the Queen Elizabeth Hospital.

Other members of my family and I, on a number of occasions—many years ago, of course—have had occasion to be patients or inpatients at the Queen Elizabeth Hospital. I spent some three weeks at the Queen Elizabeth Hospital as an inpatient. Fortunately, I did not revisit the hospital until some 31 years later, in 1998, when I attended the hospital to visit my late father.

On my walk through the hospital to visit my father's ward I was shocked and disillusioned, and I left the hospital feeling somewhat down in spirits, that my father may be spending some of the last days of his life at the hospital. My late father, of course, refused to attend a private hospital: he was a great supporter of the public hospital system. I recall, when he was allowed to go home from the hospital, a conversation that I had with him about what I perceived to be a deterioration in the hospital, its environment, the standards, staffing and so on. My father quickly pulled me into line and said, 'I agree with you about most things, but the staff at the hospital—the nurses and medical staff—have been excellent. They have given me every courtesy and I could not complain for one moment about any service I received from them. It's not their fault: there are just too few of them, and they've got too much to do.'

So in supporting this motion and making the comments that I have made, I wish in no way for the staff of the Queen Elizabeth Hospital to think that I am reflecting on them. They have a budget to operate within; they take instructions from senior management; and they do the best they can.

I received a telephone call the other day from Kevin Hamilton, a former member for Albert Park, whom I think members of this place would remember. Every year he went on a long walk; he was a very generous individual and raised many tens of thousands of dollars for the hospital. Kevin—as

a local and someone who has been a supporter of the hospital, having attended it over some 30 years—left our office after telling us in no uncertain terms what he thought of how the hospital had deteriorated over that period of time. I thank Kevin Hamilton for his call and I thank him for the contribution that he has made in urging me to support some kind of inquiry into the hospital. It gives me a great deal of pleasure on this occasion to support a motion moved by the Hon. Sandra Kanck on behalf of the Australian Democrats. If everybody in this place is serious and sincere, then this is a motion that should be carried unanimously.

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

TAXIS AND HIRE CARS

Adjourned debate on motion of Hon. T.G. Cameron:

That the regulations under the Passenger Transport Act 1994 concerning vehicle accreditation, made on 17 June 1999 and laid on the table of this Council on 6 July 1999, be disallowed.

(Continued from 20 October. Page 135.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): This is the second time that I have addressed this matter. The Hon. Terry Cameron first moved for disallowance on 28 July, and I responded on 4 August. The parliament then adjourned and, because we are now in a new session of the parliament, on the last day when disallowance can be moved the Hon. Terry Cameron has chosen to do so.

His speech was short: mine will also be short on this occasion. I refer members to my contribution on 4 August. The major point that I would like to make on this occasion is in response to the Hon. Terry Cameron's suggestion that the regulations under the Passenger Transport Act for the operation of taxis and hire cars are not in the consumers' interests. I would argue most strenuously, having seen deregulation in New Zealand and other places around the world, that the regulations that we have provided for in large part are driven with the consumer in mind—in terms of providing a quality, reliable service, a standard of vehicle, and a standard of training for and presentation of drivers, and of requiring criminal record checks and driving standards.

This is not necessarily an easy issue. I think the Hon. Terry Cameron appreciates the balance that is required if we are to respond to the provisions of the Passenger Transport Act, which provide for very different roles for the hire car and taxi industries, while collectively they perform a passenger service. Because very different roles are defined in the act, it is necessary for those roles to be clarified through regulation and, in turn, for those regulations to be enforced. Clearly, that is the expectation of those who have invested in the industry on the basis of what this parliament has approved for the operation of the industry.

So, we have an issue here of balancing the interests of hire cars and taxis, of balancing the needs of all in the industry in terms of viability and of understanding that, overall, the people in this industry are in a service industry and, as such, the consumer must always be kept in mind. The honourable member may wish to argue that the balance is not right. I can say to him, having been shadow transport minister and Minister for Transport in this state for some 10 years, that there has rarely been such a complex, personality driven, difficult industry group to deal with than the taxi and hire car industry. It is to the credit to those representing the industry and the PTB that the regulations brought before this place were agreed by the majority in the industry: they were certainly signed off by the representative associations.

It was interesting to note the disparate views within the industry when looking at the *Advertiser* today. There were three drivers all with completely different responses to the government's $2 surcharge for New Year's Eve. One said that it was not enough; one said it was not necessary, anyway; and one said that even if it was $10 he would not be working. In fact, probably if you questioned three more people you would find three different views again.

The Hon. L.H. Davis: If you asked five taxi drivers you would get seven responses!

The Hon. DIANA LAIDLAW: Yes. It is a difficult industry in which to get a universal view and that is why I think the regulations that we have before this place that have been seen by the Legislative Review Committee and approved, as I understand, do represent the many, many months of careful negotiation and reflect a sign-off by the representative associations and are seen as important to the viability of the industry, the investors in the industry and are in the consumer interest and, therefore, I would ask honourable members not to disallow the regulations.

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

EAST TIMOR

Adjournment debate on motion of Hon. T.G. Roberts:

That this Council:

I. Calls on the federal government to take those steps required to counter the destabilisation of the ungoverned province of East Timor in the lead up to independence.

II. Commends the United Nations for the establishment of an international inquiry into gross human rights violations and atrocities in East Timor.

III. Calls on the United Nations to—

(a) organise an immediate United Nations supervised repatriation of East Timorese refugees from West Timor and other parts of Indonesia; and

(b) demand the immediate withdrawal of all Indonesian military and militia personnel from East Timor.

IV. Calls on the United Nations and the Australian government to—

(a) urgently increase the emergency release of food and other humanitarian supplies to refugees in remote areas of East Timor to prevent starvation; and

(b) urge all governments, the World Bank and the IMF to ensure that economic assistance to Indonesia supports democratic and economic reform.

V. Commends the Australian government for providing sanctuary to East Timorese refugees.

VI. Calls on the Australian government to—

(a) expand that sanctuary to East Timorese refugees who are being targeted by the Indonesian military and militias;

(b) suspend military cooperation with Indonesia;

(c) immediately cease its de jure recognition of Indonesia's occupation of East Timor;

(d) thank the East Timorese people for their great sacrifice and support during World War II and to welcome the decision of the Indonesian government in recognising the referendum outcome which granted autonomy and independence to East Timor; and

(e) make a commitment to assisting reconstruction in East Timor.

(Continued from 20 October. Page 139.)

The Hon. IAN GILFILLAN: I have been a supporter of the independence of East Timor for 20 years. As soon as I

became aware of the situation it was one of those causes that I had no hesitancy in throwing my weight behind, in whatever way I could, financially and in attending meetings, because it was stark injustice to a people who deserved far more considered attention from Australia.

I congratulate the Hon. Terry Roberts for moving the motion. It is probably important that we do not take on board as far as the *Notice Paper* of this place is concerned every international issue which may be of concern for us. I think that that would make it very difficult for us to treat them seriously, and to some extent it would make a farce of the process of motions moved in this place and reduce the significance, the currency, of the ones that we do. But I feel that this motion stands head and shoulders above other calls for this parliament to consider international causes, because of its geographical, emotional and social proximity to Australia, particularly to those of us, and there are many thousands throughout Australia, who have felt a strong empathy for the people of East Timor and their suffering over the 25 years since the Indonesian invasion.

It was a rapidly moving feast, I think one could say. When I went away from Australia on a study tour in August, the referendum had been called, although the timing of the referendum had been questioned by some quite authoritative people such as Bishop Belo, and I think Xanano Gusmao himself indicated that East Timor needed a longer period of time to prepare for a referendum for independence. I think that subsequent events proved how tragically correct they were.

It needed more time not only from the material point of view, the development of the structures and the resources to take on independence but quite clearly for a preparation of the population and the diluting of the anger and the spite that certain sections of the Indonesian armed forces felt at losing what they had regarded to be their possession and which they had ruthlessly held under military domination for the 25 years. I do not believe that anybody anticipated the horror and the magnitude of the backlash from the militia and the militia inspired by Indonesian armed forces. In fact, I believe that many of the Indonesian armed forces in East Timor became involved in the aftermath of persecution and atrocities.

So it was with hope and a feeling of optimism that, as East Timor approached the referendum, there would be a strong vote in favour of independence and that with a bit of minor mumbling and grumbling the process would proceed and a young fledgling nation would be born, limited in resources and looking to Australia for help and friendship. That atmosphere carried over into the result of the referendum which, as honourable members would know, was an overwhelming expression of support for independence, and immediately began the slaughter, the intimidation, the almost inconceivable cruelty of a militia, which could not have done what it did without the massive support, encouragement and involvement, I believe, of the Indonesian armed forces that were there in East Timor and in West Timor.

It was with great despair that I read the news reports of what was happening. Although, in context, it was only moderate satisfaction but it was satisfaction indeed when I saw and read that Australian troops were moving in, taking an initiative, and I congratulate them. Their performance and presentation—and it has continued right through to this day—was one of an effective, strong, caring and dignified involvement of a foreign armed force, in the first instance going in virtually ahead of the United Nations' preparation. But the image internationally was that Australia was taking this step with the blessing of the United Nations. There was no doubt that the international press was portraying the Australian involvement as praiseworthy, altruistic and, if not formally, certainly informally, with the blessing and imprimatur of the United Nations.

I was therefore stunned and devastated to read the headlines that Howard's Doctrine was proclaimed and the words 'US deputy' appeared in all the papers that I read both in the UK, Ireland and in Europe. The effect was dramatic in that the image of the Australian involvement from having been benign became self-serving and intrusive, a racial dominance. It was a very painful readjustment for me as an Australian offshore to feel the devastation of loss at what had appeared to be one of our finest hours being portrayed as something demeaning and self-serving.

I must say that in the subsequent months I have had time to revise the degree of indignation and disgust I felt because I believe that the armed forces have continued to behave impeccably and in an exemplary fashion and, of course, they had acquired the blessing of the United Nations sometime afterwards.

It is disturbing to read Mr Murdoch's rather didactic sermon to Australia on how to deal with our international affairs. An article in this morning's *Financial Review* entitled 'Murdoch unprepared for sea change', an analysis by Peter Hartcher, Asia-Pacific editor, states:

> Rupert Murdoch tells us that he is concerned at the trend for western nations to base foreign policy on 'humanistic or moralistic concerns, divorced from attention to national interest'. East Timor, for instance or Kosovo. He is concerned because he thinks that such an approach is often based on emotionalism rather than a hard-headed realism.
>
> It is not that he is wrong exactly. 'He has spotted that something has changed', says a leading international expert on security policy, Dr Coral Bell of the Centre for Strategic and Defence Studies in Canberra. 'It's just that he doesn't understand any of it. He's putting it down to a simple case of morality versus the national interest. But the world has become far more complex than that.

The frightening fact is, however, that, although academics will criticise Murdoch's position, it is infectious to those people who are only too ready to look for an excuse to say, 'Me first, Jack—I don't want to get involved in anything offshore which might cost us Australian blood or Australian money unless there is a dividend in it for Australia at the end of the day.'

Quite simply, for those who have not, I urge members to take further note of the text of Mr Murdoch's position in which he takes the rather presumptuous line of lecturing to his former country on how to run its foreign policy. I most vehemently reject the tenor of what Murdoch says. I believe that this is the most satisfactory justification for resourcing an adequate and modern armed force for Australia.

I would be a vocal advocate for making sure that the budget allocations are up to the standard required to maintain that force if I could continue to feel that the motive for Australian troops moving off shore at any time would be in conjunction with the United Nation's campaign and that those armed forces would be involved in theatres of war or dispute at the behest of the international community to confront human injustice and oppression.

Whether or not there is a dollar in it for Australia at the end I do not care. I believe it belittles the moral stature of Australia if we are to go through a calculation of: 'We go in if there's a dividend of $1 billion; we stay out if there's no money in it for us and it costs us at the end of the day.' I

would feel ashamed of Australia if it followed the Murdoch theme of approaching overseas involvement in foreign affairs. The article states further:

> Or as Coral Bell puts it: 'There is a profound shift in the norms of the society of western states.' The national interest in western countries increasingly incorporates moral concerns. It is not so much a choice any more as a balancing.

The final paragraph states:

> For multinational Murdoch, badged as an American-Australian on the one hand but doing business in China and Indonesia on the other, this will be very uncomfortable as he is caught on the cutting edge of this divide. He will just have to get over it.

And so I hope will all other Australians who had any doubt that we should not have played this role in East Timor and continued to do so.

That is all that I wish to contribute at this stage other than to observe that, because events moved so quickly in East Timor, part of the text of the Hon. Terry Roberts' motion has passed by because the Indonesian troops have withdrawn from East Timor. I believe that this motion should be amended so that it reflects the contemporary situation, because if it passes—and I hope it will—it will be relayed to the Prime Minister and the federal Minister for Foreign Affairs in general terms.

I will seek to consult with the mover of this motion, the Hon. Terry Roberts, to consider some minor amendments which I look forward to moving if I am granted leave to conclude my remarks later. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ENVIRONMENT RESOURCES AND DEVELOPMENT COMMITTEE: RAIL LINKS WITH THE EASTERN STATES

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee be noted.

(Continued from 27 October. Page 241.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): There is much that I could say on this subject, because a lot of work is being undertaken to expand opportunities for rail in this state and across Australia and there is considerable investment Australiawide in the rail, freight and passenger industries. I think it is relevant that I note the report of the ERD Committee this evening following the contribution of the Hon. Legh Davis who applauded the success of this government and the Northern Territory and commonwealth governments in achieving what no other government (individually or collectively) has done for 87 years: that is, the finalisation of arrangements for the construction of a railway line from Adelaide through Tarcoola and Alice Springs to Darwin.

I will not explore that subject further, but I strongly endorse the remarks of the Hon. Legh Davis tonight. I commend Premier John Olsen and the work done by former Premier Dean Brown to advance this railway line as a major tourism and transport initiative for this state and in terms of honouring the promises made by the federal government back in 1911. The first recommendation of the committee states:

> The committee recommended that funding be provided for the improvement of the railway line through the Adelaide Hills with particular emphasis on reducing cross-looping, minimising curves and increasing the height of tunnels.

I advise that the line from the Adelaide Hills and all the interstate mainland track in South Australia is the responsibility of the federal government through the Australian Rail Track Corporation (ARTC). That responsibility includes upgrading, maintenance and operation.

The ARTC has undertaken studies to identify the most cost effective ways of improving the service between Adelaide and Melbourne, and with funding provided by the Commonwealth Government ($250 million) for rail infrastructure across Australia it has now commenced this work. The ARTC's first priority has been the very poor track in Victoria. It has now spent $25 million on upgrading the line and on associated works such as signalling and passing loops. The result has been impressive in terms of transit times for large freight trains dropping from a maximum of 16 hours to just over 12 hours and for passenger trains from 13 hours to about 10½ hours.

I met with the chair and the chief executive of the Australian Rail Track Corporation this morning to explore further investment options. I was impressed, and I would like to note on the record the leadership that the board and management are undertaking to revitalise the infrastructure for rail in this country and to ensure that rail is no longer a very poor relation to road in terms of attracting freight and, to a lesser extent, passenger travel.

I look forward to working closely with the ARTC in the future to make further advances, not only in upgrading the infrastructure but also in improving transit times and performance overall. The ARTC has planned some work for the Adelaide hills section, including the installation of longer crossing loops and a range of measures to help reduce the problem of noise from 'wheel squeal'.

I know the Hon. Paul Holloway lives close to the track, because he and I addressed this subject at the President's dinner; he lives some distance from the track, but the issue of wheel squeal or noise is particularly irritating. I can report that the ARTC and the operators who use the track are working diligently to solve the problem. They have already undertaken a rail grinding process to improve the track profile and are currently testing new lubricants at critical points on the track.

Recently, the wheels on all wagons used by the operators have been tested to identify problems, and 5 per cent of the wagons have proved to be faulty. The ARTC and the operators are now working on modifications to these wagons. I have mentioned only three points of a five point program that the ARTC has under way to address this problem, and hopefully the Hon. Paul Holloway and others will sleep better in the future than they are sleeping now. My understanding is that this five point program is to be pursued and concluded successfully within the next six months.

The ARTC has confirmed that modifications to tunnels in the Adelaide hills are not on the agenda at this stage. The estimated cost of adapting the Adelaide to Melbourne line to double stacked freight trains is $100 million. This cost cannot be justified at this time, because the market has yet to make full use of the recent increases in both length and tonnage limits for freight trains that the Adelaide to Melbourne route has realised in recent times; a 15 per cent increase in length limits and a 31.5 per cent increase in tonnage limits. The ARTC also noted that to allow for double stacking the Footscray bridge in Melbourne would also have to be modified, not just the tunnels through the Adelaide hills.

The second recommendation related to the standardisation of the railway lines linking Mount Gambier to Wolseley and

Hayward to Millicent. Members may recall that, with the sale of Australian National to the private sector, the state government was successful in negotiating that the successful buyer, Australian Southern Railway (ASR), would have some two years in which to assess whether it could utilise this line in future. I know that it has undertaken a study on the standardisation of the line. Its figures do not appear to stack up to a viable proposition at this time, and it may well choose to surrender the line. If it does, it comes to the state, and I highlight in that context that the state has a very active interest. We have not done this in the past, but we have now adopted an approach of a very active interest in looking at how we can get business onto rail but also, in terms of our costs for transport links, how we can reduce wear and tear and use of our roads by investing in rail.

These sorts of cost relationships have not been undertaken in this state before, because the line was always owned by the federal government. I am pleased to see that Transport SA is raising its profile and the level of expertise in freight issues within the agency, particularly in terms of rail, and is no longer, as has been its responsibility in the past, looking solely at road freight issues. So, I can advise members, particularly members of the ERD committee with respect to their report, that the government is most interested in closely assessing the freight issues in the South-East, and that is why we have joined with the South-East Local Government Association to prepare a joint freight study for a longer term perspective.

I point out that for the first time in decades in this state, I suspect, we are looking at road and rail issues together in the context of freight. We are also looking at a long-term study. In the meantime, I have given approval for the Limestone Coast railway to operate a tourist train between Mount Gambier and Millicent and to the Coonawarra using broad gauge rolling stock. Their needs would have to be taken into account if any decision were ever made to standardise the broad gauge lines in the South-East.

The third recommendation referred to an investigation of the feasibility of standardising the Pinnaroo to Ouyen line. I highlight that, with the sale of Australian National, we had a situation in the state where the Tailem Bend to Pinnaroo line remained broad gauge and was essentially isolated from being an effective freight corridor. The state government decided to invest $2 million—our first investment in rail in many decades in this state; in fact, the first since 1975 when the South Australian Railway was disbanded and transferred to the federal government. The federal government spent some $4 million on that project, and it is very heartening to see the increased tonnages that rail is now winning in the freight task, utilising the standardised Pinnaroo to Tailem Bend line.

Only 7 kilometres of the 137 kilometre long Pinnaroo to Ouyen line is in South Australia; the remainder is in Victoria. That portion in Victoria is owned by a private company as is, incidentally, the seven kilometre section in South Australia. I have asked Transport SA to discuss the committee's proposal with both private companies. I am advised that they believe it is highly unlikely that such a proposal—that is, the standardisation of the Pinnaroo to Ouyen line—would be of benefit to either company, but of course we will keep an open mind on that from a state perspective and certainly keep lines of communication open with both companies.

The committee's fourth recommendation is that the arrangements for the improvement of grain transport at Port Adelaide be expedited as soon as possible, and I would strongly endorse this recommendation. I advise that the urgency of providing improvements to the grain transfer facility is recognised by government. In conjunction with other key agencies, Transport SA is encouraging the development of the Gillman site adjacent to the SACBH silos in a way that benefits all the parties involved, namely, ASR, Charlicks and South Australian Cooperative Bulk Handling.

I should highlight that until this time we have not been able to advance discussions as constructively and as fast as we would wish because the Gillman site has not necessarily been available for rail because of the proposed ship breaking operations. Now that the government has decided that the Port Adelaide-Outer Harbor area is not suitable for such an operation, we can certainly progress expeditiously this issue of the grain transfer at Port Adelaide, and tonight I spoke to Transport SA Director, Mr Trevor Argent, about the ways in which we will expedite this issue.

In recommendation five, the committee recommended that any efforts to ensure a level playing field between road and rail, especially with regard to funding and the fuel excise, be endorsed by Transport SA. Of course, Transport SA would support it. I can assure members that the government does also. The committee would be aware that many of the issues affecting the competitiveness of rail—funding distribution, priorities and taxation—are matters for the commonwealth to determine or must be determined between states at a national level. The committee also reflects matters that have been highlighted in recent reports to the commonwealth government on this subject, and I note principally the Smorgon report (released in September this year) entitled 'Revitalising rail'. One very clear recommendation states:

> The commonwealth government develops a framework for assessing the allocation of its funding of road and rail projects on the basis of their relative efficiencies, using agreed and published 'level playing field' criteria.

I would add that, in relation to the Adelaide-Alice Springs-Darwin line, a number of rail lobbyists have made the point—particularly well in my view—that there must be increased investment in rail across the country, particularly from the east to Adelaide, to ensure that we can generate as much business as possible north from Adelaide to Darwin. I support those representations and I will certainly make them clear when I meet with transport ministers in Perth on Friday this week.

In recommendation six, the committee recommended encouraging National Rail (NR) to undertake an inventory of rolling stock in use and in storage. The committee believes that NR should maximise the use of its rolling stock by investigating whether it could be made available to other operators for lease or sale. I strongly endorse the sentiment expressed in this recommendation. I have found AN to be a particularly difficult organisation with which to work—and that is not because NR has been deliberately difficult. It is the charter that it was given when established under a most extraordinary shareholding arrangement.

The federal government is the principal investor in NR but is the minority shareholder. The other shareholders are New South Wales and Victoria. It is particularly difficult to get accountability for decision making from the shareholders for the operation of NR. A further charter given to NR by the former Labor federal minister, Laurie Brereton, was that NR could nominate whatever it wanted of the rail assets—not the line but in terms of locomotives or wagons—and it has nominated from the earlier AN and later with the sale of AN

the best of the wagons, whether or not it needed them, and it has sat on those wagons and locomotives.

Many of the locomotives doing a lot of the business in hook and pull are over capacity for that business but the shareholders do not seem to require a return on investment that the private sector would require to remain viable. There are many suspicions from a whole lot of private operators at the present time—not only those in South Australia such as ASR but SCT, Toll and Patrick, I understand—about the cross subsidising arrangements that are being practised by NR as it builds up business in the lead up to sale without taking account of how it will sustain that business longer term.

It will simply have a business mass which will be useful for sale purposes, but whether it is sustainable and whether it has wiped out successfully a lot of its competition in the meantime—which is one of the reasons why prices have been driven down—does not seem to be an issue that the shareholders get their mind around or for which the management appears to be accountable. With the recent Victorian election out of the way, I believe that there will now be renewed pressure from the commonwealth for the sale of NR, and again this will be a matter that I will take up with the new Victorian minister and the New South Wales and federal ministers when I meet with them on Friday.

In recommendation seven, the committee recommended that the Adelaide intermodal terminal should be located in the vicinity of Dry Creek. Adelaide, as members would know, already has three intermodal rail terminals—the NR facility at Islington, which is located immediately adjacent to Dry Creek, the Charlick's facility located at Gillman and the rail/sea terminal at Outer Harbor. Whereas the Islington terminal is used exclusively by NR, Charlick operates as a service provider to a number of rail operators, including Toll and Patrick. The rail/sea terminal at Outer Harbor is under utilised at the present time, but throughput is gradually increasing as local industry begins to realise the advantages of services offered by operators such as ASR.

The Charlick's terminal is limited in as much as it cannot efficiently handle the longer train lengths now available or in demand between Adelaide and Perth—lengths up to 1 800 metres—and by a lack of space for container storage. As mentioned earlier, the possible extension of this terminal and its linking to a solution for the problem facing SACBH with respect to grain handling is a matter that I am seeking to resolve expeditiously. Of course, there are problems in resolving the matter because of commercial negotiation, but we will seek to do our best and to do so expeditiously.

ASR has been considering the construction of an intermodal facility for some time. Certainly, its preferred site was Dry Creek North, but that is not possible because of the indenture agreements and contracts related to Mawson Lakes. Recent discussions have been held leading to agreement with ASR—that ASR will provide details about the establishment of an intermodal facility at Dry Creek South as well as considering the option of a longer term relationship with Charlick. These details are expected very shortly and, when they are provided by ASR, they will enable the government to determine what level of assistance we may be able to provide to facilitate this project.

In the meantime, I advise that I have written to the federal Minister for Finance, Mr Fahey, saying that, in terms of the national rail facility at Islington, I believe that as a condition of sale there should be open access in the future, not a closed site owned and operated by and accessible to one operator only, as it is now with National Rail.

In recommendation 8 the committee recommends that the South Australian government support the Melbourne to Brisbane rail link with a major intermodal terminal at Parkes. The possible impacts on South Australia of a Melbourne to Brisbane rail link will need to be further investigated before the government would be prepared to support this project. I highlight the fact that many times proponents of this project have raised the issue at critical times in our negotiations for the Adelaide/Alice Springs/Darwin project. They have done so I think deliberately to thwart investor interest and commonwealth interest in the Adelaide/Alice Springs/Darwin project. I have been a bit jaundiced about the tactics and critical—

The Hon. J.S.L. Dawkins interjecting:

The Hon. DIANA LAIDLAW: I understand that, but I have been very critical about some of the tactics of operators of transport enterprises in the eastern states and, in fact, even of some of my coalition colleagues. But I do respect the goodwill of the committee in seeking to generate interest and business onto rail, and in this respect they have confined their interests in Melbourne to Brisbane not necessarily as an immediate competitor through to Darwin.

In recommendation 9 the committee recommends that all existing railway lines be assessed for tourism and recreational opportunities. Until this has been done, no decision should be made on removing any existing lines and, essentially, I support that recommendation. I have been heartened in recent times by the increasingly significant interest that has been shown in the tourist train business, and I note the Limestone Coast railway to which I have recently given approval in the lower South-East.

There are currently six such tourist railways operating on branch lines in the state: the Bluebird rail (Adelaide to the Barossa Valley, plus special charters); the Limestone Coast (Millicent/Mount Gambier/Coonawarra), which I have already mentioned; SteamRanger (Mount Barker junction to Victor Harbor); Steamtown (Peterborough to Eurelia); Pichi Richi (Stirling North to Quorn, which of course has just been extended to Stirling North); and the Yorke Peninsula Rail Preservation Society (Wallaroo to Kadina). Five of those are essentially voluntary. In addition to these existing services I understand that some very preliminary work is being carried out on the feasibility of a regular service to the Iron Triangle.

Discussions on this involve regional areas, South Australian tourism and rail operators. I should also add that, in terms of tourism, the government is looking closely at the future use of Keswick Railway Station and Adelaide Railway Station for passenger interstate and intrastate activities, and I hope that, despite cost blowouts on first estimates, I will have some further advice to bring to this place within the next few months.

In conclusion, I would like to thank members of the ERD committee for the time they have given to this important issue of rail in terms of both freight and passenger business. I believe that the recommendations are sound in most instances (other than perhaps the Pinnaroo to Ouyen recommendation), but I am keen to work with all members of the committee and with the rail operators in general to build the business and, in South Australia's interests, to make road and rail truly competitive and viable industries for the future.

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

RACING (TAB) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 148.)

The Hon. A.J. REDFORD: With this bill the honourable member is seeking to amend the Racing Act to prohibit the TAB from providing EFTPOS or ATM facilities at any premises occupied as a TAB or premises used for the conduct of totalisator betting. I will not go into too much detail this evening. Whilst I was not here last Wednesday week (I had a number of guests), I read next day with some concern the bruising encounter that the Hon. Nick Xenophon had at the hands of my colleague the Hon. Carolyn Schaefer and my leader the Hon. Rob Lucas. Not satisfied with that, the Hon. Trevor Crothers joined in the kicking frenzy.

I will not go down that path of joining in kicking a good man while he is down. I must say that I would have thought that, after a bit over two years in this place, the Hon. Nick Xenophon might have adopted an approach—and I have given him some hints from time to time, I must say—that would give him sufficient numbers to get one thing up. There are only two occasions on which the Hon. Nick Xenophon has had any victory—

The Hon. L.H. Davis: There's no each way bet in this; it's just straight out, isn't it?

The Hon. A.J. REDFORD: The honourable member interjects and says, 'There's no each way bet.' There may be some compromises here, and I will allude to those in a minute, but my recollection is that the only time the honourable member had a win was very short term when he sat on the fence in relation to ETSA, and that did not last very long. The other win he has had, and I want to claim a small piece—

The Hon. L.H. Davis: ETSA was a win for him?

The Hon. A.J. REDFORD: It was, for a short time. The other occasion was when the Hon. Nick Xenophon and I had some lengthy discussions, and I must say that I am very grateful that he took up my suggestion and we moved for a select committee on internet gambling. That has been an eye opener. The longer that inquiry continues, the more the Hon. Nick Xenophon and I come to the same conclusion. Indeed, it confirms the tentatively held views that we started with at the beginning of that inquiry. I certainly would make myself available to offer some suggestions as to how to improve this bill, because I think there are some problems with it and we need to look at some of those issues pragmatically.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member should be all ears. I can give an example. For a period of time I lived at Gilberton and there was a National Australia Bank branch on Lower North East Road opposite the Collinswood shopping centre. As is the wont of banks in the late 1990s—I am not interrupting you two am I?

Members interjecting:

The PRESIDENT: Order! I draw members' attention to the volume of private conversations.

The Hon. Diana Laidlaw: What are you like in court?

The Hon. A.J. REDFORD: The minister asks what I am like in court. In court one is usually given the courtesy of not having loud conversations going on within 18 inches or two feet from the speaker. In any event, I draw members' attention to the position on Lower North East Road. The National Australia Bank closed its branch and as a consequence the automatic teller machine was closed as well. The automatic teller machine was moved across the road and the option was taken up by the chemist shop to insert that automatic teller machine in the wall of the chemist shop. The chemist shop adjoins the TAB branch and that automatic teller machine is used by all sorts of people, including the patrons of the TAB. Nothing in this bill will affect that and, given what used to happen with the automatic teller machine across the opposite side of the road, it is a wonder that a few of the old punting diggers did not get run over while crossing the road to get cash for their TAB betting. It is safer to have it on the same side of the road as the TAB.

It seems to be a bit cute to say, 'In those circumstances you can have an automatic teller machine in the wall of the chemist shop, Foodland or any other shop in the centre, but you cannot have it in the wall of a TAB.' At the end of the day the banks will always find a spot or a hole in a wall to put one of these machines. It will make absolutely no difference to a TAB agency. I would think that from a pragmatic perspective it would be reasonable to think that a TAB might be able to have these things in its walls and improve performance so there was a greater return to that other magnificent industry that I strongly support—the racing industry.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: And the honourable member interjects and says that it will increase the sale price. I have some views about that, but I will not go down that path today, because I do not think it should be sold in its true sense by the government as there is a moral ownership issue in relation to the TAB. I am sure we will get an opportunity to debate that later.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: Certainly, the party room has not been involved. I wonder whether the honourable member might think of amending his bill in the hope that he might get up his second or third point and say that it may be permissible for the TAB to have one of these things if it is part of a shopping centre or if the machine faces out of the premises and is available for general public use as opposed to being solely dedicated for use by TAB patrons. We might even consider looking at that as a proposition.

As it currently stands, I have some difficulty with it and I would be delighted to talk with the honourable member to see whether we could reach some compromise. To some extent, that would be dependent on whether other members are likely to be interested in that compromise. It seems that this is a case of a 'biting your nose to spite your face' exercise. I acknowledge, however, that the honourable member is genuine in attempting to deal with some of these issues. I am not sure that in this case it will appropriately deal with the matter.

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

AUDITOR-GENERAL'S REPORT

Adjourned debate on motion of Hon. R.I. Lucas:

That the report of the Auditor-General, 1998-99, be noted.

(Continued from 20 October. Page 148.)

The Hon. CARMEL ZOLLO: As to be expected, particular areas of government activity were paid special attention by the Auditor-General this year. The Electricity Corporation (Restructuring and Disposal) Act 1999 was passed by Parliament earlier this year with a requirement for the Auditor-General to examine and report on the impact of

long-term leases on the state debt and interest on that debt. No doubt my colleague the Hon. Paul Holloway will speak at length on this subject. However, I note that the audit dedicated a supplementary report to the probity audit and other matters. Together with the recommendations regarding matters associated with the appointment and role of probity auditors, a section was dedicated to providing a framework of processes to be followed by a probity auditor.

Members will be aware of my interest in the year 2000 date problem and I read with some interest what the auditor had to say on this matter. The Auditor-General had identified in the 1997-98 audit two agencies that were considered to be at some risk, namely, DAIS and the South Australian Health Commission. Whilst the audit commented that significant progress was made by both DAIS and the South Australian Health Commission, I noted in particular the extra comments on health under 'Essential state services'. An extra amount of $21 million was allocated principally for health related year 2000 projects. The audit found that, as at the end of June 1999, $13.4 million of the $21 million maximum additional funding had been approved and committed for health unit remediation projects. While the health units anticipated significant expenditure during the months of September and October 1999, only approximately $2.3 million had been spent at that time.

The audit made the observation that, if expenditure continued to lag behind, some upgrades would not be implemented until 31 December 1999. I noted these particular comments with interest as I had a local company seeking my assistance in getting its product looked at by the Health Commission. In the end it was not successful in its tender, but certainly it spent a lot of time and energy in its endeavours, and well in time to be part of any solution.

The audit also made mention of the testing of two major computer systems for large hospitals by the end of October. In the overview of the audit regarding progress of year 2000 compliance as at July 1999, it is obvious that not all agencies had achieved the time frame readiness for testing and correction of critical systems and to have contingency and disaster recovery plans in place. I recognise, of course, that compliance work is proceeding for those agencies, but it is disappointing to see even one or two systems within an agency not achieving their targets, given the dedication of a whole ministry to the problem and a sum in the vicinity of $103.3 million being utilised as at July 1999.

As it did last year, the audit took a particular interest in information technology and the need for government agencies to be technologically efficient and to balance risk management, and public sector accountability. I have already taken the opportunity to ask several questions arising from the Auditor-General's Report regarding electronic commerce and a Public Trustee case study. The audit's overview made general comment regarding information technology and e-commerce and their implementation in government agencies. The adequacy of the control of accountability of public moneys was discussed, given the general recognition that, as this is an emerging development for government, it can obviously carry certain legal and commercial risks, particularly because of the lack of familiarity with this type of technology. The audit identified 'a diverse and non-cohesive approach to e-commerce in government agencies'. Particular areas were identified last year and talked about again this year in relation to several matters, amongst which were security, privacy and consumer protection.

The audit commented on the importance of formally promulgating key matters from the learning report instigated by the Department for Administrative and Information Services last year, and the Auditor-General called for agencies to formulate and communicate minimum standards to agencies implementing electronic commerce solution initiatives. The audit, I believe, also stressed that standards should incorporate consideration of security and control for an electronic commerce environment. It stressed the importance for agencies to conduct a comprehensive security audit, a detailed review of internal site configuration and security, and of site operating procedures.

In response to my question during the extended question time on the Auditor-General's Report, Minister Lawson indicated that the outcomes of the learning report were being promulgated, as were other forms of education. I was therefore somewhat heartened by his response, but obviously more needs to be done.

I talked about electronic commerce in my Address in Reply contribution several weeks ago and commented that the manner in which we choose to regulate or not to regulate such transactions, or the manner in which we choose to protect or not to protect a person's or a company's privacy, has significant effects on the success or otherwise of electronic commerce. If the community does not have confidence in the system—that it is not only secure in terms of fraud but also privacy protected—then this method of commerce will never enjoy the success it deserves. It is essential that government agencies be completely conversant with such technology and for the system to have sophisticated automated in-built control processes and safeguards.

The audit chose the *Case of the Missing Million* as a case study and example of undetected processing errors utilising e-commerce. The Attorney-General undertook to bring back a comprehensive response in relation to this particular case when I asked him a question without notice. However, the case is an excellent example of the need for government agencies to ensure that high standards of control are used in electronic commerce systems involving significant fund transfers. I look forward to the Attorney-General's response in relation to liability in this particular issue. In relation to internet services, the conclusion is that a number of gaps are evident in the policies of both DAIS and individual agencies of government.

It is difficult not to mention the amount of money spent on consultants. The opposition has estimated that, even without the ETSA consultants, this government has spent in excess of $10 million more than was spent on consultants in the previous year. Of the $79 million tallied by the opposition, $35.57 million was spent on the ETSA privatisation consultants. The audit in particular looked at the consultancy of one public authority which deservedly has received a large amount of adverse publicity—the case of engaging a consultant to assist a task force in bidding to host a round of the Year 2000 Sydney Olympic Games soccer tournament.

The lack of processes can only be described as appalling. Most people in the community would describe it as a complete waste of money and believe that nothing extra was delivered to South Australia beyond what a junior competent public servant could and would have achieved as part of their normal employment. The fact is that we are a strong soccer state and have the resources, know-how and community interest to stage international soccer games, as we have on many previous occasions. There was never any doubt that we would get a number of preliminary games if we wanted them.

I am particularly appalled, as a member of the Labor Caucus Waste Watch Committee, at such a lavish waste of public money. No wonder people who are struggling become so angry at having to pay increased taxes and new taxes when they see such glaring examples of waste and extravagance. I was not surprised to see the Auditor-General confirm that there was inadequate formal documentation supporting the decision-making processes with respect to the appointment of the external consultant.

It is very disappointing to see such slack procedures and lack of justification. I have spent much time, both as a former public servant and electorate officer, explaining to people that our system of governance works to prescribed codes of conduct and scrutiny which ensures that such abandonment of processes does not occur.

The opposition has today supported a call by the Hon. Mike Elliott in requesting that the Auditor-General examine and report on dealings related to the Hindmarsh Soccer Stadium redevelopment project. This brings me to the point of why this government has obviously lost confidence in its public servants and is prepared to continually engage consultants rather than strengthen and maintain a neutral and respected public service that delivers to the government of the day service and advice without fear or favour.

Having senior public servants on contract is a way of putting public servants under the direct control of governments of the day. Whilst I recognise that previous Labor governments did engage both consultants and contract CEOs, this Liberal government has increased this practice enormously at every level of the public service and in every ministry. Following the release of the Auditor-General's Report, Dean Jaensch best summed it up when writing in the *Advertiser* that our public servants should be able to deliver our system of governance in the efficient, effective and accountable manner that we expect of them, but also, and perhaps more importantly, provide advice to the government of the day. Mr Jaensch wrote:

> Loyalty is a key component. The public servants at the top are expected to be as loyal to an incoming party in government as they were to the party which has just been defeated and gone into opposition. This requires the public service and the public servants to put aside their own policy choices and loyally serve the government even if it is not the party they want.

However, as he pointed out, when one is on contract employment, loyalty can take on a different meaning. He also points out that the neutrality of a public service under our Westminster system of government should not be compromised by perhaps not being in a position to be frank enough to give advice to the government of the day as to what it should know rather than what it wants to hear.

I understand that nearly one-third of government career public servant CEOs have been replaced with contract CEOs. My comments—and I am certain those of the Auditor-General—are not meant to reflect on any one individual CEO but, rather, the continuing trend of this government to move away from the Westminster model of the career bureaucrat and ultimately its connection with the accountability of government as a whole.

The Auditor-General also detailed the number of $100 000-plus executives. We have 100 more than we had last year. What is of particular interest is that whenever a government agency is about to be privatised, corporatised or sold we have an automatic jump in the number of executives on large salaries. The Ports Corporation is an excellent example: it now has 16 executives on salaries of up to $219 000 compared to 10 last year.

I did not hear all of the earlier contribution of the Hon. Angus Redford in his matter of public interest, but I think he was criticising the fact that the Auditor-General's staff is growing, as is the amount of money being spent on audits. Surely this says to us that the Auditor-General has many more trails and emerging issues to investigate, and we, as a parliament, should welcome his diligence. I do not think there is much value in the government of the day shooting the messenger.

Following several constituent inquiries in relation to food hygiene and regulations, I asked several questions on the subject last year. My constituents were concerned that the responsibility for regulation was spread over several departments and perhaps lacked the coordination that such a vital matter deserved. The role of the local government food inspectors is very important, and there was concern that insufficient resources were available in some council areas. The minister's response at the time indicated that he preferred a national approach and believed that such an approach would allow for meaningful assessment of the adequacy of resources being applied by the local government sector.

I understand that the minister has now announced that South Australia will be implementing its own legislation which, as my colleague in the other place, the member for Elizabeth (the shadow minister for health) has said is exactly what Labor has been calling on the government to do for nearly five years. Several pages of the Auditor-General's Report were dedicated to food surveillance activity and the need for increased inspection coverage. The audit concluded that the failure to ensure adequate arrangements for inspection and remediation of risk matters associated with food hygiene can result in adverse financial consequences for the government.

There have been several well documented cases in relation to food hygiene and I am pleased to see the action proposed by the government, that is, to look at our own state legislation—something which was announced since the tabling of the Auditor-General's Report. I call on the government to ensure that notice is taken of the Auditor-General's advice covering a wide range of issues and that his recommendations for improved procedures and processes are put in place as soon as possible.

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I am advised that the honourable member does not need leave.

The Hon. A.J. REDFORD: In the last contribution the honourable member criticised me and suggested that I criticised the Auditor-General in a contribution earlier today in relation to the amount of money that he spent in carrying out his duties. This is not unusual for the honourable member, but I said no such thing. I would invite the honourable member to clearly and carefully analyse what I said because I made no criticism of the Auditor-General in relation to the amount of money he spent. It was a subtle speech, perhaps beyond the wit of the honourable member, but certainly no interpretation could be made of my speech that would indicate that I was critical of the Auditor-General for the amount of money that he spent.

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

ROCK LOBSTERS

Adjourned debate on motion of Hon. P. Holloway:

I. That the Legislative Council notes—
(a) the complete failure of Primary Industries and Resources SA to fairly and equitably manage the allocation of rick lobster pots; and
(b) the subsequent investigation by the South Australian Ombudsman into alleged anomalies in the allocation process.

II. That this Legislative Council therefore calls on the Legislative Review Committee to investigate and report upon all aspects of the process of allocation of rock lobster pot licences—

which the Hon. Carmel Zollo had moved to amend by leaving out paragraph II and inserting the following—

II. That this Legislative Council therefore calls on the Legislative Review Committee to investigate and report upon the Fisheries (General) Regulations 1984 and their application to the allocation of recreational rock lobster pot licences.

(Continued from 27 October. Page 242.)

The Hon. CAROLINE SCHAEFER: I wish to respond to the motion of the Hon. Paul Holloway, amended by the Hon. Carmel Zollo, which seeks to condemn the government for its handling of the allocation of recreational rock lobster licences. I have rarely seen an issue arouse such emotion on what is really a minor matter. After all, we are talking about a leisure activity, not something on which these people's livings depend and, if we are honest, a relatively elitist leisure activity. After all, there are not many people in South Australia who have the opportunity to fish for a free rock lobster for anything but a few weeks a year, if at all.

Nevertheless, I have rarely seen, as I have said, an issue which engenders such emotion. On the one hand, we have the professional rock lobster fishers who are concerned about any allocation of recreational pots because they fear a decrease of catch; on the other hand, we have the thousands of South Australians who want to enjoy the pleasure of catching a free lobster or two during their holidays and, of course, there are those who—

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: They are $45 a lobster, too. Of course, there are those few who are fortunate enough to live near the sea and who have a grandfather licence which allows them to catch a lobster or two most days. There is also, allegedly, a reasonably large percentage, up to 10 per cent of all recreational catch, caught illegally. The dilemma for the government is to try to accommodate all legal interests while maintaining a sustainable stock and inhibiting illegal activity. Over the past few years the government has endeavoured to do accurate studies of the number of lobsters or tonnages of lobsters which can be fished while retaining a long-term sustainable resource. It is deemed to be at about 100 tonnes for the recreational sector.

This motion criticises the government's role in the fishery and its method of allocation of recreational licences, so we need to look back a little to see how this allocation came about. Two years ago, when the recreational pot licences were allocated on an over-the-counter basis, over 50 000 people rushed the fisheries' offices. It was an absolute debacle with people offering to fight each other and the fisheries' officers in an effort to get a licence.

Consequently, a task force, which included representatives from all the key groups, was set up to find a fairer method. It recommended a phone ballot and one of the reasons for that recommendation was that it was alleged that the over-the-counter system was perceived to discriminate against those who lived some distance away from the fisheries' offices.

In order to keep the process at arm's length, Venue-Tix was engaged to facilitate the final allocations on a first-in, first-served basis. It would be easy to cast blame on Venue-Tix but, before we do, it needs to be understood that it received something like 2 million phone calls and we have no record of the unsuccessful phone calls. Allegedly there were 80 000 unsuccessful phone calls through Mount Gambier alone—more than for the Crows final, more than for the Billy Joel concert and apparently 90 per cent more than when the English exchange was recently jammed by soccer fans trying to book for a finals match. Its exchange was jammed with just 10 per cent of the calls taken by Venue-Tix.

The real culprit in this is the redial function on people's phones. Allegedly one man from Mount Gambier made over 2 000 attempts to get through to Venue-Tix, all to no avail. There is no need for me to explain that, no matter what method of allocation is used—

The Hon. A.J. Redford: Did he get billed for it?

The Hon. CAROLINE SCHAEFER: He got billed for it. It cost him something like $1 100 and he still does not have a recreational licence, as I understand it.

The Hon. R.R. Roberts: And you reckon he is getting cheap crayfish!

The Hon. CAROLINE SCHAEFER: No, he is not. He has to buy them over the counter now! There is no need for me to explain that, no matter which method of allocation is used, numerous disgruntled people will miss out. Nevertheless, the government recognises that there were a number of complaints and allegations with the last method of allocation so other methods will be investigated over the next two years. In particular, some people on the West Coast complained that they were given an incorrect phone number. The correct phone number was advertised statewide on several occasions. However, one advertisement was placed in the two local papers giving the wrong phone number. Both papers have since tendered written apologies for their mistake.

The Ombudsman was asked to investigate the alleged anomalies and has issued and published his interim report. I do not propose at this late hour to go into that report in great depth. However, it vindicates the method of allocation used, and I quote just one small section, which says:

In general, information obtained during the investigation supports the contention that the telephone system utilised to register an interest for recreational rock lobster pot registrations provides an equitable basis for distribution on a first-come, first-served basis as well as a reasonably random basis on calls being connected.

The government also compared geographic areas of issue this time with those of two years ago. They corresponded almost exactly, except for the slight anomaly on the West Coast. Studies over the last few years indicate that a sustainable annual catch for the recreational sector is, as I said, 100 tonnes and licences have been issued on that basis. However, we all know people who have licences that they use for only a couple of weeks each year or indeed not at all. In fact, studies show that only 67 tonnes are currently taken each year. On that basis it has been announced recently that another 2 000 pots will be allocated before Christmas this year. Of those additional pots, 600 will go to the West Coast to fix the suggested anomaly there, and all applications—

The Hon. T.G. Roberts: What's the number?

The Hon. CAROLINE SCHAEFER: It is published. All applications will be by mail and then a ballot will be conducted by the Lotteries Commission. The opposition has

grabbed this opportunity to make political mileage, but the truth remains that many more people want recreational lobster pots than are sustainably available to them under any system. The government will continue to look for fair ways for the maximum number of people to enjoy their recreational activity while maintaining a sustainable industry, but I stringently deny any impropriety under current methods and I oppose this motion.

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

TAIWAN EARTHQUAKE

Adjourned debate on motion of Hon. A.J. Redford:

1. That the Legislative Council notes—
   (a) the terrible and devastating earthquakes which struck Taiwan on 20 September and 26 September 1999;
   (b) the enormous loss of life which is still rising;
   (c) the horrendous number of injured persons who will need medical and other services for many years to come; and
   (d) the extensive property damage that has occurred because of these natural disasters.
2. That this Council calls on the state and federal governments to—
   (a) do whatever they can to assist the Taiwanese people in their hour of need;
   (b) send official messages of condolence to the Taiwanese people expressing regret and sympathy for the effects of this terrible tragedy.
3. That this Council expresses its own sorrow at the terrible loss of Taiwanese people.
4. That this resolution be forwarded to the Taipei Economic and Cultural Office in Melbourne.

(Continued from 20 October. Page 153.)

The Hon. A.J. REDFORD: In concluding the debate, I thank members for their support, particularly the Hon. Carmel Zollo for her warm words on behalf of the opposition. I have endeavoured to keep members informed of the fallout from this devastating earthquake since I first moved this motion. Much can be learnt from this experience. Only this morning I read an article in the Taiwanese media to the effect that international agencies have praised the response to the earthquake by the Taiwanese people. I am pleased to see that, despite the massive loss of life and destruction of their country, they are getting back on their feet and moving forward in record time.

On behalf of all members in this place I express our sincere condolences to the Taiwanese people. I hope that, in the hopefully unlikely event that Taiwan suffers a similar natural disaster or similar devastation, the response from the federal and state governments will be commensurate with such a disaster and, indeed, an improvement on their response to this disaster.

Motion carried.

GAMBLING INDUSTRY REGULATION BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 256.)

The Hon. J.S.L. DAWKINS: I have taken note of some of the previous contributions to this debate, particularly those of the Hon. Sandra Kanck and the Hon. Caroline Schaefer, who are both members of the Social Development Committee, which provided its own report into gambling, and I will refer to some of the comments made by both those members during my speech.

If I had been in parliament when the legislation enabling the introduction of gaming machines was debated, I would probably have voted against it. At the very least, I would have preferred that gaming machines be allowed only in community clubs. To explain that position I will spend a few moments describing the background in which I grew up.

My youth was spent in a farming community very much oriented along methodist lines. It had very narrow views in many ways. Despite the fact that I am proud of some methodist principles, there is no doubt that the reluctance to have dancing or the pressure on young people such as me to sign a pledge were not good things for a balanced community. Many of the people who, like me, grew up in those sorts of circumstances recognised that before they reached a great age. I think that some of our older generations have perhaps grown past that as well.

When lotteries and raffles first became prevalent in this state there was great reluctance from members of that community and similar communities to take part. Some of that attitude lasted well into recent history. In fact, I can remember not that many years ago being the master of ceremonies at a Christmas function not too far from my home area and being surprised when I asked a prominent member of the community to draw a raffle and his backing away at 100 miles an hour. I suppose he did so because he was probably the best part of a generation older than I and he found it difficult to be involved in such activities. Yet I would have thought that in most ways that gentleman was a progressive person. He may have progressed from that since, but at that time I was surprised at his level of reluctance to have anything to do with any form of gambling, even though it might have been only a little chook raffle, which is probably what it was.

I offer that bit of history of where I come from, because it is important to note prohibition values. We have seen what happened in the United States many decades ago when prohibition was introduced: it does not really do the community any good. I have seen evidence of this fact in my own and similar communities where there was this revulsion from anything to do with horse racing. Some people would not even go to a fund raising event that had nothing to do with horse racing simply because the event was held on a racecourse. I say that by way of background.

I have not invested a cent in poker machines—in this state, anyway—as they do not interest me a great deal. However, I have a view on what other people should be able to do in relation to gaming machines, and I will elaborate on that. In earlier years, when there were no gaming machines in South Australia, I took the opportunity of using the old one-armed bandits in places such as Albury, Swan Hill and even Wagga.

An honourable member: Wagga Wagga!

The Hon. J.S.L. DAWKINS: I beg your pardon, sir: Wagga Wagga.

The Hon. T. Crothers: What would John Wesley think about this?

The Hon. J.S.L. DAWKINS: That's right.

The Hon. L.H. Davis: Your preselection is in jeopardy!

The Hon. J.S.L. DAWKINS: It is a little way away. Having said that, it is important to state that gambling problems in this state did not start with the introduction of gaming machines. Some of the media hype that we have had in recent times would almost indicate that that is the case: that we never had any problems with gambling in this state until the introduction of gaming machines. I well remember some years ago—before the introduction of gaming machines—that

as a member of a small sporting club I took part in a fundraising activity at a northern suburbs shopping centre where the local charity contracted sporting clubs to spend a day selling bingo tickets at its facility. The sporting clubs obviously received a retainer for doing that, and it was a good way of fundraising. I spent a couple of fairly long sessions at that shopping centre selling bingo tickets.

While many people were absolutely responsible in the way that they bought those tickets, the behaviour of a number of people concerned me greatly. Most of us who have spent any time at a bar of a hotel or a club would have witnessed that. As I said, although most people during those two days were very responsible, some obviously could not handle the fact that they could win a little: they had to win a little more.

It was quite alarming to see what some people—a very small proportion, but some—spent on those bingo tickets. In that light, I would like to reflect back to the comments of the Hon. Sandra Kanck, who emphasised to this chamber the fact that 98 per cent of people who gamble do not have a problem; depending on the method by which that is gauged, the national figure for those who do have a problem is about 2 per cent and perhaps a little less for South Australia. I concede that some do have a severe problem. I also add that there are probably not too many of us in this place—no doubt there are some in this parliament—who do not partake of alcohol.

An honourable member: Name them!

The Hon. J.S.L. DAWKINS: I can tell you there was a previous member, and that was my late father, who was a teetotaller. I have not followed him, I might say. The fact that some people cannot handle alcohol does not mean that we have to deny alcohol to the broader population who do treat it responsibly.

I understand that many South Australian businesses have invested significant sums of money, based on the current legislation, and it would therefore be unreasonable for many local clubs, suppliers and small business operators to have to remove gaming machines within five years. I said previously that if I had had the opportunity to vote on that legislation earlier this decade I would have voted against it, or at least I would have voted for gaming machines to be only in community clubs. I have had cause to reconsider that position. Obviously I was not involved in the original decision, but I have been informed, not deliberately but just by general discussions with people involved in the industry, that many of our hotels in this state would have ceased to exist in that form had gaming machines not been introduced. However, as an opposite effect, what we have seen is the development of many of those hotels and the many jobs that go with that.

I have been surprised in my own community and other places in the Riverland and other parts of this state to find out how many people gain employment from the gaming industry. While they may not be permanent jobs or jobs that people want to have forever, in many cases they are held by young people who are supporting themselves while they are studying or perhaps doing an extra job to support their family. So, I think we have to place very strong emphasis on what has happened since the introduction of gaming machines. The facilities that many hotels have to offer have been improved by a large degree, and we have to look at the number of people employed. I, like many other members of this place, have seen considerable evidence of the large numbers of people who have been employed as a result of the introduction of gaming machines.

Another aspect I would not mind spending a few moments on is that of choice. I think that some hoteliers in this state have chosen not to include gaming machines in their facilities and have benefited from the fact that they might be the only one or one of only a few in a locality who are free of gaming machines. Some of those people have indicated to me that they are very happy for gaming machines to continue, because while there are gaming machines in other hotels it creates a market for them, as there will always be some people who will be attracted to a hotel that does not have gaming machines.

There are a couple of aspects of the Hon. Caroline Schaefer's speech that I would like to touch on. One aspect is in relation to the voluntary code of practice developed by the Australian Hotels Association. From my reading of the code of practice, I think it addresses a great number of the concerns that the Hon. Mr Xenophon has indicated in the development of his bill. I think that some of those areas include relevant signage in gaming rooms, customer support, signage on machines, clocks in gaming rooms and a number of other things. I am not sure whether the Hon. Mr Xenophon has evidence that that code of practice is not working, but my limited experience, as I said, of observing these facilities has indicated that some of those measures have been introduced.

The Hon. Caroline Schaefer also made mention of the days before the introduction of gaming machines, when we had many people going on bus trips—and, in some cases, on train trips—to places such as Broken Hill, Wentworth, Coomealla, and some others even a bit further away—into New South Wales—to spend money on gaming machines and, obviously, additional money on other things while they were there. I think it has been a great thing that we have avoided that. As a community, we are about attracting people to this state, not sending them away. So, I think it is a very valid point that we now do not have those people travelling to those communities across the border just to take part in that activity.

In concluding my contribution this evening I would like to refer to a report in the *Sunday Mail* of 25 July this year, which I think attempted to reflect the attitude on this legislation and another piece of legislation that the Hon. Mr Xenophon has promoted. My position in relation to this legislation was accurately reflected when I was listed as a 'No' to question two. But I think it is relevant that I also mention that, in relation to question one, regarding the capping of gaming machines at the existing level, the *Sunday Mail* indicated either no response or a question mark, depending on which edition you purchased, under my name and photograph—I was not quite sure which was better.

I think it is appropriate, though, that I indicate the position I put to the *Sunday Mail* reporter who sought my views. I voted against the Hon. Nick Xenophon's legislation to freeze the number of gaming machines earlier this year. One reason for my opposing that legislation was a concern for those people who have made legitimate plans to purchase gaming machines and who would be retrospectively affected by its carriage.

However, I also have concerns that a freeze or cap would create the unintended and clearly undesirable situation in which the value of existing gaming machine licences and possibly the venues in which they operate would be considerably inflated. As such, I indicated to the reporter that I could only support legislation aimed at restricting the number of gaming machines in South Australia that addressed these associated issues.

With that I will conclude: I know that the hour is late and there are other matters. However, I will not underrate this particular legislation. I understand that there is concern in the community and that the Hon. Mr Xenophon has reflected some of that concern in his legislation. However, I do not believe that it is the appropriate way to deal with the situation. I think that the Australian Hotels Association and the government are addressing a number of the problems already. I do not say that we should not do more, and I know that the hotel industry has indicated that it is prepared to address those issues.

Another issue that I might raise is that I am not quite sure why Mr Xenophon's bill only refers to hotels and not to clubs, but that is a further issue with which I will not delay the chamber this evening. It is a very important issue about which I am sincere in my thoughts. Gaming machines are not something to which I am attracted, but I state again that they have been established as a legitimate activity in this state and it is very difficult to shut the gate after the horse has bolted. In many instances, the government and the industry are working very hard to address the problems that have been created and, for that reason, I cannot support Mr Xenophon's bill.

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

CHRISTIES BEACH WOMEN'S SHELTER

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council notes—

I. The request by former workers of the Christies Beach Women's Shelter Incorporated to have a statement incorporated into *Hansard* in accordance with the resolution of the Legislative Council passed on 11 March 1999.

II. The decision by the President of the Council not to allow the statement to be incorporated and expresses its regret with that decision.

(Continued from 27 October. Page 256.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition opposes this motion. In my opinion, this is rather a back-door way of the Hon. Mr Elliott trying to criticise a ruling of the President. There are mechanisms to do that: if you wish to oppose the ruling of a President, one can do so. In the last session the President ruled in regard to a sessional order on this particular issue and it was a ruling that the opposition supported because we felt that, in bringing in the sessional order, there was not to be an element of retrospectivity attached to it, in the sense of some numbers of years. The members of parliament who were associated with this issue are no longer in this place and have not been in this place for many years. I think the Hon. Mr Weatherill was on the select committee that was set up at the time to look into this particular issue in some detail, as was the Hon. Gordon Bruce who has since died.

It seems to me that this is not an appropriate way to deal with an issue. If one does not support the ruling of the President one has the opportunity to challenge that ruling, which the Hon. Mr Elliott did not do. I will not go into the merits of the particular case. It happened a long time ago. A select committee of this Council was established. The Ombudsman looked into the matter at the time. I understand that some legal cases are still pending. It seems to me that all those measures have allowed the people concerned to express their views and have provided the opportunity for those views to be brought forward to the parliament and to be dealt with very adequately.

Last session I did read the *Hansard* reports relating to the setting up of the select committee and those relating to the report of the select committee when it was tabled. I know that some people will never feel satisfied with a process they have gone through, and I think that is unfortunate. However, I recall that the Hon. Gordon Bruce who, I believe, chaired that select committee, reported back to the parliament and he did so with honesty and integrity. I believe that the members of that select committee dealt with the issue more than adequately.

I certainly upheld the President's ruling on the sessional order on this occasion. We were being asked to deal with something which happened so long ago and which involved members of parliament who are no longer here. I felt that the President dealt with the matter very appropriately. The Labor Party supported a sessional order in this place, which was moved by the government. We supported a sessional order in the House of Assembly. We moved a motion to set up a sessional order to change Standing Orders which was opposed in that place. I am pleased to say that in the Legislative Council we are more sensible about these matters.

Certainly, if an issue were brought to this chamber that dealt with something more contemporary, I would support the people concerned having a right of reply. This matter goes back more than 10 years, and I think that it is unrealistic to expect members of parliament who were not present to have any kind of understanding of the issues involved at the time. I believe the President's ruling was quite correct. I certainly uphold that view and I think that this is a rather back-door method by the Hon. Mr Elliott to get his views in *Hansard*. If he did not support the President's ruling, he should have opposed it.

The Hon. T.G. CAMERON: I indicate that SA First will be opposing this motion and, in so doing, I make no comment on the merits or otherwise of what the workers of the Christies Beach Women's Shelter went through. My reasons for opposing the motion are as follows: first, it should be noted that the motion simply states, 'This Council notes' and goes on to state points one and two. As a fairly new member in this place I was rather curious as to why we would note something of which we were all aware. We are all aware of the fact that a request was made to the President to have a statement incorporated in *Hansard*, and we are all aware that the President of the Council made a decision not to allow the statement to be incorporated and expressed his regret with that decision.

I guess the nub of the Hon. Mike Elliott's motion surrounds those words 'and expresses its regret with that decision'. I wholeheartedly supported an alteration to the standing orders in this chamber to allow people the right to submit a statement to you, Mr President, for consideration to be inserted into *Hansard* if they felt that they were wronged in any way. In supporting that motion it was my understanding that the procedure that would be followed is that the statements would go to you and that you would weigh up the matter and make a decision accordingly.

Whilst I make no comment about the decision that you have made on this matter, it goes without saying that, when we all voted for the motion to change the standing orders, we were aware that we were giving you the power to look at the statements, that they would be looked at by you in private and not be handed around and posted up on the toilet walls, that

you would look at the matter and that decision would be yours. I have no quarrel with the decision that you have made one way or the other, but I do not feel disposed at this stage, without having seen the statement, and having heard the limited debate that we have heard on the subject so far, to interfere, attempt to interfere or express regret at the decision that you have made.

I feel that, if we were to walk down that path, we ought to walk down the path a little further and scrap the whole process completely. We have set up the process: we ought now to have confidence in it. Whilst from time to time I have my odd difference of opinion with you, Mr President, I would respect the decisions that you or any other President made in relation to this matter.

Another factor influencing my decision is how old this matter is. My understanding is that this matter is some 10 years old. It was not my intention—and I think it was raised in the debate when we varied the standing orders—that this particular provision should be used retrospectively.

The Hon. M.J. Elliott: It's always retrospective, though. Something has to be said in parliament first.

The Hon. T.G. CAMERON: The Hon. Mike Elliott interjects and says that it is always retrospective. I think we know that, Mike: what is the point you are trying to make, unless you are trying to be half smart? What I am talking about here is going back years and years. I understand this matter is some 10 years old. It was thoroughly ventilated before a select committee.

The Hon. L.H. Davis: Twelve years old.

The Hon. T.G. CAMERON: Twelve years old. I was secretary of the Labor Party at the time, and I can only be thankful that I did not keep all the correspondence that I received on this matter, both for and against. In fact, I can recall discussing some of the correspondence with people, and I made a conscious decision to burn the lot of it, it was so grubby.

The Hon. T.G. Roberts: Is that what started that fire in the basement?

The Hon. T.G. CAMERON: No, that was not the fire. I am still trying to find those two villains who set fire to my office with fire bombs. Do not worry about that fire in the basement. In any case, this matter would almost qualify to be classified as an antique, it is getting so old. I appreciate that the women concerned feel that the matter has not been adequately dealt with. Who knows: if we were to empathise, we might all end up with a similar position to those women, if we had been through what they have all been through.

But my decision to oppose this motion is based on the fact that we have varied the standing orders and set up the procedure. No-one in their wildest dreams imagined that we would be debating matters that are 10 or 12 years old. I have no intention to cast any reflection on the decision of the President—not this decision, anyway—in relation to this matter, and I have no intention of going back 10 or 12 years. I can only agree with the Leader of the Opposition that this is a backdoor method. I think it is unfortunate that the matter has been placed on the *Notice Paper*. The quicker we can get rid of it the better off we all will be.

The Hon. M.J. ELLIOTT: When I moved this motion, I noted that the matter went back some period of time. I also made the point that it was the worst abuse of parliamentary privilege that I think I had ever seen, that that was the reason and that I know that the hurt which was created at that time is still around today. I acknowledge that the one reason I might have considered not treating it was the question of its age, but as I said I think it was such a serious matter that it deserved to be treated under the rules, despite the fact that it was of that age.

I also noted in my introduction that I did not move any motion of dissent to the President's ruling at the time. Clearly, none of us had seen what was being asked for. But, having subsequently seen the actual submission, I did not use any language in relation to the President or criticise him other than expressing regret within the motion itself. I suppose it is as gently as one can disagree. However, I did disagree because having looked at a copy of the original submission I made the point that there were two brief excerpts, each of a couple of words, which needed to be deleted as they made comments about other individuals. The idea of this process was supposed to be that one can put one's side of the story without casting aspersions on anyone else. It seemed to me that the two necessary changes were of a very minor nature.

With those two minor changes made (and all members have now seen the substance of it), it is something that one would have expected to get up. I have a feeling that the Hon. Trevor Griffin said in his response, 'Look, let's give it a bit more time and get a bit more experience.' But this is the first time it has been tried and, frankly, I think it failed.

The Hon. T. Crothers: Did you look at the minutes of the select committee?

The Hon. M.J. ELLIOTT: The minutes of the select committee are not relevant to a discussion about—

The Hon. T. Crothers: Oh yes they are. I was on the select committee and I am telling you that they are. I do not want to say more than that. You have not done your homework if you haven't read them.

The Hon. M.J. ELLIOTT: I was on the committee, too. I make the point again that the proceedings of the select committee are irrelevant to the question of right of reply, which is the issue that is before us right now. I can only express disappointment. I believe that under the formal processes that right of reply should have been available, despite the age of the matter. It did not impugn anybody else. It sought to put in a very straightforward manner another side to allegations, and that is exactly what the process was supposed to be all about. I am disappointed that members other than the other Democrat members have not expressed support.

I hope that, if anyone else suffers a treatment similar to that of the Christies Beach Women's Shelter, they do not then find that their opportunity to respond might be denied. It might be denied not just on the basis of age because, as I recall, other reasons were given by the President. In fact, the rules do not require the President to give reasons at all. I am trying to make the point as gently as I can—it is not a criticism of just the President. The process still looks as though it has some wrinkles. I would argue that this should have got up and did not.

Motion negatived.

WRONGS (DAMAGE BY AIRCRAFT) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Wrongs Act 1936. Read a first time.

The Hon. DIANA LAIDLAW: 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.

At present, there are three different regimes in respect of liability for damage or injury to persons on the ground caused by an aircraft or objects falling from an aircraft. This is undesirable from the social justice point of view and is also inconsistent with the idea of a single market for aviation services.

International aircraft may be subject to the Rome Convention (the Convention) of 1952 if the country in which they are registered is a signatory to the Convention. Australia (and 32 other countries) are signatories to the Convention. The Convention imposes strict liability in respect of aircraft damage but imposes upper limits on the amount of damages that aircraft operators have to pay. For example, the maximum payout for damages in respect of a Boeing 747 is $A36 million. Such an amount would be insufficient to compensate people for the damage that would be caused by a plane crash in a populated area. About 49 per cent of international flights in Australia, covering operators from 7 signatory nations, come within this category.

The bulk of international carriers are not subject to the Rome Convention (for example, those from the USA, the UK, Japan, China, Thailand, Malaysia). These operators are also subject to strict liability but they do not have the advantage of the Convention and the liability is, therefore, unlimited.

Aircraft engaged in purely intrastate operations operated by natural persons come within the jurisdiction of the States and are not bound by the Convention. New South Wales, Western Australia, Victoria and Tasmania have applied strict unlimited liability on domestic operators of intrastate flights through legislation since the 1950's. In South Australia, Queensland and the Territories, compensation is available through an action for negligence at common law. The outcome of this avenue is more uncertain than strict liability imposed by legislation as negligence must be proved and multiple defendants (aircraft operator, manufacturer, etc.) have to be included to increase the chances of a plaintiff succeeding against at least one defendant. This increases the cost for the injured person.

The Commonwealth passed the *Damage By Aircraft Act 1999* (the Damage by Aircraft Act) in August 1999 thereby repealing the *Civil Aviation (Damage by Aircraft) Act 1958*, the Act that gave force to the Rome Convention. The Damage by Aircraft Act legislates in respect of liability for injury, loss, damage and destruction caused by aircraft or by people, animals or things that are dropped or that fall from aircraft in flight and introduces strict unlimited liability for aircraft. The Commonwealth will withdraw from the Rome Convention (this requires six months notice). The two justifications for the Convention, being—

(1) to encourage the development of the infant international civil aviation industry by limiting the liability of its participants from accidents; and

(2) to provide unified international rules covering damage to people on the ground,

have either been achieved or have failed. The Commonwealth has decided that the Convention no longer assists Australia's needs.

The Commonwealth believes the best way to provide uniform compensation outcomes for all Australians in the situation of damage by aircraft is for the States and Territories which rely on common law remedies to introduce strict unlimited liability legislation in line with the Commonwealth Act.

One possible effect of introducing this legislation on operators engaged in intrastate flights in South Australia may be to raise the cost of insurance premiums. While these operators are already potentially subject to unlimited liability through common law actions in negligence, the injured person has to prove that the operator was negligent in order to succeed. The burden of proving negligence probably reduces the risk to the insurer of paying out compensation. Any additional cost to an operator will vary according to the type or aircraft, safety record, area of operation and insurer. According to the Commonwealth's research, coverage for third party on the ground liabilities is the smallest of the cost components in aviation insurance.

The Commonwealth consulted extensively with the aviation and aviation insurance industries, as well as with private owners/operators, on the Damage by Aircraft Act which this Bill is intended to complement. The Bill is broadly supported by the aviation industry, including the General Aviation Association which represents regional air operators within South Australia.

In addition to matters complementing the Commonwealth legislation, the Bill also provides for a matter covered by the 'damage by aircraft' legislation of those States that have such existing legislation. That is the exclusion of liability for nuisance or trespass by an aircraft flying at a height that is reasonable having regard to the weather conditions and in compliance with the requirements of the Air Navigation Act and the Civil Aviation Act. The inclusion of such a provision will make this State's legislation consistent with other State laws applying in relation to intrastate flights.

Given the nature of the provisions of the Bill, it is appropriate to include them as in the *Wrongs Act 1936*, the Act that relates to wrongs and damages in this State.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of new Division in Part 3

DIVISION 6—DAMAGE BY AIRCRAFT

29A. Damage by aircraft

For the purposes of this new section, aircraft damage is defined to mean personal injury, loss of life, material loss, damage or destruction in this State not covered by the Commonwealth Act but that would, if the aircraft had been engaged in trade and commerce among the States, have been covered by the *Damage by Aircraft Act 1999* of the Commonwealth (the Commonwealth Act).

Liability for aircraft damage is to be determined on the same principles as under the Commonwealth Act. However, the following qualifications when applying those principles:

- a person who uses an aircraft as a passenger (or for the transportation of passengers or goods) is not to be regarded as an operator of the aircraft if the person reasonably relies on the skill of another (not being an employee) to operate the aircraft;
- if aircraft damage results from the unauthorised use of an aircraft, the person (other than the unauthorised user) who is liable for damage as owner or operator of the aircraft is entitled to be indemnified against that liability by a person (not being an employee) who used the aircraft without proper authority;
- if aircraft damage results from an impact between an aircraft or part of an aircraft and a person or object, liability is to be determined according to principles of negligence unless the impact occurs while the aircraft is in flight or the impact is caused by the aircraft (or part of the aircraft) crashing or falling to the ground;
- exemplary damages are not to be awarded for aircraft damage unless the defendant is shown to have caused the damage intentionally or recklessly.

29B. Exclusion of liability for trespass or nuisance

This new section provides that no action for trespass or nuisance arises from the flight of an aircraft over land, or from the ordinary incidents of such a flight, if the aircraft flies at a height that is reasonable having regard to prevailing weather conditions and other relevant circumstances and regulations relating to air navigation are complied with.

Clause 4: Further amendments of principal Act

It is proposed to amend the principal Act in the Schedule of the Bill to divide Part 3 of the principal Act into suitable divisions. This enables the insertion of the provisions dealing with damage by aircraft to be inserted as a separate division in that Part.

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

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 327.)

The Hon. T.G. CAMERON: The original act provides a legal framework for the support and protection of people who through mental incapacity are unable to look after their own health, safety or welfare or manage their own affairs. The mental incapacity may have arisen from various causes—intellectual disability, acquired brain injury, stroke, dementia

and mental illness are all conditions that may bring a person within the scope of this legislation.

The legislation provides a range of options for decision making on behalf of a person who lacks mental capacity. The two principal structures established under the act are the Guardianship Board and the Public Advocate. The Guardianship Board Multidisciplinary Specialist Legal Tribunal's functions include appointing a guardian to make personal lifestyle decisions for the protected person, appointing an administrator to make financial decisions, making decisions relating to major medical procedures such as sterilisation and termination of pregnancy and hearing appeals against detention orders under the Mental Health Act. The Public Advocate's major role is in promoting and protecting the rights and interests of mentally incapacitated persons and their carers. The Public Advocate might well be regarded as the guardian of last resort.

The principles under-pinning decision making under the act require consideration to be given to the present wishes of the person in respect of whom the decision is being made, to the wishes of the person so far as there is reasonably ascertainable evidence, to the adequacy of existing informal arrangements for the care of the person or management of his or her financial affairs, the desirability of not disturbing those arrangements, and any decision or order made must be the least restrictive on the person's rights and personal autonomy as is consistent with his or her proper care and protection.

A sunset clause was inserted into the original bill to ensure that legislation and the arrangements underpinning it were reviewed prior to the third anniversary of its commencement. Legislation originally due to expire on 6 March 1998 has now been extended on two occasions to allow time for a legislative review and an operational review to be completed and considered. The current expiry date as I understand it is 6 March 2000. After review it would appear that the act has been sufficient, although it is in need of some administrative and technical changes.

The proposal before the Council seeks to change the Guardianship and Administration Act 1993 following review. The bill seeks to implement the major recommendations from the report and takes into consideration the following: the increasing workload of the board and Public Advocate; the introduction of mediation to assist the community with their dealing and to streamline the business of the board; the definition of 'medical treatment' is expanded to include physiotherapists, chiropractors and chiropodists; the special powers to place and detain protected persons; and I note that the government argues that this bill will enhance the capacity to strike a balance between individual rights of freedom, autonomy and protection from neglect and abuse.

The opposition—and I refer to the Australian Labor Party—raised the recommendations of both the legislative review and the operational review (63 in total), and has suggested that the government look at these more closely. It would appear, however, that this legislation has worked well, although some operational problems have been apparent. It would appear that a lack of resources seems to be a major hurdle in ensuring the needs of those under a guardianship order are adequately met. Some of the concerns raised so far include the placement of both the Public Advocate and the Guardianship Board—that is, under whose jurisdiction and whether they should be placed separately; and the resources of the office of the Public Advocate—at present there are 222 people who have guardianship orders with only 2.5 guardians looking after them. Is the government going to rectify this situation to ensure a guarantee that decisions made by the Public Advocate actually reflect the person's wishes, as should be the case under the act—not what they assume they are just because they are overworked and constrained by their time limits? I hope the minister will address that query when he addresses this bill again.

I also refer to resource limitations that make it impossible for the Public Advocate to comprehensively service all persons under guardianship orders. Will the government be investigating the possibility of community guardians as has been suggested? If so, questions are raised about adequate resources for training, and I question whether the money would be available if it is not available now. If the Public Advocate was to delegate their powers or functions, would community guardians be adequately trained or resourced for them to carry out their functions according to the act? The amendments put forward do seem fair and acceptable. However, I would also ask the government to look at the recommendations, both operative and legislative, and provide us with a clear direction of where we will go from here.

The Hon. SANDRA KANCK: I must say that when I saw the heading 'Guardian and Administration Bill' on the *Notice Paper*, I thought, 'Oh, no, here we go again,' as I have twice dealt with extensions of the legislation because of the sunset clause. However, I was delighted when I read it to find out that this would be the last time we have to re-visit the sunset clause, since the reviews required have finally been done. I regard this as important legislation because it reflects the kind of society in which we live, and how we treat some of the most vulnerable people in our society.

The majority of changes that are being brought about in this bill are technical in nature and reflect changing times. So, for example, section 3 of the principal act will be amended to change one of the definitions of 'authorised witness' from a clergyman to a notary public. Changes also extend the definition of 'health professional' to include registered physiotherapists, chiropractors and chiropodists, which of course is very sensible.

Prior to the passage of the principal act in 1993, the Guardianship Board had social workers who did a lot of the preparatory work on cases before they came before the board and, as a result of this, many cases were settled informally and did not need the Guardianship Board to determine the case. When the new act was introduced, this was no longer the case and I think that has created some problems in its own right.

The major change to the act is the new section 15A which introduces a process of mediation. This is designed to allow cases to be settled quickly and we are seeing, as part of this, a separation of the executive and administrative functions of the registrar. I note in correspondence that I have received from the Public Advocate, John Harley, that he does not think the term 'mediation' is an appropriate heading for new section 15A. He says that it has the wrong emphasis and that the duty of the registrar is far more than mediation and suggests a heading such as 'preliminary assistance' or 'pre hearing inquiries'. I would be interested in a response from the minister as to whether or not this point of view was put to him and, if it was, why it was rejected.

Although the amendments in this bill go part-way to relieving the administrative pressures on the Guardianship Board, the Public Advocate, Mr John Harley, still remains overworked and under-resourced. Guardians usually are family members but in South Australia there are 200 people

who have the Public Advocate as their guardian which is in stark contrast to Western Australia where the Public Advocate is responsible for only 40 people. As things currently stand the Public Advocate can delegate his powers or functions but can do so only to a Public Service employee or a Health Commission employee which seriously restricts the scope of people who could become responsible guardians. As an example, if we had appropriate flexibility, employees of the Intellectual Disability Services Council and other non-government organisations could be involved.

A change to section 23 of the act could potentially overcome this, and I am pleased to see that we have an amendment on file from the minister that looks like it will do this. This would allow the introduction, I believe, of a community visitors program to which the Hon. Terry Cameron referred. Such a program is being successfully run in Victoria at the present time. The Democrats believe it would be a positive step forward in advocacy for vulnerable people in society who are currently falling through the cracks. It would obviously need state resources and be regulated by the act. It means that volunteers will be trained to visit institutions or residential care facilities and monitor the standards of care to provide advocacy for residents and investigate any complaints.

In 1993 the Human Rights and Equal Opportunity Commission carried out an inquiry into the human rights of people with mental illnesses. The inquiry found that the rights of people with mental illness were often violated. It also found that mechanisms designed for the investigation of complaints were inadequate. That inquiry recommended that independent hospital visitors with formal powers to investigate grievances and responsible to an officer with statutory powers should be appointed to oversee patient rights and welfare.

We currently have an ad hoc system of advocacy for people with physical and mental disabilities. The introduction of a community visitors' program would remedy this situation and would ensure that the universal right to treatment with humanity, respect and dignity is not frequently disregarded—as it was at that particular time. In supporting this bill I hope the minister will enhance the powers of the Public Advocate to ensure that all South Australians affected by this act receive the best possible care and that their welfare is not affected by an overworked and under-resourced advocacy system. I hope this will be the first of many more positive steps in legislation which will see South Australia comply with the recommendations from the Human Rights and Equal Opportunity Commission inquiry, as well as the UN principles for the protection of persons with mental illness.

I note one area of concern that was raised by John Harley, the Public Advocate, in regard to the definition of medical treatment. He has had crown law advice that indicates that the current definition does not apply to palliative care. It is unfortunate that this group of people apparently will not be able to have decisions made on their behalf unlike other people who appoint a medical agent, and I would like to have seen that issue dealt with if time permitted.

I note also that only some of the recommendations from the review are being acted on. It was stressed to me at the time of my briefing that we needed to progress this bill quickly because of the sunset clause and because we will not be sitting for four months, so if we do not get it done very promptly the bill could lapse in that period. I understand that but it appears to me that, given that some issues are outstanding, an opportunity is being lost. At my briefing it was suggested that another amending bill could be introduced fairly soon after we resume next year to deal with some of these other things. I would like the minister to indicate when we will be dealing with another bill to look at the other recommendations from the committee. The Democrats will support the second reading.

The Hon. R.D. LAWSON (Minister for Disability Services): I thank members for their contribution to the debate and the expressions of support for the bill. A number of points were raised by the Hon. Paul Holloway on behalf of the opposition in relation to the bill and I propose to deal with those fairly briefly in view of the time. The honourable member said that the act has worked well, and that is certainly the view of the government. However, both the legislative and the operational reviews identified a number of issues that required amendment, and many of those have been adopted in the bill and are proposed to be pursued in an operational sense.

The honourable member referred to the fact that in the legislative review there were some 29 recommendations, but that not all of those recommendations had been adopted by the government in the bill. He invited me to indicate the reasoning as to why some of those recommendations were not implemented. Just by way of example, I will take the first four recommendations, three of which were not adopted. The first recommendation was that section 6 of the act be amended to restrict the period during which a board member sits exclusively to a period of two months at a time. It was felt that that was too prescriptive and the present provision contains sufficient flexibility.

Recommendation 2 was that section 67(6) be amended to provide an absolute limit of three months for the lodging of an appeal. Recommendation 4 proposed that the act be amended to establish that appeals to the Supreme Court would relate only to questions of law and procedure. I quote these because they indicate to me and to the government that those responsible for the legislative review took a fairly strict and prescriptive view to have an absolute limit of three months for the lodging of an appeal where the existing provision provides that there are time limits but that those time limits can be extended if the court or tribunal considers that it is appropriate to extend.

The government does not believe that it is appropriate to deny an opportunity to extend time limits of this kind. To do so makes matters too prescriptive and legalistic and provides insufficient flexibility. For example, to say that the court may entertain an appeal only on questions of law and practice is a way of restricting appeals so that their merits cannot be gone into: one must identify the law or the procedure, not the facts of the case which might be under appeal. So, as a general proposition, a number of recommendations of the legislative review were not accepted because in the view of the government they were too prescriptive.

There were also a number of recommendations in the legislative review which was conducted by the Hon. Ted Chapman. Mr Chapman recommended a number of administrative matters in respect of which it was not appropriate to include provisions in legislation—I think that is accepted. The principal recommendation of the operational review was that there be greater emphasis on mediation and greater attempts made to ensure that matters did not go to the board for a full hearing if they could possibly be resolved.

That administrative or operational matter has been taken up in the legislative review by splitting the functions of the board into executive functions on the one hand and the registrar function on the other. The registrar will have power to intervene and assist parties in reaching a resolution in a formal way. There were recommendations in the operational review concerning education in schools, the general community and the publication of leaflets and the like, many of which will be adopted but which do not require legislative amendment.

The Hon. Paul Holloway mentioned the fact that the Public Advocate has commented that the resources available to the Office of the Public Advocate are insufficient in the view of the Public Advocate. The government has been aware of this matter, which obviously has resource implications. As is well known, the resources for the current year of the Department of Human Services (in which the Guardianship Board and the public advocate sit) have been stretched. The government is well aware of the necessity to provide additional resources, but it is believed that it is appropriate to introduce the new legislative measures and the new mechanisms of mediation and then to see how the system works before finally deciding upon the extent of those additional resources.

I think it is fair to say that the new Public Advocate, Mr John Harley, has been most assiduous in the way in which he has addressed his duties and most anxious to ensure that the community generally is aware of the board and the services of the public advocate. The Hon. Sandra Kanck mentioned that in this state the public advocate has about 200 active guardianships whereas in a place such as Western Australia there are only 40. I believe that in some senses the legislation is the reason why there have been so many guardianship orders in this state. I think this might also have something to do with the practices of the guardianship board. There will be changes relating to the composition of that board later this year.

So, I do not believe that the situation where we have an extraordinarily large number of guardianship orders in the state will necessarily continue into the future. Certainly, it is the intention that, as a result of the new mediation provisions in the bill, so many orders will not be made and that families and others may be used more than perhaps they have been in the past.

The Hon. Paul Holloway suggested that the Public Advocate should have a monitoring committee, and the amendments proposed by the government, whilst not introducing a monitoring committee, which might not reflect the true sense of what the honourable member was referring to, rather than monitoring some committee of expert persons to assist the Public Advocate in the analysis of his operations, would be useful.

It was noted by both the opposition and the Hon. Sandra Kanck for the Australian Democrats that many people and organisations are vitally interested in the affairs of the Guardianship Board. Many have contributed both to the legislative and operational review and have made comments on the legislation, and I am pleased to say that most of the comments have been very positive.

The Public Advocate himself made a couple of suggestions to all parties about additional amendments that he thought might be appropriate. They related, first, to the appointment of community guardians, a matter touched upon by the Hon. Sandra Kanck.

It is a pity that the legislative review and wider consultation process did not examine community guardians. I have been a proponent of a community visitor scheme for South Australian mental health institutions and also for disability facilities. Such a scheme has been introduced in Victoria. Not all the reports about the introduction of that scheme have been positive. The government wishes to examine in some detail and to take advice from a wide section of the community before embracing any form of either community visitors or community guardianship programs.

Those programs do need to be resourced and, unless there was an exact appreciation of the extent of the resources required, the educational and training commitments, issues about liability and the like, it was felt inappropriate to seek to amend the bill at this stage without having done all that background work and having established what might be termed a consensus across the sector.

Accordingly, whilst I am not rejecting out of hand by any means the suggestion of the Public Advocate in relation to community guardians, the government is certainly prepared to look at that, and in response to the Hon. Sandra Kanck, after that examination, if appropriate, amending legislation will be introduced.

The Public Advocate also suggested that there was a difference of legal opinion about palliative care, a matter mentioned by the Hon. Sandra Kanck in her second reading speech. Once again, this was not a matter that was agitated in the extensive legislative review which was undertaken and in which there was that widespread consultation. One can obtain differing legal opinions on almost any point of law, and I do not believe it is appropriate to say that the current legislation is decisively flawed in any way in this respect.

Once again, that is a matter which is highly sensitive and which would require a great deal of consultation before the government would be prepared to embark upon an amendment of it until all the ramifications were fully considered. And, with regard to the suggestion of the Public Advocate, whilst I have no doubt about Mr Harley's sincerity or experience in this matter, I feel that there should be wider consultation before that proposal is adopted.

Mr Harley also suggested, and I think the Hon. Paul Holloway mentioned this in his second reading contribution, the possibility of declaratory orders. These are orders that the Guardianship Board would make, declaring that an enduring power of attorney or enduring power of guardianship be made operative by an order declaring that the person to whom the power applied no longer had the capacity to undertake transactions, and thereby, in the view of Mr Harley, enabling banks and the like to have confidence when dealing with the holder of the power of attorney. In other words, there would be some mechanism for determining that the operative event had occurred.

Once again, that was not a matter specifically addressed by the legislative review, and it seems to me that it changed entirely the nature of the role of the Guardianship Board. If it became possible to seek a declaratory order from the Guardianship Board, it appears to me that it would very soon become obligatory, because banks would require everybody seeking to exercise, for example, an enduring power of attorney to have a declaratory order from the Guardianship Board.

Before acting upon an enduring power of attorney banks and the like would simply impose as one of their requirements a declaratory order from the Guardianship Board. That would require a medical certificate and might require

evidence and would change entirely the way the system has operated to date. Once again, that was not something that could be embraced simply at the suggestion of the Public Advocate, notwithstanding that apparently this has been dealt with elsewhere in a similar way, although my inquiries have not produced a conclusive answer as to whether or not it is working satisfactorily.

I believe that I have covered the points raised by members. The Hon. Sandra Kanck mentioned the heading for clause 15, which simply refers to 'mediation' rather than 'mediation and other preliminary assistance'. In fact, this issue was raised by the opposition in conference with me. It was pointed out by Parliamentary Counsel that Parliamentary Counsel are apparently the custodians of the headings, upon which the chamber does not vote. Notwithstanding that, I must say that I do agree with the Hon. Sandra Kanck and the suggestion from the opposition that, when the bill is finally printed, that heading could be expanded to include both concepts of mediation and preliminary assistance. I thank members for their expressions of support.

Bill read a second time.

In committee.

Clauses 1 to 8 passed.

New clause 8A.

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

Page 3—After clause 8 insert new clause as follows:

Amendment of s.21—General functions of Public Advocate

8A. Section 21 of the principal act is amended by inserting after subsection (2) the following subsection:

(3) The Public Advocate may establish committees for the purpose of providing him or her with advice in relation to the performance of any of his or her functions.

This is a proposed insertion into section 21 of the principal act a provision that the Public Advocate may establish committees. This is now a specific power to enable that to occur, and those committees will have the purpose of providing the Public Advocate with advice in relation to the performance of any of the functions of the advocate. Members will be aware that the principal act sets out quite a wide range of functions for the advocate. They include a monitoring role. It is true that the Public Advocate can already set up mechanisms administratively providing with advice, but the government believes that the matter is important enough to make specific provision in this bill relating to committees.

The Hon. P. HOLLOWAY: The opposition supports the amendment. This was a matter that I had raised during the second reading debate, and we are pleased to see that the minister has put forward this amendment.

New clause inserted.

New clause 8B.

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

Page 3—After new clause 8A insert new clause as follows:

Amendment of s.23—Delegation by Public Advocate

8B. Section 23 of the principal act is amended by inserting in subsection (1) 'or, with the approval of the minister, to any other person' after 'his or her functions'.

Members will have noted that the principal act has a very limited power of delegation for the Public Advocate. There may be circumstances where the Public Advocate may wish to delegate some of his or her functions to persons beyond the employees who have been assigned to the Office of the Public Advocate. These amendments will allow the proposals for further delegation to be placed before the minister for approval. This is not the implementation of a community guardian scheme. It is intended to be a much more limited opportunity for persons to be appointed, with the approval of the minister, to whom the Public Advocate can delegate functions. The issue of community guardians is, as I have mentioned in my conclusion at the second reading stage, one that will be examined after wider community consultation on this point.

I failed to mention in my summing up that this was a matter that the Hon. Terry Cameron also raised and, as I indicated there, it is our intention to investigate appointment of community guardians beyond this power of delegation.

The Hon. P. HOLLOWAY: The opposition supports the amendment. I certainly hope that the government will conduct some sort of trial in relation to community guardians and I hope that, if we do have this trial, the scheme works well. We welcome the amendment.

The Hon. SANDRA KANCK: I indicate the Democrats' support. This is certainly a move in the right direction. The minister made the point that it is not the community guardian scheme, but, if the community guardian scheme is decided to be trialled, would it be able to be done using this approval that is inserted here, or would a further amendment be required?

The Hon. R.D. LAWSON: I believe that this amendment would enable perhaps a modest pilot of a community guardian scheme to be implemented. It would enable the minister to prescribe, informally no doubt, the type of educational and other qualifications that would be required for the appointment of some community guardian or some type of community guardian or visitor.

New clause inserted.

Clauses 9 to 15 passed.

Clause 16.

The Hon. SANDRA KANCK: I note that clause 16 is replacing the current schedule in the principal act and this is an instrument appointing an enduring guardian. I wonder whether the minister could explain to me what are the circumstances in which someone signs a form such as this. Is this the same sort of thing as signing a form under the Consent to Medical Treatment and Palliative Care Act; that is, as a just in case sometime in your life something might go wrong and you will need a guardian; or is it the sort of thing that might be put in front of you when you had an initial diagnosis of Alzheimer's?

The Hon. R.D. LAWSON: I doubt that it is something that would be put in front of someone when an initial diagnosis, for example, of Alzheimer's was made. I think instruments appointing enduring guardians usually are assigned in the context of people making arrangements about their future affairs—making a will and so on—which are usually in consultation with professional advisers, very often lawyers, but also social workers and the like. I think there is an increasing awareness of the value of appointing enduring guardians, notwithstanding the fact that they are not yet as popular as it was envisaged by their original proponents.

I do not know that I can give a more specific answer than that. The circumstances in which people come to appoint enduring guardians are many and varied. There are education programs which emphasise to people the availability of an enduring guardianship arrangement and literature is also published. I think many estate planners and other advisers do bring to the notice of individuals the availability of this mechanism. The circumstances are so many and varied it is almost impossible to say.

The Hon. SANDRA KANCK: I think I have established then that this is a form that the honourable member or I might fill out at some stage. What I would like to know is about the

flexibility of it. Once you are presented with a form such as this, is there the flexibility to knock parts out? For instance, if you take 2(b) of this form, someone may have already signed something under the Consent to Medical Treatment and Palliative Care Act and not want those instructions reversed by a guardian. So would a person signing this form be able to strike out 2(b)?

The Hon. R.D. LAWSON: Yes. The form can be adapted and it is usually precisely adapted to the circumstance of particular cases. For example, clause 3 of the standard form allows for the insertion of conditions, limitations and exclusions and ordinarily people would insert particular circumstances there. I think I am right in saying that the act itself does not prescribe that the use of this form is mandatory, but that it is merely facilitative.

The Hon. Sandra Kanck interjecting:

The Hon. R.D. LAWSON: I am certainly very happy to communicate formally with the honourable member in relation to that question when I find the relevant section.

Clause passed.

Remaining clauses (17 and 18), schedule and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT (IMPLEMENTATION) BILL

The House of Assembly agreed to the bill without any amendment.

OFFICE FOR THE AGEING (ADVISORY BOARD) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

HIGHWAYS (ROAD CLOSURES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

MOTOR VEHICLES (HEAVY VEHICLES SPEEDING CONTROL SCHEME) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 12.23 a.m. the Council adjourned until Thursday 11 November at 2.15 p.m.