HOUSE OF ASSEMBLY

Wednesday 5 February 1997

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

COLLEX WASTE TREATMENT PLANT

A petition signed by 97 residents of South Australia requesting that the House urge the Government to relocate the Collex waste treatment plant at Kilburn to a non-residential site was presented by Mr Becker.

Petition received.

MUSIC EDUCATION

A petition signed by 74 residents of South Australia requesting that the House urge the Government to incorporate the teaching of music into the senior curriculum at Port Augusta Secondary School was presented by Mr Venning.

Petition received.

TELETRACK

A petition signed by 8 248 residents of South Australia requesting that the House urge the Government to support the development of a Teletrack operation at Port Augusta was presented by Mr Venning.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Treasurer (Hon. S.J. Baker)—

Corporate Affairs Commission—Report, 1995-96.

DISEASE CONTROL

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: The House will remember the tragic events of 1995, when about 30 children became ill and one child died after eating contaminated mettwurst. A subsequent coronial inquest was critical of some aspects of the handling of this outbreak by the Health Commission. It should be noted that no criticism was made by relevant experts in the public health area, and furthermore the inquest was conducted in an atmosphere that was charged with emotion and with the legal adversarial system in full swing. It became obvious that these criticisms, combined with some opportunistic politicking, had eroded public confidence in the ability of the commission to conduct investigations into outbreaks. This was highlighted when there was ill-informed criticism of the commission's handling of the *legionella* outbreak on Kangaroo Island and, again, this criticism was not made by anyone with experience or qualifications in public health.

The South Australian Health Commission invited Professor Mike Lane, the Associate Professor of Medicine at Emory University in Georgia and a former director of the world famous Centre for Disease Control in Atlanta, to review its protocols and response to the *legionella* outbreak and then to undertake a more general overview of procedures, including a reanalysis of the HUS Garibaldi outbreak. On 2 October last year I informed the House that Professor Lane had found that the *legionella* outbreak had been handled promptly and expeditiously, that existing staff in public and environmental health are well trained and experienced and capable of handling most problems, and that existing policies and procedures are excellent.

Professor Lane returned to Australia on 15 January this year to complete the second stage of his review. In reviewing the HUS outbreak, Professor Lane compared the Health Commission's response to 35 recent outbreaks of HUS throughout the world and those countries' handling of their outbreaks. These outbreaks occurred in the United States, Canada, England, Scotland, Italy, France, Israel and Japan and took into account Professor Lane's experience of a year's surveillance in the State of Washington. Professor Lane posed a series of questions upon which he then commented in relation to the commission's handling.

The first question was: was the time from the onset of the second and third cases to notification unacceptably long in comparison to other outbreaks of HUS? He concluded that most American and Australian States would have had a longer time between the onset of initial cases and notification, based upon the time necessary to obtain optimal laboratory confirmation. He next asked: was the time from notification of the second and third cases to initiation of field investigation unacceptably long in comparison with other outbreaks of HUS? He concluded that in the 35 recently published outbreaks, the time between notification and initiation of investigations is unclear in eight; 13 apparently initiated field investigations 'rapidly', 'immediately' or 'within one day'; and 15 took two or more days (five took two days, five took three days to one week and five took well over a week).

Professor Lane concluded that the South Australian Health Commission investigation should be considered well within the standards set by other outbreaks. He next asked: was the time from initiation of field investigation to identification of the source of the outbreak unacceptably long in comparison with other outbreaks? Professor Lane concluded that the commission had performed 'very well' in comparison with other nations, particularly given that the source (mettwurst) had never previously been implicated in the transmission of E. Coli/HUS. He made the point that in 45 per cent of the 35 outbreaks (16), a source of infection was never found.

It took the commission five days, compared with two to four days in 12 of the outbreaks and 10 days to two to three weeks in seven of the cases. The next question was: was the total time from the onset of the first case to taking action to stop transmission unacceptably long in comparison with other outbreaks? Professor Lane concluded that had the initial ministerial announcement been accompanied by a vigorous recall effort made in good faith by the Garibaldi company, that would have been sufficient to truncate the outbreak. Professor Lane also concluded that the food history questionnaire used in the outbreak was appropriate and that efforts should be undertaken to help the media, the general public, and members of Parliament understand the abilities and limitations of infectious disease control efforts so that the unfortunate legacy of poor morale and legal complications caused by the Garibaldi HUS outbreak do not recur.

Professor Lane's conclusions are:

1. The temporal sequence of surveillance (identification and notification) and investigation (laboratory and epidemiologic) in the 1995 outbreak of E. Coli 0111 infec-

tions were within the standards exemplified by published reports of similar outbreaks. The outbreak investigation benefited from astute laboratory work on both the clinical specimens and food sources.

2. There is room for improvement in the process of notification, but general education of the public and the medical profession to promote understanding about the importance of disease surveillance may be more important mechanisms to improve surveillance than legal or technical changes to the system.

3. The Coroner's report and the parliamentary debate about this outbreak underscore the need for public and parliamentary discussion of the role of the commission, particularly whether the citizenry wants it to have a predominantly regulatory role versus rendering technical assistance to the medical profession and to the various participants in the food processing industry.

I believe that Professor Lane's report shows that the public of South Australia can be reassured that we have a highly professional and experienced team within the Health Commission whose response to recent outbreaks has been handled in accordance with world's best practice in public health. The Government will examine Professor Lane's recommendations in detail and will act on them. I table a copy of Professor Lane's report.

HARRISON, Mr I.

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: I am pleased to announce the appointment of renowned business leader Mr Ian Harrison as the chair of the Accreditation and Registration Council (ARC). The appointment of Mr Harrison, who is the General Manager of Finance, Administration and Policy with the South Australian Employers' Chamber of Commerce and Industry, strengthens the vital link between private industry and training providers. The ARC is the key body responsible for approving and registering training providers and courses in South Australia and, therefore, sets the direction for thousands of people seeking relevant vocational skills. The Employers' Chamber is the State's largest business organisation, with more than 3 000 members representing all sections of the State's business community. In addition to forming policy for the Employers' Chamber, Mr Harrison has been responsible for its training committee and coordinates the Business Council.

Reducing unemployment depends, to a large extent, on giving people the expertise and experience which the workplace demands, and training providers must continually adapt their courses to keep up with industry trends and advancements. Mr Harrison will bring valuable experience to the ARC, and his appointment is another example of the State Government's commitment to ensuring that vocational training reflects industry needs. The ARC will continue to ensure that training providers seeking Government accreditation, support and funding are of the highest possible standard and will actively enhance the State's economic performance and competitiveness.

Mr Harrison replaces Mr Graham Mill, who was a long standing Chairman, and I thank him and congratulate Mr Mill for the excellent service he provided during his time as Chairman.

MOUNT GAMBIER PRISON

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

Leave granted.

The Hon. D.C. KOTZ: I take this opportunity to address allegations being made publicly by the Democrats in relation to medical care at Mount Gambier Prison. The Democrats prison spokeswoman Sandra Kanck has produced a press release and been quoted in the *Border Watch* newspaper falsely claiming that a nurse at Mount Gambier Prison was overruled when she recommended a prisoner be transferred by ambulance to Mount Gambier Hospital. I am advised that Ms Kanck has gone further by repeating inaccurate claims on ABC radio yesterday and again this morning. The prisoner in question was examined by a nurse after complaining of chest pains. On two previous occasions the same prisoner had been taken to Mount Gambier Hospital by ambulance after complaining of similar pains. I am advised that on both occasions the prisoner was diagnosed as suffering suspected indigestion.

On the third occasion the nurse requested an ambulance be called to transport the prisoner to hospital at 1.8 p.m. This was done. At 1.15 p.m. an ambulance was summonsed to the prison, and the prisoner was taken to hospital after the situation was examined by the duty supervisor. I am advised that the prisoner was again diagnosed as having suspected indigestion and was kept in hospital for observation overnight. Contrary to Ms Kanck's comments, which were made without checking the facts, the nurse's decision was not overridden: her request was actually confirmed and acted upon.

The Prison Manager advises me that there has been an excessive use of ambulances in such circumstances, and that was why an examination procedure was implemented in the prison. I advise the House that the sequence of events that I have just related occurred on 28 March 1996—almost one year ago. I am constantly amazed at the lengths to which the Democrats will go to attempt to discredit the privately managed prison at Mount Gambier. I am also advised that the nurse in question, who ceased work at the prison in late June, is the wife of a senior officer of the Mount Gambier branch of the Australian Democrats.

The comments made by Ms Kanck in the *Border Watch* were based on unverified, secondhand information. When indulging in baseless allegations in the *Border Watch* article, Ms Kanck stated: 'if that is the case'. I suggest that that statement clearly indicates that Ms Kanck was not at that time prepared to take her informant's story as factual. However, this did not deter her from providing the media with unsubstantiated and inaccurate allegations. As a member of Parliament and a member of the select committee that inquired into the privatisation of Mount Gambier Prison, at the very least it is incumbent upon Ms Kanck to refer any allegations to the select committee to investigate any matter connected with the committee's terms of reference, to ascertain the true facts.

However, Ms Kanck has chosen to attempt to score cheap political points at the expense of Mount Gambier Prison management, which is doing a tough job in a tough place and doing it very well and very professionally. I have no hesitation in saying to this House that Ms Kanck owes the prison management her unqualified apology.

TRUCKING INDUSTRY

The Hon. D.C. BROWN (Minister for Industrial Affairs): I table a ministerial statement made by the Minister for Transport in another place on trucking industry safety.

MATTER OF PRIVILEGE

The SPEAKER: Order! Yesterday the Leader of the Opposition raised as a matter of privilege an allegation that the Premier and the Minister for Industrial Affairs had misled the House. The Leader provided me with copies of documents and *Hansard* transcripts, which he said supported his allegations. Having now viewed these documents and the ministerial statement made by the Premier yesterday, I am of the view that no deliberate attempt to mislead the House was made by either Minister, and I do not accept that a *prima facie* case of breach of privilege has been made. This does not prevent the Leader from giving notice of a substantive motion in the normal manner to allow the House to ultimately determine the matter.

QUESTION TIME

WATER OUTSOURCING CONTRACT

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's concerns about what he said yesterday was a clear breach of parliamentary protocol in publicly releasing Cabinet submissions, Crown Law documents and other confidential documents relating to the water deal, will the Premier request the police anti-corruption branch to widen its inquiries to include the Opposition's sources of confidential information relating to the Catch Tim and Moriki financial scandal, the proposed sale of State forest assets and the EDS deal; and does the Premier believe that it would be proper for me to name the Opposition's principal source of Government leaks, damaging to the former Premier in the three years leading up to his overthrow?

The Premier in his ministerial statement to this House yesterday linked the Opposition's leaking of Government documents to a possible criminal break-in at SA Water, even though it was some days after we actually announced the documents. To the police or in a court of law I am prepared to reveal the name of my principal source of Government leaks during the past three years if the Premier thinks that that is an appropriate and proper course for me to take. The Opposition, like the Premier, has nothing to hide, but I am prepared to name—

The SPEAKER: Order! The Leader will resume his seat.

The Hon. M.D. RANN: —names for an inquiry.

Members interjecting:

The SPEAKER: Order! I do not need any assistance from my right. The Leader knows he went overboard.

The Hon. J.W. OLSEN: What we see in the Opposition's lead question for the Premier today is desperation politics at its worst. Here we have the Leader who struck out yesterday. He has been telling the media for a week or a fortnight, 'It is coming', 'The king hit's there', 'The yapping dog will do more than yap: it will bite.' That is what the Leader was saying, but he struck out, to the extent that the series of questions that the Opposition had yesterday had to be put in the waste paper basket and why we had the second string of questions from the Deputy Leader of the Opposition. Members will recall that those inane questions had nothing to do with policy development in South Australia, with looking after the interests of South Australians or with creating jobs for South Australians. That is the position. Again, the second day into this session of Parliament, and still no substantive question on the issue that matters most to South Australians—job creation for South Australians now and in the future. In terms of—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: The Leader of the Opposition—the fabricator, the manipulator—would be the last person to be putting a peg in the sand. I had the opportunity to go on a factory visit to Mitsubishi this morning. It was a bit warm for a factory visit, but it was very interesting. I was staggered to see the number of young people now employed at Mitsubishi on the production line. It was heartening to see a company such as that with employment levels up to 5 100—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The interjections by the Leader of the Opposition demonstrate without any doubt that he is rattled. The Leader is asking, 'Why am I supporting zero tariffs?' If anyone had read a newspaper or listened to any bulletin over the past couple of months, they would see that I have been leading the charge for South Australia. They would also see that the submission we put to the Productivity Commission said that, post the year 2000, we want a pause in tariffs. In addition, it also shows that we want an effective industry policy for motor vehicles to get access to the marketplace. That is what we have been doing, and it is totally contradictory to the Leader of the Opposition's interjection a moment ago.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition for the first time: he has had more than a fair go.

The Hon. J.W. OLSEN: The only thing the Leader of the Opposition is attempting to do is drive a wedge. He is trying to create division. He does not have any policies for the future. Where is the jobs policy, debt management policy, industry development policy and vision for South Australia? They do not have any policies. Instead of being called to account publicly for it, we have these irrelevant, diversionary tactics from the Leader of the Opposition. That is fine by me. As long as the Leader continues this tack, the broader community will see the Labor Party for what it is—no policy, no vision and it has not learnt a thing from the 1993 State election.

STATE DEBT

Mrs ROSENBERG (Kaurna): Will the Premier advise the House of progress with the Government's debt management policy?

The Hon. J.W. OLSEN: Over the past three years this Government has pursued a policy of, first, stabilising the debt and then reducing the debt. To his credit, the Treasurer and the officers of the Asset Management Task Force have achieved a very important objective for South Australia. Whereas, in the past, under the former Administration our debt was heading towards $9 billion—we were behind by about $1 million a day and we were spending more than we were earning; that is, on an annual basis our deficit was heading towards $350 million a year—this Government has turned that around. We will come into a position—and yesterday the member for Playford asked a question about the debt management strategy, and it will come in on-line—

where we will have a deficit of about $60 million this year and a balanced budget in the following year.

Let me contrast the policy which has been clearly enunciated and which is being implemented by this Government, with its integrity being kept intact and in place, with that of the Opposition, and that really underscores the difference between them and us.

Mr CLARKE: I rise on a point of order.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: My point of order, Sir, is that, as much as I want to hear the Premier, I do not want to be deafened by his voice. Can something be done about the acoustics in the Chamber? I am not sure whether it is a form of intimidation on his part.

The SPEAKER: Order! Yesterday I indicated that a new amplification system had been installed, and I agree that the amplification level is high. Perhaps those people responsible for it can turn down the system slightly.

The Hon. J.W. OLSEN: In contrast to the Labor Party, let us look at what the Liberal Party has achieved, and I put clearly on the record that this Government, over its four year term, will get a lot of credit for what it has pursued as an approach to better management. I was interested in a leaflet circulated by the Labor Party in some of its marginal seats. It asked, 'What do you think of Labor's—

An honourable member: They are all marginal.

The Hon. J.W. OLSEN: They are all marginal, yes. This circular said, 'What do you think of Labor's new plan for South Australia?'

An honourable member: What plan?

The Hon. J.W. OLSEN: We will get to that point. On the second page it said, 'Do you support Labor's plan to deal with South Australia's debt?' The leaflet provided two boxes so people could tick 'Yes' or 'No'. That was okay. This was the survey that offered a $450 voucher from Myer if it was filled in.

The Hon. M.D. RANN: I rise on a point of order.

The SPEAKER: There is a point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: On a point of order, Sir, at least we pay for our surveys. You get the taxpayers to pay for yours.

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

Members interjecting:

The SPEAKER: Order! I warn the Leader for the first time. That is a frivolous point of order.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader for the second time.

Mr Cummins interjecting:

The SPEAKER: Order! I warn the member for Norwood. The honourable Premier.

The Hon. J.W. OLSEN: To underscore this document and the lack of policy direction of the Labor Party, I refer to a transcript of a 5AA program.

An honourable member interjecting:

The Hon. J.W. OLSEN: No, it is not you: you will be pleased to know it is not you. A caller rang this 5AA program about the survey and asked several questions of the guest politicians, one being the member for Torrens, who happened to be on air that day answering questions. The interviewer made the point that, the week before, a number of people had called in and complained about this leaflet because they had to indicate some voting intention, and they objected to that, but they put in the form anyway because they wanted to win the $450 voucher. You would not have got value for it.

Through the interviewer, the caller asked the member for Torrens about the debt management strategy. The elector was somewhat perplexed. Having received a request to tick 'Yes' or 'No', the caller was not sure what the plan was and asked the member for Torrens, as a member of the Labor Party, to explain the plan. What did the member for Torrens reply? This was after the survey had been circulated. I quote the member for Torrens, as follows:

> The Labor Party are still in the process of actually formulating, you know, our plan for the next election. At this stage I hope. . .

The honourable member trailed off with a laugh and I have no doubt that it was an embarrassed laugh. All South Australian electors who received this brochure which asked, 'Do you believe in lower State debt?' and 'Do you support Labor's plan to deal with South Australia's debt?', are still waiting expectantly to see what your policies might be.

WATER OUTSOURCING CONTRACT

The Hon. M.D. RANN (Leader of the Opposition): Why did the Premier, in his role as Minister for Infrastructure, fail to initiate a full inquiry in response to the letter sent to Mr Ted Phipps by Mr Robert Martin, Chief Counsel in the Crown Solicitor's Office, about the breakdown in the water contract bid process on 4 October 1995? A letter from the Government's chief legal counsel, Mr Robert Martin, to Mr Ted Phipps, Chief Executive Officer of SA Water, states:

> I believe it is my duty to alert you to a breakdown in the bid process which could have led to a breach of probity.

The letter then outlines Mr Martin's concerns that the bids of the ultimately unsuccessful companies were opened, copied and distributed before United Water's bid was received. The letter is dated 12 October 1995, two months before the water select committee, the Auditor-General, the media, the public or the unsuccessful bidders were told that the successful United Water bid was lodged four and a half hours late and that the unsuccessful bids were opened, copied and distributed prior to lodgement of the United Water bid. Why did you wait until you got caught out before you revealed the truth?

Members interjecting:

The SPEAKER: Order! I have spoken to the Leader before. If he persists, Standing Order 137 will apply. The honourable Premier.

The Hon. J.W. OLSEN: The Leader of the Opposition really is desperate today for a new angle and a new story. He gloats that he can recycle a press release (I believe 13 times), and he got someone in the media to run it. He gloats about recycling a story and getting a run in the media. That shows a bit of fast footwork and the Leader's journalistic background and the way in which he re-fronts and—

The Hon. M.D. Rann: And you were a used car dealer.

The SPEAKER: Order! I warn the Leader for the second time.

Members interjecting:

The Hon. J.W. OLSEN: As the interjections come across the Chamber, all they demonstrate is that you are rattled and have nowhere to go. So, keep it up. I hope the public of South Australia keeps seeing this sort of performance, because what it demonstrates is that you are not fit to be even contemplated for occupying the Treasury benches in the foreseeable future.

In relation to the claim—and that piece of paper was part of the 724 documents I released yesterday—this is not a revelation of the Leader of the Opposition. I tabled this documentation, so let it not be a mysterious piece of paper that the Leader has that was not in the file. I tabled it because I have nothing to hide in relation to this matter, and the—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: This House had been advised of the sign-off of the process by the probity auditor on the same day. I quote two words from the comment of Mr Martin: 'could have', not 'was', not 'did', but 'could have'. Mr Phipps—and I will seek advice from him—certainly sought this from the probity auditor employed by them to check the whole process, and it was signed off. The probity auditor—an independent person from the private sector—ticked it, signed it off. Subsequent to that, let me remind the Leader of the Opposition and the House that the Solicitor-General has gone through this in fine detail, as has the Auditor-General, both of whom have ticked this process off.

What is the Leader on about? Gazump yesterday, trying desperately to get back on the front foot. If he wants to get on the front foot he had better get some new, interesting material that is accurate, not the old, recycled, discredited material of the past.

Members interjecting:

The SPEAKER: Order! I name the member for Mawson for continually interjecting. Does the member for Mawson wish to be heard in explanation or apology?

Mr BROKENSHIRE: I apologise, Mr Speaker.

Members interjecting:

The SPEAKER: Order! In view of the previous rulings I have given, even though it was a rather inadequate explanation, I will accept it on this occasion, but it should not be taken by members on my right—

An honourable member interjecting:

The SPEAKER: If I can find out who that member is, I will name him. That is a reflection on the Chair. The Chair is getting sick and tired of members continually disrupting other members when they are speaking. The member for Ridley.

CANADAIR AIRCRAFT

Mr LEWIS (Ridley): Will the Minister for Emergency Services inform the House whether and in what circumstances the Canadair CL215 aircraft will be used by the CFS during the current fire season?

The Hon. G.A. INGERSON: I thank the member for Ridley for this very important question. The CFS currently contracts Australian Maritime Resources to provide water bombing capability to South Australia. This includes one aircraft in the Adelaide Hills, a second aircraft on stand-by here for fire ban days and a third aircraft positioned in the South-East. The AMR uses two 18A502 2 000-litre and one A802 3 000-litre aircraft, which are the largest production agricultural aircraft in the world. This year the expenditure budget for aerial bombing will be in excess of $270 000. I want to state publicly that the CFS and the volunteers are very happy with the current contract. Both the air tractor and Canadair aircraft are potentially capable of aerial bombing in South Australia. The air tractors have a smaller capacity but are far more flexible than the Canadair.

A full tender process for aerial bombing operations will be conducted during 1997 for future fire seasons. Both AMR and Canadair will be given the opportunity to take part in this process. The CFS has negotiated a deed of agreement with Canadair to use the CL215 aircraft (if available) while they remain in Adelaide. The CFS will make a professional decision to use them for emergency situations when significant life and property are threatened, particularly in the Adelaide Hills, and when AMR resources are already fully committed. The first use will be at no cost and thereafter would be at a cost of $20 000 per aircraft and $5 000 per hour. In addition to this emergency use, the CFS is investigating the use of the CL215 on an opportunity trial basis. This would include retaining the existing AMR contract using the CL215 on a single day basis at the same rates as those proposed for emergency use.

WATER OUTSOURCING CONTRACT

Mr FOLEY (Hart): Does the Premier have full and complete confidence that the inquiry by the Solicitor-General into the awarding of the $1.5 billion water contract to United Water established clearly and beyond any doubt that there was no impropriety in the process? In a confidential report to the Attorney-General dated 14 December 1995, three days before the publicly released Crown Solicitor's advice on the events of October 4, the Crown Solicitor stated to the Attorney-General in confidence:

> Given the time available for providing this advice it is not possible to cross-check any of this information. To the extent that it consists of oral statements or unsubstantiated written statements, it has not been given on oath and has not been subject to any cross-examination. I have not proofed any of these persons.

The Hon. J.W. OLSEN: I have utmost confidence in the Solicitor-General in South Australia and the advice that he has given to the Government of South Australia—absolute confidence.

OLYMPIC DAM

Mrs HALL (Coles): I direct my question to the Minister for Mines. Will the Minister please update the House on progress being made with mining operations at Olympic Dam? I understand that the Olympic Dam operators have recently announced changes to the schedule for a major expansion of their mining and processing operations.

The Hon. D.S. BAKER: Thank God for Liberal Governments, or Roxby Downs would not even be there. I thank the honourable member for her question and interest in this matter. I congratulate Western Mining for its confidence in South Australia, because the project it is about to take on will be world ranking and a benchmark for all comparable mining operations around the world. I also congratulate one person who is not in this House today and whom I noticed in the gallery yesterday, namely, Roger Goldsworthy. He was acknowledged in the Queen's Birthday honours list for his contribution to Roxby Downs. If it were not for that Liberal Government and Roger Goldsworthy we would never have had that project up and running. Well may the Leader of the Opposition sit there with a silly look on his face; I think it is a fabricated look.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. D.S. BAKER: Well, I never did. I also congratulate the Treasurer for his work as the previous

Minister for Mines and Energy. The former Premier put one Minister in charge of operations to work across the board with other agencies. That worked very well and has allowed Roxby Downs and Western Mining a 28-month commissioning stage to bring that mine up to production, and that is fantastic. Not only will it lift production to some 200 000 tonnes and more but it will also provide for 650 extra jobs at Roxby Downs. That is from the mirage in the desert. There is more. One of the areas that have been very badly hit by unemployment and by the economic management of the previous Government is Port Augusta. Western Mining has indicated that it will prefabricate a lot of its mining and construction material there, and that will create another 120 jobs for two years. So, Western Mining is a very good corporate citizen. It is looking after South Australia and making sure that this State goes ahead in a way that a Liberal Government would want.

WATER OUTSOURCING CONTRACT

Mr FOLEY (Hart): I address my question to the Premier. Why did the Government fail to accept the Solicitor-General's suggestion of a more extensive inquiry into irregularities in the lodging of final bids for the water contract on 4 October 1995, and was the decision to sign the contract made on the basis of the qualified Solicitor-General's report due to the possibility of a legal challenge to the signing of the water contract? In the confidential advice provided to the Attorney-General of 14 December 1995, the Solicitor-General states that he had been required to make 'significant assumptions' concerning 'the truthfulness, the reliability or the completeness of the information that has been provided'. Further to this, in minutes of a water subcommittee meeting of Cabinet, dated 11 December 1995, six days before the United Water deal was signed, it is stated that the Attorney-General was advised by the Crown Solicitor of 'the possibility of a writ being sought to delay conclusion of the contract arrangements'.

The Hon. J.W. OLSEN: Here the Opposition goes again. I, the Government or the people involved with this contract have answered more than 800 questions on this matter so far. The Leader of the Opposition has asked but 17 questions about jobs within that period. Does that not underscore the priorities of the Labor Party? It cannot focus on the real game. What we have in this contract is a deal for South Australia. The honourable member might go to the last sentence in the summary section of the Solicitor-General's report, but I bet he leaves that alone, because it states:

> This is an excellent, well-crafted contract.

The Labor Party will never quote those sections because they do not suit the argument it is trying to create. The one thing it cannot take away is that the deal is saving $30 million for South Australians, which is being plugged back into education, health and other services; $164 million will be saved over the life of the contract; we are getting into export markets, and in excess of $30 million of export orders have been issued already; and, as a result of the contract being won by North West Water, the *Advertiser* and the *Australian* on Saturday advertised 30 new jobs in South Australia.

What about getting onto the real game? What about looking after South Australia's interests, and that is jobs? Members opposite do not want to concede and acknowledge that, of the 60 benchmarks set for United Water in this contract, it is outperforming previous services. United Water is saving the taxpayer money, and it is creating jobs and getting into export markets. The Opposition does not tackle those sections because the deal is too damn good for it to tackle. It starts on the irrelevant, and then it matches one sentence here with one sentence there to put together a picture that is not an accurate reflection. The Opposition is on about setting perceptions. Well, the perception that the Labor Party is setting is that it is irrelevant in South Australia to the needs of South Australians, small business and jobs. You ain't even on the ground work!

DEPOSIT 5000

Mr ROSSI (Lee): Will the Treasurer provide the House with an update on the Deposit 5000 scheme and the South Australian Housing Trust deposit assistance scheme?

The Hon. S.J. BAKER: It is a good scheme and a good story. A number of these issues should be put on the record so that we can concentrate on the main game in town. As a result of the Deposit 5000 scheme, an enormous number of inquiries—some 11 000—have been received from people who wish to own their own home. The most recent report I have received is that, of the $4 million allocated to this once-off scheme, $2.6 million has been allocated to 595 South Australians. With respect to the Housing Trust's $2 million deposit assistance scheme, $1.3 million has been allocated to 341 tenants of the South Australian Housing Trust.

As I said, some 11 000 inquiries have been made. Obviously the housing industry has been very excited by the scheme because the level of interest and the level of approvals is up as a result of the initiative of the Government, and we all recognise just how difficult it was becoming for the housing industry. Everyone is aware of the scheme. It is important to note that we are attracting a wide level of interest. The scheme has sparked interest amongst people who may not have felt it appropriate to enter the housing market at this time or who may have delayed their decision. However, it is not only these people who are rethinking their position because there has been a lift in approvals in a whole range of other areas.

The scheme itself has sparked very large interest but, in terms of the people who generally do not believe that they are capable of affording finance, some 47 per cent of the people who have been allocated grants under the Deposit 5000 scheme have a gross income of less than $600 per week. We are allowing some of those people, particularly in the current regime, to do something that many of them felt they could never do in their lifetime. I congratulate the Government on this scheme.

SPEAKER'S RULING

The Hon. M.D. RANN (Leader of the Opposition): My question, with great respect, is directed to you, Mr Speaker. Given your ruling today that there was no breach of parliamentary privilege by either the former Premier or the present Premier, despite your being given documents, including a memorandum to the former Premier signed by the present Premier several months before contradictory statements to this House, and your being given Government documents showing that SA Water did commission the polling from Kortlang despite the Premier's clear statements to the contrary, Sir, can you, again, with great respect, advise the House on what standards will apply in the future to Ministers misleading this Parliament, and what sanctions will a

Minister face if he or she is caught out lying in this place in the future?

Members interjecting:

The SPEAKER: Order! The question is completely hypothetical. The honourable member for Colton has the call.

Mr ATKINSON: I rise on a point of order, Sir. I am seeking your permission, Sir, to move a motion of no confidence in the Speaker.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: I seek your permission to read that motion, Sir.

Members interjecting:

The SPEAKER: Order! The member has the right to raise a point of order. He does not have the call at this stage. He has that right, but he has the call only to raise a point of order. At this stage that does not give him permission to move a motion because the member for Colton has the call.

Mr ATKINSON: My point of order is that on three occasions in the past 11 years, when a member has moved a motion of no confidence in the Speaker, that has always been taken straight away and given precedence, and I can give you the examples, Sir.

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat.

Members interjecting:

The SPEAKER: Order! When the honourable member has the call, he can move the motion if he sees fit.

SANTOS HOUSE

Mr CONDOUS (Colton): Will the Treasurer inform the House of the progress being made by the Government in selling the former State Bank tower in King William Street, now known as Santos House?

The Hon. S.J. BAKER: The Government, through the Asset Management Task Force, is now embarking on an advertising and marketing campaign to sell Santos House, formerly the State Bank building. The building is now over 90 per cent leased. It is now a prime piece of real estate because it has rental income. Some 46 per cent of the 32 level building is occupied by Santos, so that we now have a very economic proposition on our hands. It is useful to reflect that this is the sixth anniversary of the first bail out of the State Bank. On 9 February 1991 some $500 million was paid to the State Bank to bail it out. That was part of the original $970 million package.

At the time we were told that that would cover the total shortfall of the State Bank, yet on 9 August 1991 some $1 700 million was paid out and, of course, it did not end there: some $3.15 billion was in fact paid out for the misdeeds of members opposite. It is useful to mention on this anniversary the fact that we are going into the last major sales process associated with the State Bank and to remember some of the events that occurred at that time. I can well recall on 13 April 1989 the now Leader of the Opposition moving the following motion:

> That this House condemns the Opposition for its sustained and continuing campaign to undermine the vitally important role of the State Bank of South Australia in our community.

That is what the Leader said at that time. In moving and speaking to the motion the Leader of the Opposition—who would wish to be on this side of the House—suggested that the State Bank was one of South Australia's greatest success stories. I do not know what his measurement is. He also said:

> . . . no-one of significance in the Australian financial community would not acknowledge that the success of the new bank is in large part due to the brilliance of the Managing Director, Tim Marcus Clark. His appointment in February of 1984 was a major coup that stunned the Australian banking world.

Well, he certainly stunned it later. It was a major coup for this State, according to the now Leader of the Opposition. He also said:

> There is hardly any aspect of South Australia's social, cultural and economic life which is not touched by and is not better off because of the activities of the State Bank.

That is what the Leader of the Opposition said at the time. I wonder how people will reflect on his leadership at that time and today. Another quotable quote of the time is as follows:

> Our bank is entrepreneurial and aggressive as well as careful, prudent and independent.

The royal commissioner, in reflecting on the mover of the motion at the time, said:

> The member of Parliament who proposed the motion condemning the Opposition for attacking the bank spoke in glowing terms of the bank's role and performance, so praiseworthy indeed as perhaps to cause the State Bank Centre to blush a deeper shade of pink.

At the same time as that motion was being moved the royal commissioner said:

> . . . the noises of impending disaster were reaching a crescendo.

So, that is the Leader of the Opposition. We are cleaning up the mess.

NO-CONFIDENCE MOTION: THE SPEAKER

Mr ATKINSON (Spence): Responding to your invitation, Sir, I rise to move a motion of no confidence in you. May I now move the text of that motion which is in writing and seconded?

The SPEAKER: Is the motion seconded?

Mr FOLEY: Yes, Sir.

Mr ATKINSON: I move:

> That the House has no confidence in the Speaker owing to his ceding our privileges to the Executive Government, namely, our privilege of requiring the Premier and Ministers to tell the truth to the House. The House also has no confidence in the Speaker for partiality in his rulings not merely between Government and Opposition members but between individual members of the Government and the Opposition; for arbitrarily dropping Opposition members from the question list when the line of questioning embarrasses the Government; for refusing to call a meeting of the Standing Orders Committee to review his use of his authority and his interpretation of Standing Orders; for his complying with off-table prompts from the Deputy Premier and Premier; for enabling the Premier's office to inform journalists which Opposition members may be warned on a sitting day and other rulings he might make; for discussing his intentions in the Chair at meetings of the parliamentary Liberal Party; and for his ignorance of the rule of law and his omission of a spirit of disinterestedness and tradition that should inform the Speaker's vocation.

The Opposition has never asked very much in this controversy over telling the truth to Parliament. Our request was always a humble request. It was merely a request that, in accordance with the unvarying traditions of the British parliamentary system, you give precedence to a motion to discuss establishing a privileges committee to inquire into whether the Minister misled the House. So, we were not

asking you, Sir, to rule, as the media said we were asking you to rule, on whether the Premier told the truth. We were simply asking for time today to discuss establishing a committee—with a Government majority—to inquire impartially into whether the Premier and the former Premier misled the House. We were not asking for very much.

Indeed, we could have had the debate about establishing a committee of privilege in the 30 minutes we will now use—in my view, probably waste—to discuss whether the House has confidence in the Speaker. We could have had that debate from which the people of South Australia would have derived some value. It is the foundation of this House that we believe in the veracity of all its members. We must believe that all members are telling or trying to tell the truth. That is important, or the parliamentary system will not work properly.

The Hon. D.C. Kotz: We need evidence.

Mr ATKINSON: I would have thought that we had the most compelling evidence in the documents which have been leaked to us and which we have read to the House. I would have thought that, even if those documents did not prove that the Premier and former Premier misled the House, they at least created a *prima facie* case. The standard of proof of a *prima facie* case is not beyond reasonable doubt, and it is not on the balance of probabilities—it is merely that evidence exists which warrants an answer. I would have thought that the memorandum, which the Leader of the Opposition read into the record yesterday, warranted an answer.

The only answer that the Premier gives is that he is concentrating on the main game, that this is all fluff, and that the question of whether or not he is telling the truth is of no relevance. That is what the Premier is saying to the House. It is a very disappointing answer, because telling the truth, or at least trying to tell the truth, is what we should all be on about in the House. That is what we should be doing.

All the Opposition has asked for is 30 minutes to discuss whether to establish a privileges committee—on which there will be a Government majority—to test whether the Premier misled the House. I have been around politics now for years and, with a Government majority on the privileges committee and given the precedents, I know what that answer is likely to be. I am not naive. All we ask for is 30 minutes to discuss whether such an investigation should be made for the benefit of the people of South Australia and for their trust in this institution. That is all you had to do, Mr Speaker. If you had granted precedence, Sir, we would be having this debate now and it would be over in under 30 minutes. At least there would be some confidence that every member in this House cares about whether other members tell the truth.

Mr Speaker, by your ruling you have done dirt on the Constitution. You have done dirt on our traditions when you did not even have to do it. You could have maintained your integrity merely by following precedent and by giving precedence to a discussion on whether to set up a committee. Then you could have left it to the Government Whip to do dirt on the Constitution by voting down the proposal to set up such a committee. But you, Sir, in defiance of the traditions of this House and the House of Commons, refused to give precedence, and that was a straightforward Party political decision—a decision not take independently, dispassionately or in accordance with the spirit of your vocation. It was a dirty deal done behind the Chair with the Liberal Party to defend the Liberal Party from a debate which you thought would be embarrassing.

The precedents are clear. When the late John Profumo, a Minister in McMillan's Conservative Government, misled the House, there was no mucking about—there was no cover up, because precedence was granted. There was a privileges committee. It reported and Parliament took the appropriate action. That is the precedent through which we are bound under Standing Order 1—the usages of the mother Parliament, the House of Commons. Mr Speaker, you had a duty to give precedence to a motion to discuss establishing a privileges committee. That is all you had to do. It was a humble request by the Opposition—a simple request. It would have taken no longer than we are taking now in moving what is an amply justified no confidence motion in a Speaker who is doing dirt on the traditions of the House, doing dirt on the Constitution and doing dirt on elementary parliamentary fairness.

As the Minister for Finance rightly pointed out, the Liberal Government has a very big majority in this House—it has 36 members to our 11. Yes, the Minister for Finance is correct: the Government will win any vote. However, it should do so in accordance with decency and tradition. There should have been precedence to discussion of a privileges committee, but, Mr Speaker, you took a dirty Party political decision against all the precedents, against the evidence and against tradition to deny us that debate. He stands condemned. He ought to resign but, as we all know, members opposite will remove him after the next election anyway.

The Hon. G.A. INGERSON (Deputy Premier): I have seen some theatrics in this place, but that would have to take the cake. When you have a no-confidence motion in the Speaker of the House, you normally do it when you have some genuine cause. One of the issues that is always brought up is Erskine May—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will cease interjecting forthwith.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will cease interjecting. The Deputy Premier.

The Hon. G.A. INGERSON: On many occasions the House of Commons has set down the rules in terms of privilege, and basically it places those rules in the hand of a Speaker and the Speaker has the option of either calling a privileges committee or making a decision himself. I am absolutely fascinated that a person of a supposedly learned nature, who is supposed to have a legal background, has not made the effort to have a look at what raising a complaint is and how it should be done. Clearly, the Speaker has a discretion in terms of deciding whether he as Speaker should make the decision as to whether a member has misled the House or has created any issue that requires a privileges committee, or whether he calls that committee together. And that is a very important point.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Quite a lot of other issues are very important in this House. One of the things that those of us who stay in this House long enough learn is that we must have respect for the Chair and respect for the Speaker, so that the fundamentals of this House—the fundamentals of fairness, of equity and of impartiality, all the things that we expect to be part of the Speaker's role—are carried out. I have been in this place for just over 13 years now, and I believe that you, Mr Speaker, have been the fairest Speaker

that we have ever had. I do not accept for one second that this is anything more than a political stunt. This is an absolute political stunt, and what it is doing is making a mockery of this Parliament. I find it quite amazing that the honourable member opposite, who does have, in the community, a reasonable amount of standing and a reasonable amount of goodwill (and I knew him in the past when he worked in the union and had a reasonable amount of community support in negotiating in the business sector) would in essence be the bunny to lead this bait.

I could have understood it if it had been the Leader, but I find it quite amazing that a person with this legal background and of this standing would be part of this stunt. I know that the honourable member often studies Erskine May, but clearly he has not done it in this instance.

The Government has all the confidence in the world in the Speaker. We support his actions. We believe that the Speaker has been reasonable, has been impartial and, in this instance, we believe that the decision of the Speaker should be adhered to.

The Hon. M.D. RANN (Leader of the Opposition): The Deputy Premier is right in saying that a Speaker should have the respect of both sides of Parliament. But to do so, they have to earn the respect of both sides of Parliament. Why the Deputy Premier owes such allegiance to the Speaker is quite clear: last December the Deputy Premier was caught cold basically misleading this House, but the Speaker was put under extraordinary pressure right through the night and again the next day to let the new Deputy Premier off the hook. If the evidence that we had provided to the Speaker had been provided to the Speaker of the House of Commons in Westminster or to the Speaker of the House of Representatives in Canberra, because of the nature of the signed documents and official documents, they would automatically have referred the matter to a privileges committee: no ifs, no buts.

Here we have the Premier of the State, a Premier who was treacherous to his former Premier and is also treacherous to the truth, because the Premier said that SA Water did not commission polling. We gave the evidence yesterday in his own handwriting with his own signature and with the signatures of key Public Service heads of department, and with the brief by Kortlang themselves and the response to Kortlang from his department via the Minister, which shows that this Premier did not tell the truth to either the public or the Parliament about this water deal. The fact is that we have also seen the production of two memoranda, one handed to the Minister by Liz Blieschke, apparently drawn up by Kortlang, about what to say in Parliament. Then several hours later there was another memo sent by Liz Blieschke to this Minister with Ted Phipps' version of what to say in Parliament.

Of course, the message was basically that the Ted Phipps version of the truth was more astute for the Minister, now the Premier, to give. The fact is that you cannot have three versions of the truth that contradict each other. We also have a minute signed by Matthew O'Callaghan, the Deputy Head of the Premier's Department, which states quite clearly to be careful in using this material. It is addressed to Richard Yeeles, and states, 'Be careful, Richard; you can have the polling—which, of course, we are told that no public servants and political staffers had seen—'You can have the full polling, Richard, but be careful how you use it, because the Minister and the Premier have said it didn't exist.' What version of the word 'lie' does this Speaker not understand? The fact is that there is conclusive evidence under the signature of the Premier of this State showing that he misled the public, misled this Parliament. Of course, we have this memo:

> 'To the Hon. The Premier, Re market research conducted by Kortlang for SA Water.'
>
> At your request—

it says to the Premier, so he obviously knew about it, otherwise he would not have requested it—

> I have obtained from Kortlang the executive summary of market research conducted by Kortlang on behalf of SA Water during May this year.

This is the Premier who said that even his department did not know that the polling had been undertaken. Sir, let me just say this to you—

The Hon. G.A. INGERSON: On a point of order, Mr Speaker, what is the relevance of this to the no-confidence motion?

The Hon. M.D. RANN: The relevance is about truth.

The SPEAKER: Order! I do point out to the Leader that we are debating another motion, not debating a motion in relation to the matter he is currently discussing.

The Hon. M.D. RANN: Thank you, Sir. The Deputy Premier says that you, Sir, have discretion in this matter. I point out to you, Sir, that many hundreds of years of precedence with many hundreds of Speakers in the Westminster system all around the world shows that Speakers do not have a discretion when it comes to telling the truth to Parliament. Speakers do not have discretion when being given clear evidence of being involved in a complete Government cover-up—and that is what you are involved in.

The SPEAKER: Order! The Leader of the Opposition has reflected on the Speaker indicating that I have been involved in improper practice. I believe that to be absolutely completely out of order and I ask him to withdraw it.

The Hon. M.D. RANN: Sir, this is a substantive motion which is the only motion where one can reflect on a Speaker. That is exactly the purpose of this motion.

The SPEAKER: Order! The Leader of the Opposition has imputed improper motives to the Chair. The honourable member knows what the course of action is if he refuses to withdraw. The honourable member knows full well he has gone far beyond the relevance.

The Hon. M.D. RANN: Sir, the substantive motion is that you are *ipso facto* biased and have behaved so during the three years of your speakership. That is the whole point of the motion. I am happy for the honourable member to give you a copy of the motion so that you can see the charges we are laying against you. Why? Because we believe that you have failed to allow this to go to a privileges committee which could then deal with the substance of the argument. If you believe that you are offended by the use of the word 'cover-up' when I said 'your cover-up', then I withdraw, but I draw your attention particularly to the motion before us. It is grave: it is serious. This Opposition has not moved a no-confidence motion in this Government for three years because it did not want to do what Government members have done, that is, to completely rort the system of parliamentary privilege. We take these matters seriously and that is why we are moving this motion of no confidence in your speakership and impartiality.

The Hon. J.W. OLSEN (Premier): In moving this motion, the honourable member put in place a grab bag of

reasons: first, as Speaker you have been prompted; and, secondly, as Speaker you have removed people from the question list. The only time I know of when the Speaker has removed people from the question list is when they have constantly interjected and been disorderly and, rather than taking the action as you have on occasions, Mr Speaker, to name people and remove them from the House, you have not done so. I would have thought that that was an act of tolerance to those who have been unruly and disorderly in the conduct of these proceedings.

The other accusation coupled with this is that journalists have been told which members would be warned before coming into Question Time. What outrageous claims! If the honourable member has proof of that claim, put it on the table and name the people who were to be warned prior to the start of Question Time. But the honourable member will not do that, will he? The honourable member will leave it in its vague irrelevance because that is exactly what it is. If members of the Opposition strike out on day one, what do they do? They burn the midnight oil and say, 'We have to do something to resurrect this in the eyes of public. The only thing we can do is call into question the independent umpire, because by doing that we will reach the broader public, being recorded on the news services tonight as having objected to the Speaker's ruling on this matter.' That is the objective of this exercise. This is a stunt and an exercise for presentation on the news bulletins tonight. No more, no less than that, because substantive evidence has not been put before the House, unlike that which I now table before the House—a statutory declaration. This statutory declaration confirms the fact that I was not involved at any stage in the development of polling questions.

An honourable member interjecting:

The Hon. J.W. OLSEN: It is a statutory declaration from Kortlang with PRF.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: There are a couple of thousand reasons why he should sign it. We know full well the responsibility in filling out a statutory declaration and putting your name to it. Someone has done this and, in putting their name to a statutory declaration, they have affirmed that which I have formerly put to this House, which the former Premier, the now Minister for Industrial Affairs has put to this House, constantly. This is a simple case of a motion being moved simply because they have fallen in a heap. They have nowhere to go on the issue and it is for public presentation purposes. There is nothing substantive in this. Mr Speaker, the Government supports your contention and rejects out of hand the no-confidence motion.

The SPEAKER: Order! Before calling the matter on for a vote, I wish to point out to the member for Spence that a number of his opening comments were untrue, outrageous and without any foundation whatsoever. Contrary to casting reflections on the Chair, I believe they cast reflections upon him, because he cannot substantiate them. To suggest that I had indicated to any journalist, or anyone, who was to be taken off the question list is outrageous. I have never communicated to anyone what course of action I will take in the House in relation to Question Time, nor do I intend to. I point out to the Leader and the member for Spence that the Chair has shown great tolerance to the Opposition because of its small numbers.

An honourable member interjecting:

The SPEAKER: Order! I do not want any interjections. It has been a rowdy Opposition and I have refrained from naming members purely to facilitate the role of Opposition. I suggest that they examine *Hansard* and look at the rulings given by former Speaker Trainer, or previous Speakers, in relation to the asking of questions. Yet, my tolerance has been taken as a licence for them to conduct themselves in this rather unfortunate manner. I also point out to the Leader of the Opposition and others the last paragraph of my statement. It is the view of the Chair that, if they seriously wanted to discuss this matter, the option is open to them. I will read it again for the benefit of the House: 'This does not prevent the Leader from giving notice of a substantive motion in the normal manner to allow the House to ultimately determine the matter', and that is where the matter should be determined.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader is out of order and I will name him for speaking whilst the Chair is addressing the House on this important issue after the vote is taken.

Members interjecting:

The SPEAKER: Order! The Minister for Health is out of order.

The House divided on the motion:

AYES (11)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

NOES (35)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

Majority of 24 for the Noes.

Motion thus negatived.

WATER RESOURCES BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: Over the parliamentary recess there has been continuing consultation on the Water Resources Bill now in the Legislative Council for consideration. It has been brought to my attention that there is disquiet in some areas of the South-East over the potential impact of the Bill, and I should like to take this opportunity to allay those

fears and to reassure the people of the South-East that the passage of the Bill is to the long-term benefit of the region as well as the rest of the State.

The South-East of the State is an extremely important region for many reasons. It is one of the most productive agricultural regions in the nation. That productivity and the strength of the regional economy have developed around a plentiful supply of good quality water. The management of the South-East's water resources is extremely important, not only for the people of the South-East but also for the State.

There appear to be two main areas of concern: a fear that unnecessary bureaucracy for water management will be established side by side with the South-Eastern Water Conservation and Drainage Board; and fears that allocation policies in the South-East will lead to alienation of the available water from the majority of land-holders, concentrating it in the hands of a few and encouraging the formation of a 'monocrop' economy in the region.

I want to address first the matter of water management boards, because I want to assure this House and the people of the South-East that it is not my intention to create bureaucracy where it is not needed. The South-Eastern Water Conservation and Drainage Board has for many years served the region admirably in managing the drainage of surface water in the region, vastly increasing the productivity of large areas of land. In more recent years, the board has also taken an environment protection role through the creation and protection of wetlands, and accepting carriage of the Upper South-East dryland salinity project. The South-East has also been well served for many years by the Upper and Lower South-East Water Resources Committee, which has been responsible for advising on management of underground water in the area.

The new Water Resources Bill provides a historic opportunity for underground water and surface water to be managed together in the South-East. The Bill includes provisions for me to appoint an already existing board to carry out the powers and functions of a catchment water management board under the Bill, in addition to its own functions. It seems to me that the South-Eastern Water Conservation and Drainage Board could fulfil both functions should the people of the South-East wish to see integrated water resource management.

However, whether or not the South-Eastern Water Conservation and Drainage Board will take on new functions under the Bill will first be the subject of intense public consultation as is set out in the legislation. It may be that the people of the South-East will see no need for a change in their water management structures for many years to come. On the other hand, they may wish to take the opportunity given by the Bill to seek this in the near future. I look forward to hearing their views on the matter if and when they choose to take it up. I am not interested in establishing any board without considerable community demand for it.

The other matter to which I refer is the proclamation and allocation policies. The South-East's plentiful supply of good quality water cannot survive indefinitely without some degree of management to protect the water resources themselves from pollution and over-use; to protect other users of the resource to ensure that it is fairly distributed and to protect the rights of legitimate users; to ensure that the resources are used wisely and in the best interests of the development of the region; and to tailor the use of water to meet the different recharge rates, depths to the aquifer, and salinity levels, etc., in different areas of the South-East.

Legislation in South Australia has provided the ability to introduce management schemes to achieve these objectives since 1959. Indeed, Padthaway was the second area in South Australia to be proclaimed under the legislation. At present, about 40 per cent of the South-East is a proclaimed area for drilling bores and taking underground water. Proclaiming underground water areas simply means that all users will require a licence, although current policy excludes stock and domestic users from the need to hold a licence. This in turn allows for water resources to be formally shared amongst all users of it, thereby avoiding disputes over access to water, which is not something for which the common law provides.

Like its predecessors, the new Water Resources Bill will also allow for the control of underground water and for sharing access to it amongst competing users, thereby overcoming the shortfalls of common law. However, the main difference between the new Bill and previous legislation is that it provides for all water management, including appropriate allocation policies, to be undertaken in accordance with management plans drawn up by and for the communities of each particular region.

The Bill says very little about which method should be adopted for sharing proclaimed water resources. Instead, it recognises the vast diversity of this State's resources and the needs of respective communities. The Bill enables regions to tailor management policies to the requirements of the particular community and the particular characteristics of the resource.

I can assure the House and the people of the South-East, in particular, of two things: first, that I will act to bring the remainder of the South-East under a proclamation in order to protect it now at a time when the resources are not under serious threat and when there is still plenty of water available to enable chosen allocation policies to be implemented fairly. Secondly, the use of different allocation and management policies will be fully discussed within the South-East during preparation of the water allocation plans under the new Bill.

I acknowledge that there are some, perhaps many, landowners in the South-East who do not have water licences and who disagree with the current approach to water allocation that operates in the South-East. I gratefully acknowledge the assistance of my colleagues the Hon. Angus Redford, MLC, the Hon. Jamie Irwin, MLC, the Minister for Finance (the Hon. Dale Baker, MP, member for MacKillop) and the member for Gordon, the Hon. Harold Allison, MP, in drawing my attention to the significance of this disquiet. What has been suggested by some is a form of allocation policy for proclaimed areas that would see all landowners receive an allocation, regardless of present or intended use. The allocation received would be a part of the total water available and would reflect the amount of land owned. If, as a result of extensive consultation with the landowners in the South-East, it is apparent that the best policy is to adopt this course, then that is what will occur. However, at this stage I will not preempt that process.

The Water Resources Bill allows any type of allocation policy to be provided for in a water allocation plan. The only restriction is that the allocation policy must only allocate the water that can be safely extracted from the resource (so the policy cannot advocate over-allocation) and must aim to ensure that the use and management of the available water will sustain the physical, economic and social well-being of the people of the State and facilitate economic development, while at the same time ensuring that the resource will be available for the use of future generations and that eco-

systems that depend on the water are protected. By contrast, the Water Resources Act of 1990, which already applies in the South-East, would not allow this sort of allocation policy to be implemented. The new Bill is needed to give flexibility to the type of allocation policies that can be implemented.

Under the new Bill it will be the job of the local water resources manager, presently the Upper and Lower South-East Water Resources Committee, to prepare water allocation policies that are the most appropriate for the region through a full consultation process involving local communities. Clearly, the people who have the most immediate dependence on the resource are the ones most likely to have ideas for allocation policies that would be suitable to the particular area and who are aware of the particular characteristics of the resource which might affect the suitability of different allocation policies.

The new Bill is flexible: it allows any allocation policy to be implemented, provided it has the support of the local community and the Government. Any new policy would receive wide consultation before being adopted by me, and the Bill guarantees that. The Water Resources Bill heralds a new era of consultative resources management, designed to provide for the peculiarities of each region of the State of South Australia.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the ninth report, fourth session, of the Legislative Review Committee and move:

That the report be received.

Motion carried.

Mr CUMMINS: In accordance with the preceding report, I advise that I no longer wish to proceed with Notice of Motion: Private Members Bills/Committees/ Regulations No.5 standing in my name for Thursday 6 February.

OPPOSITION LEADER

The SPEAKER: In the spirit of goodwill which I earlier indicated, the Chair does not intend to proceed with the matter of naming the Leader of the Opposition. However, let me say to the House that, if members think they are going to continue to disrupt the proceedings and act in a manner which is contrary to the best interests of the people of this State, they will be dealt with firmly.

GRIEVANCE DEBATE

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

Mr ATKINSON (Spence): Back in spring a member of an organisation I now know to be the Duck Defence Coalition came to my office at 574 Port Road, Allenby Gardens, when I was out and only my electorate secretary was present. That person delivered to my office what he and his organisation claim were 2 350 signatures on a petition to the House of Assembly to criminalise the hunting of ducks. It is my recollection that when I returned to the office and received this so-called petition—like most politicians, I am curious about petitions I receive—I leafed through it to see whether I could find any familiar names or addresses, particularly names or addresses in my own electorate. I was unsuccessful in finding such names and addresses. What rubbed off on my hands during reading that petition was photocopying ink. It is my recollection that that petition contained a lot more than 2 350 signatures—I would say closer to 6 000—and it was a photocopy of petitions which had been or were to be presented to the House.

The person who came to my office gave no oral or written instructions on what the member for Spence was to do with this so-called petition. There was no return address or telephone number; there was no note on a letterhead; there was just the bald fact of documents in the form of a petition—I say in the form of photocopies of a petition; the Duck Defence Coalition says originals in biro, and we shall just have to disagree about that matter.

It was odd that the petition should be brought to my office, because I am well known as a supporter of the recreational hunting of ducks and, indeed, rabbits, dingoes and goats. I thought that the people who organised this petition would be a fairly hostile group with which to deal so, out of an abundance of caution, I had the so-called petition placed in the spare room in my office and there it lay for more than two months awaiting some further instruction from the anonymous person who had brought it to my office. After more than two months, since my office is not an archive—in fact it is a working electorate office and there was a working bee in prospect—I then thoughtfully disposed of the papers.

Mr Brindal: Was it a properly addressed petition?

Mr ATKINSON: No, it was not a properly addressed petition: it was, to the best of my recollection, a photocopy, and there was no differential of biro, pencil or fountain pen. It was all gray and black and it smudged as I read it. My view is that it is my duty as a member of Parliament to present every petition that comes to my office: even if it is a petition that denies that the Holocaust occurred, or to criminalise sodomy or to criminalise the recreational hunting of ducks, I feel bound to present the petition.

The Duck Defence Coalition wants me to mention to the House that it claims there were 2 350 signatures on that petition and, in deference to them, I mention that. Therefore, those 2 350 signatures have a lot more prominence than the other 36 000 that were presented in the normal way. So, I am happy to tell Parliament my side of the story and record just how many names were on the sheets. For myself, I would have thought there were more than that. Although I am an opponent of the proposal to criminalise hunting in South Australia, it would be childish of me or anyone else to think that the presentation or non-presentation of a petition of about 2 500 signatures would weigh in the political balance, given that no Bill or motion is or is likely to be before the House in this Parliament. I reiterate that, to the best of my recollection, the sheets were not originals.

Mr BUCKBY (Light): I rise today to speak about a good news education story. Unfortunately, good news education stories very rarely get printed. This is one such story, and it involves the opening of a new primary school at Hewett, within the environs of Gawler. The primary school has opened within a new housing development called Harkness Heights in Gawler and really is exciting news for the residents of the area and also recognises the large amount of growth occurring within the Gawler area.

The new principal is Mr Con Karvouniaris, and I congratulate him on the excellent start that the school has made in 1997. The Department for Education and Children's Services figures indicated that 70 students were expected to commence on day one. I can report that the school started with 92 students and, after the first week, it now has an enrolment of 100 students. I visited the school last Wednesday, and I congratulate the staff on the school's presentation, particularly that of the classrooms. As members would recognise, when a school is in its infancy, particularly at day one, it would not be surprising if the facilities within the classroom were fairly basic, but the teachers assigned to the school have done excellent work in preparing aids for the students and themselves. On walking into the classroom one felt that the school had been operating for some time, rather than being one day old, because of the work of the teachers.

The school has five teachers: Jan Carter is the teacher of Reception/Year 1; Mary Fleer is the Years 1 and 2 teacher; and Anne Boyle teaches Years 3, 4 and 5. I might add that at the moment Anne has a full class of 32 students, and the principal is currently looking into dividing that class and starting a new one. Mr Ian London is the teacher for years 6 and 7, and Karen Thomas is the Teacher/Librarian. I am pleased that the Minister for Education and Children's Services in another place (Hon. Rob Lucas) agreed to assign a special needs class to Hewett Primary School, and Ms Angela Mitchell teaches that special class. The SSOs who assist Angela Mitchell are Samantha Harkins and Val Aistrope; and of course no school would be complete without a hard working administration officer, and that person is Sue Coppin.

I attended a number of meetings leading up to the formation of this school, and I can say that the parents and students of this school are enthusiastic to ensure that this is a well organised school. There is a lot of work to be done in the development of the grounds, and the parents are very enthusiastic about getting involved in that development and in building up the resources of the school.

The colours of the school are red and navy, which are the old Willaston colours, and I am sure that the people of Willaston would be very happy to see that. I can report that on day one every student had a uniform and it was great to see for the school photograph, which will be a very historic photograph, because it marks the opening of the new school. The school is on the North Para River, and this position opens up all sorts of environmental activities for the students. I commend the District Council of Kapunda and Light, which has already applied for a grant to the MOSS scheme to work with students to develop some environmental walking trails along the North Para River.

Finally, I congratulate Ashleigh Allen, who is the Principal of the Evanston School. Ashleigh was seconded to commence work at the school in the fourth term of last year and she did an excellent job in pulling things together so that Con Karvouniaris can now take over and run the school in a very efficient and caring manner. Again I congratulate the staff on an excellent start. I am sure that once the school grows we will have a very good facility in Gawler.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Torrens.

Mrs GERAGHTY (Torrens): I wish to express my complete disgust at the way the State Government has changed the rules in regard to family eligibility for schoolcard. Placing a State Government means test on schoolcard based on the Federal Government Social Security family payment is not only inequitable but also quite unjust. The families that will be affected are low income earners, and this means that low income earners with three or four children who may be just $12 off the maximum family allowance payment will no longer be eligible. Constituents of mine have found themselves in the situation where, whilst receiving a Federal Government health care card, they lose access to certain State Government benefits. Frankly, it is ridiculous bureaucracy; it is penny-pinching and a mean spirited approach to the thousands of South Australian families who no longer have access to schoolcard. It places a greater financial burden on families on top of the added costs of school uniforms, excursions, bus fares and the like. Children from low income families who cannot afford additional school fees will be educationally disadvantaged and could be without access to books and materials.

The Education Minister has been highly critical of the lack of literacy skills in South Australian schools. Now we see that some children could be denied those very materials that are necessary to lift basic educational skills and standards. If this is sound logic it certainly escapes my constituents, and over the past few weeks I have been inundated with people distressed about their loss of eligibility. In reality, this means that the State Government requires families to be under more financial stress than that required by the Federal Government before it will grant assistance. Access to schoolcard is a social justice issue. It goes to the very heart of what we recognise as the right to a basic education.

Let us be quite frank about this. The lowering of the income eligibility ceiling to access schoolcard will tear at those who cannot afford additional school fees. How are families expected to supplement this loss, and how are the children to be compensated if they do not have the right educational materials? Placing a dollar and cents value on education is not the most appropriate way to evaluate benefits to society. Many from low income families are creative and leaders in their vocational fields, and they would not be able to contribute to our nation's development without access to publicly funded educational resources.

The introduction of the schoolcard in 1990 was seen as a major social justice initiative by the then Labor Government. This represented a significant increase in government assistance to students. The schoolcard has been used to help pay for such items as sporting or camping fees, art or music charges, books and other learning equipment, and educational requirements available in a school. Credit could not be converted into cash or used at the school canteen, and therefore no identifiable level of abuse has been apparent in that regard.

The Government's action in restricting schoolcard access is short-sighted and far outweighs the importance of planned Government savings. As one constituent put to me, it is educational apartheid. Those in more affluent suburbs whose families can well afford additional school fees will get ahead because they have the resources. Families in suburbs experiencing high unemployment and low incomes will not be so fortunate. It is ironic that the Minister has identified and expressed concerns about fluctuating literacy levels in schools across the metropolitan area. Restricting schoolcard eligibility will exacerbate these trends.

I urge the Government to review this decision and reinstate schoolcard eligibility for low income earners. After all, the Federal Government provides low income families with a health care card, because the Labor Government of the

day recognised that all families have a right to access good health care. Sadly, this Government apparently does not place the same emphasis on our children's education. On behalf of constituents in my electorate of Torrens, I say to the Minister and the Premier (who nicely touched me up today) that it is appropriate that they reassess this situation.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Kaurna.

Mrs ROSENBERG (Kaurna): I am not sure about the Premier touching up the honourable member, but I will try to address some of the issues which relate to the question that I asked the Premier today about the Government's debt management policy. As part of the answer to that question about debt management policy, the Premier referred to a comment by the member for Torrens on 5AA. I will quote an answer the member for Torrens gave to a constituent from my electorate who rang in asking for confirmation about some questions asked in, for want of a better term, a political point scoring exercise, whereby the names and addresses of constituents were sought so that those people could be harassed during the election campaign. The person who rang 5AA sought clarification about the detail of the questions. In other words, a series of questions were asked that required a 'yes/no' answer. An answer from the member for Torrens to one question was:

> . . . you know, to be at their very best. I think that . . . I guess probably I would've changed some of the questions, or perhaps the way they were worded but we . . . we . . . the Labor Party, are still in the process of actually formulating, you know, our plan for the next election, and at this stage I hope that that will be released, you know, in a short time.

The most important part of that media interview, if one wants to call it that, related to the context of the question I asked the Premier today in relation to the debt management strategy which this Government has had in place for three years and which is working. The next budget will be on target, exactly as predicted three years ago by the Treasurer. In terms of the $450 voucher—you answer it, you are eligible to win a free flick at Myer—questionnaire, one question asked:

> Do you support Labor's plan to deal with South Australian debt? Yes or No.

The caller from my electorate who asked the member for Torrens about that question really wanted to know why no information had been provided in that question to explain Labor's debt reduction policy. The member for Torrens responded to that question and said:

> Well, look, I have to agree with you, as I . . . we are . . . we're . . . that's right . . . we're . . . we're still formulating it, so even I can't answer that question because we haven't finalised it yet.

Then, to top it off, the member for Torrens finished that statement with a laugh. That laugh and that statement indicates just how seriously the Labor Government takes debt reduction policy and employment in South Australia. I ask once again, as I have done over and over: what is Labor's debt reduction policy and what is its unemployment policy? Does it have a policy about anything because, according to the member for Torrens, a member of the Opposition, if it has, it has not relayed it to its members within the House.

In relation to today's stupidity by the member for Spence, who talks constantly about respecting the Chair and respecting the carry on within Parliament, he stood up and walked around while the Speaker was speaking. I once called the member for Spence a silly little man, and I stand by that remark. He really is a silly little man. His efforts to waste time today prevented my asking another good news question relating to the public transport patronage that has increased dramatically in the Aldinga Beach area since Transit Regency was offered an extended bus transport contract. Last year we offered that extended contract to Transit Regency. That contract commenced on 1 January this year, and in that time patronage has increased by 67 per cent, that is, a 67 per cent increase in the number of people who, under the previous administration, were getting no transport service.

I am talking about the area in which I live, Sellicks Beach, which has a very high population of young families and which has no transport at all. I am now pleased to say that seven buses run past my house Monday to Friday, and buses also run on Saturdays and Sundays. The community has given a big tick of confidence to Transit Regency and has responded by using the service in a great way. I put on the record my thanks to the Passenger Transport Board and to Transit Regency, because they have worked together to provide this improved service to the Aldinga and Sellicks Beach areas.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): I can well understand the bile the member for Kaurna has towards the member for Torrens: envy is a terrible thing. The member for Kaurna realises that she will not be here by the end of this year, whereas the member for Torrens most certainly will be. However, what I would like to talk about is the Hampstead Primary School in my electorate and, in particular, the excellent program that is being conducted by the school's principal and the school community. In the past that school had a history of difficulties until the arrival of a particular principal, Christine Kerslake, to whom I give my utmost thanks for energising that school community and, in particular, in building up school spirit quite significantly, particularly among the students.

This turnaround has been achieved not only by the principal but also by the staff and parents of the school using music as a form of behavioural management for children who were difficult to manage at school. This school had no musical background whatsoever nor any musical instruments.

Mr Rossi interjecting:

The DEPUTY SPEAKER: Interjections are out of order.

Mr CLARKE: I am talking about people who are worthy of this community and who do an outstanding job for their community—not ferals, such as the member for Lee. The Hampstead Primary School built up a musical base from nothing, and it now has a choir. Miss Kerslake, through her contacts within the Correctional Services Department, was able to use those people who were working out their community service obligations and who had musical abilities to teach the children of her school how to play drums and other musical instruments. The program has been in place for well over two years, and many community service offenders have worked out their time and are still with the school on a voluntary basis so that they can help those children.

The children are gaining enormous self-confidence. It was the only school to win the 1995 national prize for crime prevention—a $20 000 award presented by the then Federal Minister for Justice. This year the school was presented with a joint Citizen of the Year award for community service. Using their musical abilities, the students in 1994 busked and raised $1 000 for a drought and poverty stricken rural community on the West Coast of South Australia,

Warramboo—and this from a primary school which has in excess of 80 per cent of its children on schoolcard who could well use the money themselves. In 1995 the school travelled, through the courtesy of AN, to Kalgoorlie and sang Christmas carols to the fettler families along the railway line. The children raised $1 500 for the Boylan psychiatric ward of the Women's and Children's Hospital.

In 1996 the children likewise raised a similar amount of money when they travelled to and visited schools within the Port Arthur area following that dreadful massacre in April last year, and they had the full support of the local school communities. The children raised the funds themselves. They badgered and cajoled a number of sponsors to assist them to travel to Tasmania. Local sponsors, private enterprise and the like cooperated magnificently in allowing about 45 children and 15 adults to travel to Port Arthur to help raise the morale of the local community, as well as raising a significant amount of money for the Boylan Ward.

This is a small primary school. At the end of last year it went up against all the major private schools in the bel canto competition at the Elizabeth Town Centre, and it won second prize of $700. The literacy levels of the school have increased significantly because, as members would appreciate, if they are to be able to perform their music they must be able to read it, and that has added enormously to the literacy levels within that local community. The acts of vandalism and bad behaviour on the part of pupils within that local school community have dropped away to almost insignificant levels. It is a magnificent community effort, sparked by the leadership of the principal of the school but assisted very much by the local school community, the parents, the Department for Education and Children's Services and the Correctional Services Department. They should all be commended for the assistance they have provided.

Mr BROKENSHIRE (Mawson): Yesterday in my grievance speech I lost some time because the Opposition took irrelevant points of order. I shall, therefore, finish that contribution this afternoon. It was interesting to note, as I said, the Opposition's raw nerve attitude with respect to the evidence I put forward yesterday. I again call on the Leader of the Opposition to table in this Chamber the so-called 'official document' that he has bandied around the countryside with respect to policing in the south. If the Leader of the Opposition is not fabricating, or at least doctoring, this document, he has the opportunity in this Chamber to prove to the people of South Australia that this is not another instance of fabrication. I suggest to you, Sir, and to the public of South Australia that the Leader of the Opposition will not lodge this document in this Chamber or provide me or any of my colleagues with a copy of it because it has been doctored. It is not official: it is a fabrication.

The facts are that, again, the Leader of the Opposition is running around—as he did before the last election—and misleading the people of South Australia. Frankly, he is doing nothing to contribute to their well being. As a member of the Government and as a member of the southern Liberal Government team, I will continue, with the members for Kaurna and Reynell, to push for safety and improvement throughout the south. I put on the record again today my call for a shop front police station in the Woodcroft shopping centre. I confirm that I am conducting a petition which I will lodge on an ongoing basis in this Chamber over the coming months. I commend the member for Kaurna on the excellent job she did, even though the candidate running against her, John Hill, knocked the police shop front that she so desperately sought for her community.

I know people in the member for Kaurna's electorate who want that shop front police station. Gordon Little, the police officer promoting the proposal, and his colleagues are fantastic. That is why I was pleased to put forward a few hundred dollars through the lunch in this Parliament to ensure that their initiatives for young people are supported. I will continue to support police officers who want to support the community and make it safer.

I also call on the Government to consider—and I will not relent on this issue—the introduction of one more general police car for the southern region. I suggest that that police car operate from the Woodcroft shop front police station. It would be very similar to the one at Aldinga. In that way the electorates of Reynell and Kaurna would have 2½ police general patrols looking after the western side of South Road. I admit that we still need to do more with policing. As I said yesterday—and I challenge any member of the Opposition to prove otherwise—we have done far more with policing initiatives both in infrastructure and police numbers in the south than the Labor Party has ever done. I know that the workload of the police is enormous. I want to work with them to improve that. There are only two ways by which we can do that. First, we need to rebuild the economy of South Australia, and we are well on track with that now. Secondly, we need to rebuild the social values of South Australia. Whilst that is an even more difficult challenge, I know that as proud South Australians and as a committed Government we can achieve that over the next few years.

Community policing is what we are about. It is interesting to note—from one of the policies that the Labor Party does have—that, whilst the Labor Party destroyed community policing in years gone by, it is now one of its election platforms. The fact is that the Labor Party is far too late, because we are already working on community policing. I reiterate that I will not let this issue fade. The Leader of the Opposition has misled the community in the south and in South Australia. Whilst I acknowledge that some of the points that were raised in his press releases about policing issues in the south are accurate—and I support him on them—many are inaccurate. The document is not an official document. I believe that there has been enormous doctoring. I have received advice that doctoring might have occurred. If the Leader of the Opposition wants to regain any credibility whatsoever with the people of the south and the community of South Australia, I call on him to table that document tomorrow, or he will continue to be accepted for what he is in the community, that is, a fabricator and someone who will do anything to mislead the community.

TOBACCO PRODUCTS REGULATION BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to regulate the sale, packaging, importing, advertising and use of tobacco products; to recover from consumers of tobacco products an appropriate contribution towards the State's revenues; to continue the South Australian Sports Promotion, Cultural Health and Advancement Trust and prescribe its functions and powers; to repeal the Tobacco Products Control Act 1986 and the Tobacco Products (Licensing) Act 1986; and for other purposes. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to merge the existing provisions of the Tobacco Products (Control) Act 1986, and the Tobacco Products (Licensing) Act 1986, into one consolidated Act regulating tobacco products in this State. The Bill also includes a change to the basis on which licence fees are calculated.

The Government recognises as does most of the community that tobacco use is injurious to the health of both smokers and non-smokers. It has also been recognised by the Government that the extent of the health effects of smoking are such that strong action is required to deter people from taking up smoking, and to encourage existing smokers to give up smoking. This legislation strengthens and consolidates the regulation and control of the advertising and promotion of tobacco smoking to continue our efforts to discourage children and young people from taking up smoking. Control of advertising and promotion ensures that smoking is not promoted as being associated with social success, business advancement and sporting prowess.

The link between the quantum of tar in tobacco products and the likely adverse impact on health, flowing from tobacco smoking is well documented. Those links are already reflected in the current requirements for tobacco product packaging to display the content of tar. Accordingly, and in an attempt to recover from smokers of high tar products, some of the costs incurred by the public health system in treating persons suffering from tobacco related illnesses, it is proposed to introduce a three-tiered licence fee structure that will involve a licence fee for tobacco products commensurate with the tar content. A similar structure, aimed at moving consumers to less harmful products, is currently used in connection with the sale of low alcohol beer and unleaded petrol. With no change proposed for low tar content products, the proposed licensing structure should encourage consumers to change their smoking patterns to less harmful products.

Under the existing Tobacco Products (Licensing) Act, the licence fee for tobacco merchants is based on 100% of the value irrespective of the tar content of the product. The proposed three tiered licence fee system does not provide for any reduction in the current price of cigarettes. The lowest licence fee rate in the proposal will be 100 per cent consistent with the rate in force at the present time. To allow the price of lower tar content cigarettes to fall could send the wrong message to the community, with lower tar content products somehow seen to be 'safe'.

The provisions of this Bill also strengthen the regulatory and compliance aspects of current legislation by proposing that only 'fit and proper' persons will be permitted to be licensed as tobacco merchants. This will ensure that merchants do not take an irresponsible attitude towards the sale of tobacco products to minors. It will also prevent the issue of licences to persons who have, or are connected with a corporate entity that has committed offences. The Bill continues the general requirement that if tobacco is consumed by a person, that person either has to hold a consumption licence or have purchased the tobacco from a licensed tobacco merchant. The Bill sets out the fees for a consumption licence, and the basis on which a licence fee is calculated for a tobacco merchant.

Regulatory control of tobacco merchants is strengthened under the proposed legislation. For example retailers of tobacco product will only be permitted to purchase product in respect of which licence fee has been paid in accordance with the legislation. The provisions will also require that a person cannot conduct any business of tobacco merchandising unless that person holds a tobacco merchants' licence.

The Bill also strengthens the basis to be used in valuing tobacco products. This will eliminate the scope for argument that licence fees can be paid on anything other than the gross wholesale price. This ensures that artificially depressing prices cannot be used as a means of undermining the Government's commitment to discouraging smoking because of its harmful health effects.

Provisions in the Bill relating to licensing, sales, authorised officers, investigations, prosecutions, reviews and appeals, the South Australian Sports Promotion, and Cultural and Health Advancement Trust, remain substantially the same as under the existing Acts.

Consultation has taken place with the Health Commission and tobacco wholesalers in respect of this Bill and I thank them for their input.

Besides consolidating the regulatory requirements that currently apply, this Bill evidences the Government's clear aim of encouraging tobacco consumers to quit smoking altogether or, failing that outcome, at the very least to switch to lower tar content products.

I commend the Bill to the House.

PART 1
PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation. Under the *Acts Interpretation Act 1915*, different provisions may be brought to operation on different days.

Clause 3: Objects of Act

This clause provides that, in recognition of the fact that the consumption of tobacco products impairs the health of the citizens of the State and places a substantial burden on the State's financial resources, the objects of the measure are—

- to create an economic disincentive to consumption of tobacco products and secure from consumers of tobacco products an appropriate contribution to State revenues (irrespective of the source of the tobacco products); and
- to reduce the incidence of smoking and other consumption of tobacco products in the population, especially young people; and
- to protect non-smokers from unwanted and unreasonable exposure to tobacco smoke; and
- generally, to promote and advance sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption.

The clause sets out how these objects are to be achieved by the measure.

Clause 4: Interpretation

This clause defines terms used in the measure. The most commonly used expressions are tobacco merchandising, tobacco merchant and tobacco product.

Tobacco merchandising includes the processing of tobacco for sale, the packaging of tobacco products for sale, the possession or storage of tobacco products for or prior to sale, the distribution of tobacco products, the sale or purchase of tobacco products by wholesale, or the sale of tobacco products by retail.

Tobacco merchant means a person who engages in tobacco merchandising.

Tobacco product means a cigarette, cigar, cigarette or pipe tobacco, tobacco prepared for chewing or sucking, snuff, or any other product containing tobacco of a kind prescribed by regulation, and includes any packet, carton, shipper or other device in which any of these products is contained.

Clause 5: Application of Act

This clause provides that the measure applies to tobacco merchants who carry on business in this State or who carry on business outside this State and in the course of that business dispatch tobacco products to purchasers in the State.

PART 2
LICENCES
DIVISION 1—PRELIMINARY

Clause 6: Interpretation—Certain transactions not sale or purchase

This clause provides that certain transactions are not to be taken to be a sale or purchase of tobacco products for the purposes of this Part.

Clause 7: Interpretation—Tobacco product categories and prescribed percentages for licence fee calculation

This clause creates categories of tobacco products and defines prescribed percentages for the purposes of the licence fee provisions.

Clause 8: Grouping of tobacco merchants

This clause sets out how to determine whether a tobacco merchant is a member of a group of tobacco merchants and empowers the Commissioner to determine that a tobacco merchant is not a member of a group in certain circumstances. Grouping of tobacco merchants is relevant to the calculation of licence fees for tobacco merchants' licences.

DIVISION 2—CONSUMPTION LICENCES

Clause 9: Unlawful consumption of tobacco products

This clause makes it an offence for a person to consume a tobacco product unless the person holds a consumption licence or obtained the product from the holder of a class A tobacco merchant's licence. The maximum penalty is a $5 000 fine and the expiation fee is $315.

Clause 10: Consumption licences

This clause requires the Minister to issue a consumption licence to a person if he or she applies in the specified manner and pays the specified fee. The licence is required to contain a warning in a form approved by the Minister for Health against the dangers of smoking.

DIVISION 3—TOBACCO MERCHANTS' LICENCES

Clause 11: Requirement for licence

This clause makes it an offence for a person to carry on the business of tobacco merchandising unless the person holds a tobacco merchant's licence. The maximum penalty is a $20 000 fine.

Clause 12: Classes and terms of licences

This clause creates the following classes of tobacco merchants' licences:

- unrestricted class A licences—licences not subject to any condition;
- restricted class A licences—licences subject to the condition that the licensee must not sell tobacco products except those purchased from the holder of a class A licence or purchase tobacco products for sale from the holder of such a licence;
- class B licences—licences subject to the condition that the licensee must not sell tobacco products by retail without obtaining from the purchaser a declaration (*see clause 22 and schedule 1 explanations*) before the purchaser leaves the licensee's premises or before the products are dispatched to the purchaser.

If a condition of a licence is not observed, the licensee commits an offence (maximum penalty $20 000 fine), and in the case of a restricted class A licence, the licence fee for each month in which the condition is not observed will be reassessed by the Commissioner as if the licence were an unrestricted class A licence.

Clause 13: Application for tobacco merchant's licence

This clause specifies the manner and form in which an application for a tobacco merchant's licence must be made. It empowers the Minister to refuse to grant a licence if satisfied that the applicant or any associate of the applicant has contravened the measure or a corresponding law or is not for any reason a fit and proper person.

Clause 14: Cancellation or suspension of licence

This clause empowers the Minister to cancel or suspend a tobacco merchant's licence if satisfied that the licensee or any associate of the licensee has contravened the measure or a corresponding law or is for any reason not or no longer a fit and proper person.

Clause 15: Licence fees

This clause sets out how licence fees payable for tobacco merchants' licences are to be calculated and provides for licence fees to be assessed by the Commissioner for State Taxation.

Clause 16: Valuation of tobacco products

This clause empowers the Minister, by notice in the *Gazette*, to set values for, or a basis for valuing, tobacco products by reference to a specified document, and to confer discretionary powers on the Commissioner to determine values for tobacco products in specified circumstances.

Clause 17: Reassessment of licence fee

This clause empowers the Commissioner to reassess or further reassess a licence fee at any time if—

- it appears that an error was made in the original assessment or a previous reassessment; or
- it appears that the information, or an estimate or assumption, on which the original assessment or a previous reassessment was based is erroneous or incomplete; or
- it is appropriate on account of amendments effected to the measure.

DIVISION 4—REVIEWS AND APPEALS

Clause 18: Reviews

This clause gives a person who is dissatisfied with a decision of the Minister or the Commissioner under this Part a right to a review of the decision by the decision-maker. An application for review of an assessment by the Commissioner of a licence fee for a tobacco merchant's licence may only be made if the licence fee as assessed or reassessed by the Commissioner has been paid.

Clause 19: Appeals

This clause gives a person who is dissatisfied with a decision taken by the Minister or the Commissioner on a review the right to appeal to the District Court against the decision.

DIVISION 5—MISCELLANEOUS

Clause 20: Refunds

This clause requires the Commissioner to refund an amount overpaid if a licence fee is reduced on reassessment or on a review or appeal.

Clause 21: Returns by class B licensees

This clause requires the holder of a class B tobacco merchant's licence to send to the Commissioner a monthly return containing certain information in relation to tobacco products sold during the month and all declarations obtained from purchasers during the month. The maximum penalty for non-compliance is a $20 000 fine.

Clause 22: Declaration by person purchasing from class B licensee

This clause makes it an offence for a person who purchases a tobacco product by retail from the holder of a class B tobacco merchant's licence to take the product from the licensee's premises without signing a declaration (*see schedule 1*) if requested to do so by the licensee or a person acting on the licensee's behalf. The maximum penalty is a $2 500 fine.

Clause 23: Notice to be displayed for the information of prospective purchasers from class B licensees

This clause prohibits the holder of a class B tobacco merchant's licence from engaging in tobacco merchandising unless notices are displayed in the premises making prospective purchasers aware that the merchant holds a class B licence, that purchasers will be required to sign a declaration, and that the products cannot be lawfully consumed without a consumption licence. The maximum penalty is a $20 000 fine.

Clause 24: Notice to be given to Commissioner

This clause makes it an offence for a person to act as a tobacco merchant within the State unless the person has given notice to the Commissioner not more than two months before commencing to so act and at not more than two monthly intervals while continuing to so act. The maximum penalty is a $20 000 fine.

Clause 25: Records to be kept by tobacco merchants

This clause requires a person who engages or has engaged in tobacco merchandising to keep and preserve certain records of his or her dealings in tobacco products. It requires a person transporting tobacco products prior to their sale by retail to keep and preserve certain records. The maximum penalty is a $10 000 fine.

Clause 26: Invoice to be prepared for sale by wholesale

This clause requires a person selling tobacco products by wholesale to prepare and tender to the purchaser an invoice containing certain particulars in respect of the sale. The maximum penalty is a $10 000 fine.

Clause 27: Endorsement to be made on wholesale invoices

This clause requires a licensed tobacco merchant who sells tobacco products by wholesale to make an endorsement on the invoice stating that the product is sold by a licensed tobacco merchant and specifying the licence number. The maximum penalty is a $20 000 fine.

PART 3

CONTROLS RELATING TO TOBACCO PRODUCTS

Clause 28: Interpretation

This clause defines "sell" and "sale" for the purposes of this Part.

Clause 29: Application of Part

This clause provides that this Part does not apply in relation to anything done by means of a radio or television broadcast.

Clause 30: Sale of tobacco products by retail

This clause makes it an offence for a person—

- to sell a tobacco product by retail unless the product is enclosed in a package that complies with the regulations and is labelled in accordance with the regulations; or
- to sell a tobacco product by retail that is enclosed in two or more packages unless each package complies with the regulations and is labelled in accordance with the regulations; or
- to sell a tobacco product by retail if the package containing the product is wrapped in a material that is not wholly transparent; or
- to sell cigarettes by retail in a package containing less than 20.

In each case the maximum penalty is a $5 000 fine.

Clause 31: Importing and packing of tobacco products

This clause makes it an offence for a person to import tobacco products that have been packed for sale by retail unless the packages in which the products are packed comply with, and are labelled in accordance with, the regulations and health warnings are distributed in approximately equal numbers between the packages imported by that person in each financial year. The maximum penalty is a $5 000 fine. The clause requires a person who packs tobacco products for sale by retail to ensure that the packages comply with these requirements. The maximum penalty is a $5 000 fine.

Clause 32: Tobacco products in relation to which no health warning has been prescribed

This clause provides that if no health warning is prescribed in relation to a tobacco product of a particular class, a product of that class need not be enclosed in a package and a package that contains such a product of that class need not display a health warning unless

the package does not also contain a tobacco product of a class in relation to which a health warning *is* prescribed.

Clause 33: Advertisements of tobacco products

This clause makes it an offence for a person to publish, or cause to be published, an advertisement for a tobacco product unless the advertisement incorporates, or appears in conjunction with, a health warning of the prescribed manner and form. The maximum penalty is a $5 000 fine.

Clause 34: Information as to tar, nicotine, etc., content of cigarettes

This clause provides that a person who sells cigarettes by retail must, on demand by a customer considering purchasing cigarettes, provide information as to the quantity of tar and carbon monoxide that will be produced, and the quantity of nicotine that will be released, in the normal course of smoking each cigarette. The maximum penalty is a $5 000 fine. The clause requires the information to be provided in a form approved by the South Australian Health Commission. The maximum penalty is a $750 fine.

Clause 35: Sale of sucking tobacco

This clause prohibits the sale of sucking tobacco by retail. The maximum penalty is a $5 000 fine.

Clause 36: Sale of confectionery

This clause makes it an offence for a person to sell by retail confectionery that is designed to resemble a tobacco product. The maximum penalty is a $5 000 fine.

Clause 37: Sale of tobacco products by vending machine

This clause makes it an offence for a person to sell tobacco products by means of a vending machine unless the machine is situated on premises licensed under the *Liquor Licensing Act 1985*. The maximum penalty is a $5 000 fine.

Clause 38: Sale of tobacco products to children

This clause makes it an offence for a person—

- to supply, or offer to supply, (whether by sale, gift or any other means) a tobacco product to a child or a person who the supplier knows or has reason to believe will supply the product to a child; or
- to permit a child to obtain a tobacco product from a vending machine situated on premises that he or she occupies.

In each case the maximum penalty is a $5 000 fine but there is a defence if the defendant can provide that he or she had reasonable cause to believe that the child was 18 years of age or older, or, where a tobacco product was supplied by a vending machine, that he or she took all precautions reasonably required to ensure the tobacco product was not supplied to a child.

If a court convicts a person of such an offence and the person has previously been convicted of such an offence within the immediately preceding 3 years, the court can—

- disqualify the person from applying for or holding a tobacco merchant's licence for up to 6 months; or
- if the person supplies tobacco products by vending machine at two or more premises, order that for the purposes of the measure the person will be taken to be an unlicensed tobacco merchant in respect of the supply of tobacco products from specified premises for up to 6 months.

The court's powers do not limit or affect the power of the Minister to suspend or cancel a tobacco merchant's licence.

The clause requires a person who sells tobacco products by retail or who occupies premises on which a vending machine that is designed to sell tobacco products is situated to display a notice that it is an offence to supply tobacco products to children. The maximum penalty is a $750 fine and the expiation fee is $105.

Clause 39: Evidence of age may be required

This clause empowers an authorised person (ie., a tobacco merchant, an employee of a tobacco merchant or a member of the police force) to require a person seeking to buy tobacco products to produce evidence of their age if the authorised person suspects on reasonable grounds that the person may be a child. The clause makes it an offence for a person to fail to comply with such a requirement or give false information in relation to such a requirement. The maximum penalty is a $200 fine and the expiation fee is $75.

Clause 40: Certain advertising prohibited

This clause makes it an offence for a person—

- for direct or indirect pecuniary benefit, to display a tobacco advertisement so that it can be seen in or from a public place; or
- to distribute to the public any unsolicited leaflet, handbill or other document that constitutes a tobacco advertisement; or
- to sell any object that constitutes a tobacco advertisement.

The maximum penalty is a $5 000 fine.

However, these provisions do not apply in relation to—

- tobacco advertisements in newspapers, magazines or books; or
- tobacco advertisements on tobacco product packages; or
- tobacco advertisements that are an accidental or incidental part of a film or video tape; or
- tobacco advertisements of a prescribed kind displayed in a shop or warehouse within a prescribed distance from where tobacco products are offered for sale; or
- tobacco advertisements of a prescribed kind displayed at a prescribed distance from such a shop or warehouse; or
- tobacco advertisements displayed or distributed under a contract sponsoring a Sheffield Shield series, or international series, cricket match in this State; or
- documents ordinarily used in the course of business.

Clause 41: Prohibition of certain sponsorships

This clause makes it an offence for a person—

- to promote or publicise, or agree to promote or publicise, a tobacco product or a tradename or brandname, or part of a tradename or brandname under a contract or arrangement under which sponsorship is or is to be provided by another person; or
- to promote or publicise, or agree to promote or publicise, the name or interests of a manufacturer or distributor of a tobacco product in association with that tobacco product under a contract or arrangement under which sponsorship is or is to be provided by another person; or
- to provide or agree to provide a sponsorship under such a contract or arrangement.

The maximum penalty is a $5 000 fine.

The clause does not apply in relation to contracts under which sponsorship is provided for a Sheffield Shield series, or international series, cricket match in this State.

Clause 42: Competitions

This clause makes it an offence for a person to do the following in connection with the sale of a tobacco product, or for the purpose of promoting a tobacco product:

- provide or offer to provide a prize, gift or other benefit; or
- provide or offer to provide a stamp, coupon, token, voucher, ticket or other thing by virtue of which a person may become entitled to, or may qualify for a prize, gift or other benefit; or
- conduct a scheme declared by regulation to be a scheme to promote the sale of a tobacco product or to promote smoking generally.

The maximum penalty is a $5 000 fine, but there is a defence if the defendant can prove that the benefit or thing supplied, or participation in the scheme, was only incidentally connected with the purchase of a tobacco product and that equal opportunity to receive the benefit or thing, or to participate in the scheme, was afforded generally to persons who purchased products whether or not they were tobacco products.

Clause 43: Free samples

This clause makes it an offence for a person to offer or give a member of the public a free sample of a tobacco product for the purpose of inducing or promoting the sale of a tobacco product. The maximum penalty is a $5 000 fine.

Clause 44: Smoking in buses

This clause makes it an offence for a person to smoke a tobacco product in a business carrying members of the public unless the bus was hired for the exclusive use of members of a group. The maximum penalty is a $200 fine and the expiation fee is $75.

Clause 45: Smoking in lifts

This clause makes it an offence for a person to smoke in a lift and requires a person who owns or occupies a building, or part of a building, in which a lift is situated to cause a prescribed notice to be displayed in the lift. In each case the maximum penalty is a $200 fine and the expiation fee is $75.

Clause 46: Smoking in places of public entertainment

This clause makes it an offence for a person attending a place of public entertainment for entertainment to smoke a tobacco product in the auditorium of the place at any time before, during or after the entertainment. The maximum penalty is a $5 000 fine.

PART 4

SPORTS PROMOTION, CULTURAL AND HEALTH ADVANCEMENT TRUST

Clause 47: Continuation of Trust

This clause continues the *Sports Promotion, Cultural and Health Advancement Trust* in existence.

Clause 48: Constitution of Trust

This clause provides for the Trust to be constituted of seven members appointed by the Governor and sets out qualification requirements.

Clause 49: Term and conditions of membership
This clause provides for members of the Trust to be appointed for terms of up to three years and makes them eligible for reappointment on expiry of a term of appointment. It also sets out the conditions under which members hold office.

Clause 50: Remuneration
This clause entitles members of the Trust to receive such allowances and expenses as the Governor may determine from time to time.

Clause 51: Vacancies or defects in appointment of members
This clause ensures that acts and proceedings of the Trust are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 52: Proceedings
This clause provides that a quorum of the Trust consists of four members and makes other provisions regulating proceedings of the Trust.

Clause 53: Disclosure of interest
This clause requires a member of the Trust who has a direct or indirect pecuniary or other personal interest in a matter under consideration by the Trust to disclose the interest to the Trust and abstain from participating in any deliberation or decision of the Trust with respect to the matter. The maximum penalty is a $2 500 fine.

Clause 54: Delegation by Trust
This clause empowers the Trust to delegate its powers, functions and duties under the measure and allows delegated powers, functions and duties to be subdelegated.

Clause 55: Committees
This clause continues in existence the three advisory committees established by the *Tobacco Products Control Act 1986* and empowers the Trust to establish other advisory committees.

Clause 56: Functions and powers of Trust
This clause grants the Trust specified powers to enable it to perform its functions of promoting and advancing sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption.

Clause 57: Continuation of Fund
This clause continues in existence the *Sports Promotion, Cultural and Health Advancement Fund* and sets out how money of the Fund may be applied by the Trust.

Clause 58: Employees of Trust
This clause empowers the Trust to appoint employees.

Clause 59: Budget
This clause requires the Trust to submit a budget to the Minister for Health each year for the Minister's approval.

Clause 60: Accounts and audit
This clause requires the Trust to keep proper accounts of its financial affairs and prepare a statement of accounts in respect of each financial year, and requires the Auditor-General to audit the Trust's accounts at least once each financial year.

Clause 61: Annual report
This clause requires the Trust to deliver an annual report to the Minister for Health on its operations and requires the Minister to table the report in each House of Parliament.

PART 5
INVESTIGATIONS

Clause 62: Appointment of authorised officers
This clause empowers the Minister to appoint authorised officers and makes all members of the police force and authorised officers under the *Taxation Administration Act 1996* authorised officers for the purposes of the measure.

Clause 63: Identification of authorised officers
This clause requires an authorised officer other than a member of the police force to be issued with an identity card containing their name and photograph and a statement of the limitations (if any) on their powers. It also requires an authorised officer to produce his or her identity card (or in the case of a member of the police force not in uniform—his or her certificate of authority) for inspection, if requested to do so by a person in relation to whom the authorised officer intends to exercise powers under the measure.

Clause 64: Power to require information or records or attendance for examination
This clause empowers the Minister or the Commissioner to require persons to provide information, attend and give evidence (including evidence on oath), or produce records, for a purpose related to the administration or enforcement of the measure. The maximum penalty for non-compliance with the Minister's or the Commissioner's requirements is a $20 000 fine.

Clause 65: Powers of authorised officers
This clause sets out the powers of authorised officers.

Clause 66: Offence to hinder, etc., authorised officers
This clause makes it an offence for a person—

- to hinder or obstruct an authorised officer or person assisting an authorised officer; or
- to use abusive, threatening or insulting language to an authorised officer or person assisting an authorised officer; or
- to refuse or fail to comply with a requirement or direction of an authorised officer; or
- when required by an authorised officer to answer a question, to refuse or fail to answer a question to the best of the person's knowledge, information and belief; or
- to falsely represent, by words or conduct, that he or she is an authorised officer.

The maximum penalty is a $20 000 fine.

Clause 67: Self-incrimination
This clause provides that it is not an excuse for a person to refuse or fail to answer a question or to produce or provide a record or information as required under this Part on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. If compliance by a person with a requirement to answer a question or to produce or provide a record or information might tend to incriminate the person or make the person liable to a penalty, then—

- in the case of a person who is required to produce or provide a record or information—the fact of production or provision of the record or the information (as distinct from the contents of the record or the information); or
- in any other case—the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings under the measure).

Clause 68: Powers in relation to seized tobacco products
This clause provides for forfeiture of seized tobacco products to the Crown. The Commissioner may, if satisfied that it is necessary to do so to avoid loss due to the deterioration of the products, determine seized tobacco products to be forfeited to the Crown and sell them by public tender. If a court convicts a person of an offence against the measure in relation to seized tobacco products, the products are automatically forfeited to the Crown unless the court determines that the circumstances of the offence were trifling. However, the owner of seized tobacco products is entitled to recover the products, or, if they have deteriorated, is entitled to compensation in respect of them if—

- a prosecution for an offence against the measure in relation to the products is commenced but the defendant is acquitted; or
- a prosecution for such an offence lapses or is withdrawn; or
- the court determines the circumstances of the offence were trifling; or
- a prosecution for such an offence is not commenced within 3 years of seizure; or
- on application by the owner, the District Court determines that the justice of the case requires return of the products or compensation.

On the expiry of 3 years after the seizure of tobacco products, the products they are forfeited to the Crown if not returned to the owner (and the owner has no right of recovery or compensation except as mentioned above), and the Commissioner can sell them by public tender.

PART 6
APPLICATION OF FEES REVENUE

Clause 69: Application of fees revenue
This clause provides that licence fees must be paid into the Consolidated Account. Not less than 5.5 per cent of the amount collected by way of fees for unrestricted tobacco merchants' licences must be paid into the Fund for application in accordance with Part 4 of the measure.

PART 7
MISCELLANEOUS

Clause 70: Exemptions
This clause empowers the Governor, by proclamation, to grant exemptions from the operation of provisions of the measure.

Clause 71: Delegation
This clause empowers a Minister and the Commissioner to delegate or subdelegate powers or functions under the measure to any person or body and allows delegated powers and functions to be subdelegated.

Clause 72: Register of licences

This clause requires the Minister to keep a register of licensees and make it available for public inspection.

Clause 73: Unlawful holding out as tobacco merchant

This clause makes it an offence for a person who is not a licensed tobacco merchant to hold himself or herself out as a licensed tobacco merchant. The maximum penalty is a $50 000 fine.

Clause 74: False or misleading information

This clause makes it an offence for a person to make a statement that is false or misleading in a material particular in any information furnished, or record kept, under the measure. The maximum penalty is a $50 000 fine.

Clause 75: Minister may require verification of information

This clause empowers the Minister or the Commissioner to require that information furnished under the measure to be verified by statutory declaration and makes it an offence for a person to fail, without reasonable excuse, to comply with such requirement. The maximum penalty is a $20 000 fine.

Clause 76: Report from police

This clause requires the Commissioner of Police to provide to the Minister, at the request of the Minister, any information required by the Minister for the purpose of determining an application for a licence or whether a licence should be suspended or cancelled.

Clause 77: Confidentiality

This clause makes it an offence for person to divulge information relating to information obtained (whether by that person or someone else) in the administration of the measure except—

- as authorised by or under the measure; or
- with the consent of the person from whom the information was obtained or to whom the information relates; or
- in connection with the administration or enforcement of the measure; or
- to an officer of a State or Territory, or of the Commonwealth, employed in the administration of laws relating to taxation or customs; or
- for the purpose of legal proceedings arising out of the administration or enforcement of the measure.

The maximum penalty is a $10 000 fine.

Clause 78: General defence

This clause provides that it is a defence against the measure if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Clause 79: Immunity from personal liability

This clause protects the Commissioner, members of the Trust, employees of the trust, members of advisory committees, authorised officers and other persons engaged in the administration of the measure from personal liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under the measure.

Clause 80: Offences by bodies corporate

This clause provides that if a body corporate is guilty of an offence against the measure, each director of the body corporate is, subject to the general defence in clause 77, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 81: Prosecutions

This clause provides that proceedings for an offence against the measure must be commenced within five years after the date on which the offence is alleged to have been committed.

Clause 82: Recovery of amounts payable under Act

This clause empowers the Commissioner to recover amounts payable under the measure as debts due to the Crown.

Clause 83: Recovery of amounts from third parties

This clause empowers the Commissioner to recover amounts payable under the measure from third parties instead of from the indebted person.

Clause 84: Evidence

This clause provides evidentiary aids.

Clause 85: Service

This clause sets out the manner in which service of notices, orders and other documents may be effected.

Clause 86: Regulations

This clause empowers the Governor to make regulations.

SCHEDULE 1

Declaration by person purchasing from class B licensee

Form 1 is the form of declaration to be made under clause 22 of the measure by a purchaser of tobacco products by retail from a class B tobacco merchants' licensee if the purchaser holds a consumption licence or is purchasing on behalf of a person who holds such a licence.

Form 2 is the form of declaration to be made if the purchaser does not hold a consumption licence or is purchasing on behalf of a person who does not hold such a licence. It contains an acknowledgment that it is an offence for a person to consume the tobacco products that are the subject of the declaration unless the person holds a consumption licence. It also contains an undertaking that if the declarant, the declarant's principal or a person acting with the consent of the declarant or declarant's principal, consumes these products in contravention of the measure, the declarant will pay an expiation fee of $315.

SCHEDULE 2

Repeal and Transitional Provisions

Clause 1 repeals the *Tobacco Products Control Act 1986* and the *Tobacco Products (Licensing) Act 1986*.

Clause 2 continues consumption licences and tobacco merchants' licence in force immediately before the repeal of the *Tobacco Products (Licensing) Act 1986* as such licences under the measure until the end of the period for which they were granted. Restricted licences continue as restricted class A licences. Unrestricted licences continue as unrestricted class A licences.

Clause 3 ensures that the requirements imposed under clause 25 of the measure to keep records in relation to tobacco products apply in relation to tobacco merchandising and transporting of tobacco products whether occurring before or after the commencement of that provision.

Mr QUIRKE secured the adjournment of the debate.

GAS BILL

The Hon. S.J. BAKER (Minister for Energy) obtained leave and introduced a Bill for an Act to regulate the gas supply industry; to make provision for safety and technical standards for gas installations and gas appliances; to repeal the Gas Act 1988; to amend the Local Government Act 1934; and for other purposes. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill repeals the *Gas Act 1988*. The proposed new Act is to provide for the regulation of distribution networks including liquefied petroleum gas reticulation networks and safety and technical standards to be complied with in relation to both gas infrastructure and gas installations.

The Bill is introduced as part of the Government's commitment to gas sector reform to ensure competition in the sector against a national background of legislative and other reforms for the creation of a national gas market to provide greater customer choice and improved services.

South Australia supports these national changes and the Government welcomes the onset of national competition with the potential benefits that this offers.

In order to make energy regulation more consistent and its administration more efficient in South Australia there is a substantial similarity with the *Electricity Act 1996*.

A fundamental element of this Bill is the creation of a Technical Regulator. Currently the Gas Company, as the only reticulator and retailer of gas, has been largely responsible for the technical standards and ensuring compliance with safety aspects relating to gas use in the State.

While the Gas Company has been doing a commendable job in this area, under the reform initiatives agreed to by CoAG, the current structure in South Australia whereby the Gas Company provides gas and undertakes regulation activities is no longer appropriate.

The introduction of free and fair trade in a national gas market will require a Regulator independent of the gas industry whose role it will be to monitor and ensure compliance with a number of safety and technical aspects relating to gas transport and use in the State including gas quality, reliability of supply, metering and billing accuracy.

The Technical Regulator and the Office of Energy Policy will now have those responsibilities.

The Bill provides for the licensing of participants in the supply of gas. Under the existing Act the only licence required is to 'carry on the business of supplying reticulated gas' as the licensed gas supplier currently owns and operates the reticulation network and sells gas to the consumer.

As a precursor to providing access to infrastructure or infrastructure services to increase competition and to ensure adequate distribution system safety it is necessary to deal separately with the functions of selling gas and the operation of distribution networks.

As a consequence the Bill provides for a new category of licence to carry on the operation of a distribution system. The fee for such a licence is related to the cost of government regulation by the Technical Regulator of the gas safety and technical standards of the distribution system, including the administration of the licensing system.

The impacts from the licensing and technical regulation provisions in the Bill are not anti-competitive. The benefits from the legislation of establishing proper standards of safety, reliability and quality in the gas supply industry and a uniform standard of safety for the gas fitting work do, as a whole, outweigh the costs involved.

Those benefits include the cost savings to the community due to:

- reducing the possibilities of fires or fatalities as a result of sub-standard work;
- ensuring maintenance of reasonable commercial standards for security, reliability of supply, and quality of energy supplied to consumers;
- the monitoring of industry participants to ensure they observe appropriate levels of performance with respect to the safety and technical measures expected by gas consumers.

The Bill contains provisions with respect to a Pricing Regulator who will fix a range of prices for non-contestable customers—provisions that are transitional until all customers are contestable.

These provisions are designed to prevent the possibility of unsubstantiated price increases to non-contestable customers. The advent of third party access and competition will lead to the provisions' removal.

There is no intention to impose maximum pricing on LPG which is highly a competitive market and is fully contestable.

The Bill provides for consumer protection to be structured into licence conditions by way of supply terms and conditions to apply to such customers, and for appropriate consultation with the Commissioner for Consumer Affairs on such matters.

Provision is made for other protection measures for users of gas in South Australia. Gas, by its nature, has capacity to cause injury and death. Unsafe installations can cause property damage. It is critical that safety standards are appropriate in the gas industry and are enforced.

Complementing this is the requirement in the Bill for the reporting of accidents involving gas. The information gained from such reporting will be used to identify problems, and take corrective actions to reduce costs associated with inappropriate standards which result in a large degree of rework. The benefits of such reporting will also be useful in any benchmarking exercise against other regulators.

In continuing to strengthen the current provisions for safety, this Bill introduces a certificate of compliance program relating to gas installations.

These measures will, as the name suggests, provide for the certification by a gas contractor of gas fitting work performed. The certificates will indicate the work done and by whom, and detail the tests performed to ensure the gas safety of the work. This will facilitate the identification of responsibility for faulty work, as well as protect gas contractors from wrongful accusations where a fault is said to stem from their work but in fact does not.

The Bill will also ensure that gas contractors will, in the carrying out of gas fitting work, meet appropriate standards.

The Bill confers on authorised officers the necessary powers to carry out the tasks committed to them.

The Bill provides for the approval and labelling of gas appliances which is in line with the practice of most countries who have appliance import or export arrangements with Australia. This uniform national scheme, which has operated for over 40 years, is industry self-regulating and recognises overseas approval schemes through inter-country Mutual Recognition Agreements.

The safety and technical provisions in the Bill will protect consumers through a reduction in gas-related accidents and reduce costs to consumers and insurance premiums for manufacturers and retailers. The provisions are not anti-competitive in nature and will apply to all market and industry participants in the gas sector.

The reforms contained in the Bill and other measures outlined are intended to foster and encourage major changes in the South Australian gas supply industry. They are designed to protect and promote the interests of the public and the general economy.

I commend the Bill to the honourable members.

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects

The objects of this proposed Act are—

- to promote efficiency and competition in the gas supply industry; and
- to promote the establishment and maintenance of a safe and efficient system of gas distribution and supply; and
- to establish and enforce proper standards of safety, reliability and quality in the gas supply industry; and
- to establish and enforce proper safety and technical standards for gas installations and appliances; and
- to protect the interests of consumers of gas.

Clause 4: Interpretation

This clause contains definitions of words and phrases used in the proposed Act, including distribution system, gas appliance and gas installation.

Clause 5: Crown bound

The proposed Act will bind the Crown.

Clause 6: Environment protection and other statutory requirements not affected

This proposed Act is in addition to and does not derogate from the provisions of the *Environment Protection Act 1993* or any other Act.

PART 2—ADMINISTRATION

DIVISION 1—TECHNICAL REGULATOR

Clause 7: Technical Regulator

There is to be a *Technical Regulator* to be appointed by the Governor.

Clause 8: Functions

The Technical Regulator has the following functions:

- the administration of the licensing system for gas entities; and
- the monitoring and regulation of safety and technical standards in the gas supply industry; and
- the monitoring and regulation of safety and technical standards with respect to gas installations and gas appliances; and
- the establishment and monitoring of standards in respect of services provided by gas entities to consumers; and
- any other functions assigned to the Technical Regulator under this proposed Act.

The Technical Regulator must, in performing any functions of a discretionary nature, endeavour to act in a fair and even-handed manner taking proper account of the interests of participants in the gas supply industry and the interests of consumers of gas.

Clause 9: Delegation

The Technical Regulator may delegate powers to a person or body of persons that is (in the Technical Regulator's opinion) competent to exercise the relevant powers. Such a delegation does not prevent the Technical Regulator from acting in any matter.

Clause 10: Technical Regulator's power to require information

The Technical Regulator may require a person to give the Regulator information in the person's possession that the Regulator reasonably requires for administrative purposes. A person guilty of failing to provide information within the time stated in the notice may be liable to a fine of $10 000.

Clause 11: Obligation to preserve confidentiality

The Technical Regulator is under an obligation to preserve the confidentiality of any information gained in the course of administering the proposed Act that could affect the competitive position of a gas entity or other person or that is commercially sensitive for some other reason.

Clause 12: Executive committees

Regulations may be made to establish an executive committee to exercise specified powers and functions of the Technical Regulator.

Clause 13: Advisory committees

The Minister or the Technical Regulator may establish an advisory committee to advise the Minister or the Technical Regulator (or both) on specified aspects of the administration of this proposed Act.

Clause 14: Annual report

The Technical Regulator must deliver to the Minister a report on the Technical Regulator's operations in respect of each financial year and the Minister must cause a copy of the report to be laid before both Houses of Parliament.

DIVISION 2—PRICING REGULATOR

Clause 15: Pricing Regulator

There is to be a *Pricing Regulator* who is to be a Minister of the Crown appointed by the Governor.

Clause 16: Functions

The Pricing Regulator has the gas price fixing functions assigned to the Pricing Regulator under proposed Part 3.

Clause 17: Pricing Regulator's power to require information

The Pricing Regulator may require a person to give the Regulator information in the person's possession that the Regulator reasonably requires for administrative purposes. A person guilty of failing to provide information within the time stated in the notice may be liable to a fine of $10 000.

Clause 18: Obligation to preserve confidentiality

The Pricing Regulator is under an obligation to preserve the confidentiality of information that could affect the competitive position of a gas entity or other person or that is commercially sensitive for some other reason.

PART 3—GAS SUPPLY INDUSTRY

DIVISION 1—LICENSING OF GAS ENTITIES

Clause 19: Requirement for licence

A person who carries on operations in the gas supply industry for which a licence is required without holding a licence authorising the relevant operations is guilty of an offence. (Penalty: $50 000).

Clause 20: Application for licence

An application for the issue or renewal of a licence must be made to the Technical Regulator.

Clause 21: Consideration of application for issue of licence

The Technical Regulator has, subject to this proposed provision and the regulations, discretion to issue licences on being satisfied as to the suitability of the applicant to hold a particular licence. Examples of the matters that the Technical Regulator may consider are the applicant's previous commercial and other dealings and the standard of honesty and integrity shown in those dealings and the financial, technical and human resources available to the applicant.

Clause 22: Authority conferred by licence

A licence authorises the person named in the licence to carry on operations in the gas supply industry in accordance with the terms and conditions of the licence. The operations authorised by a licence need not be all of the same character but may consist of a combination of different operations for which a licence is required.

Clause 23: Licence term and renewal

A licence is granted for a term (not exceeding 10 years) stated in the licence and is, subject to the conditions of the licence, renewable.

Clause 24: Licence fees and returns

A person is not entitled to the issue or renewal of a licence unless the person first pays to the Technical Regulator the annual licence fee or the first instalment of the annual licence fee. (Annual licence fees may, in some cases, be payable in instalments.)

The holder of a licence issued for a term of 2 years or more must—

- in each year lodge with the Technical Regulator, before the date prescribed for that purpose, an annual return containing the information required by the Technical Regulator by condition of the licence or by written notice; and
- in each year pay to the Technical Regulator, before the date prescribed for that purpose, the annual licence fee, or the first instalment of the annual licence fee.

Clause 25: Licence conditions

A licence held by a gas entity will be subject to—

- conditions determined by the Technical Regulator requiring compliance with specified standards or codes or other safety or technical requirements; and
- conditions determined by the Technical Regulator requiring the entity to produce and implement plans and procedures relating to safety and technical matters and to conduct compliance audits; and
- conditions relating to the financial or other capacity of the entity to continue operations for the term of the licence; and
- any other conditions determined by Technical Regulator.

Clause 26: Licences authorising retailing

A licence authorising a gas entity to carry on retailing of gas may confer on the entity an exclusive right to sell and supply gas to non-contestable consumers within a specified area and be subject to conditions (in addition to any imposed under proposed section 25) requiring—

- standard contractual terms and conditions to apply to the sale and supply of gas to non-contestable consumers or consumers of a prescribed class; and
- the entity to comply with specified minimum standards of service in respect of non-contestable consumers or consumers of a prescribed class and requiring monitoring and reporting of levels of compliance with those standards; and
- a specified process to be followed to resolve disputes between the entity and consumers as to the sale and supply of gas.

The Technical Regulator must, on the grant of a exclusive retailing rights, and before determining, varying or revoking conditions under, consult with and have regard to the advice of the Commissioner for Consumer Affairs and any advisory committee established under proposed Part 2 for that purpose.

Clause 27: Offence to contravene licence conditions

There is a penalty of $50 000 if a gas entity contravenes a condition of its licence.

Clause 28: Notice of licence decisions

The Technical Regulator must give an applicant for the issue or renewal of a licence written notice of any decision on the application or affecting the terms or conditions of the licence.

Clause 29: Variation of licence

The Technical Regulator may vary the terms or conditions of a gas entity's licence by written notice to the entity.

Clause 30: Transfer of licence

A licence may be transferred with the Technical Regulator's agreement (with or without conditions imposed).

Clause 31: Surrender of licence

A gas entity may surrender its licence.

Clause 32: Register of licences

The Technical Regulator must keep a register of the licences issued to gas entities under this proposed Act.

DIVISION 2—GAS PRICING

Clause 33: Gas pricing

The Pricing Regulator may, from time to time fix a maximum price, or a range of maximum prices, for the sale of gas to non-contestable consumers. Such a notice may be limited in application, or have varying application, according to factors specified in the notice.

The Pricing Regulator may, from time to time, publish principles and guidelines that he or she will observe or take into account in fixing prices.

A gas entity must not charge a price for the sale of gas to non-contestable consumers that exceeds an applicable maximum price fixed by the Pricing Regulator. (Penalty: $50 000.)

DIVISION 3—STANDARD TERMS AND CONDITIONS FOR RETAILING OF GAS

Clause 34: Standard terms and conditions for retailing of gas

A gas entity may, from time to time, fix standard terms and conditions governing the supply of gas by the entity to non-contestable consumers or consumers of a prescribed class. These standard terms and conditions are contractually binding.

DIVISION 4—PROTECTION OF PROPERTY IN GAS INFRASTRUCTURE

Clause 35: Gas infrastructure does not merge with land

In the absence of agreement in writing to the contrary, the ownership of a pipe or equipment is not affected by the fact that it has been laid or installed as gas infrastructure in or under land.

Clause 36: Seizure and dismantling of gas infrastructure

Gas infrastructure cannot be seized and dismantled system in execution of a judgment. However, this proposed section does not prevent the sale of a distribution system as a going concern in execution of a judgment.

DIVISION 5—TEMPORARY GAS RATIONING

Clause 37: Temporary gas rationing

If for any reason the volume of gas available for supply through a distribution system is insufficient to meet the requirements of all consumers who draw gas from that system—

- the Minister may, by notice in writing to the gas entity by which the system is operated, give directions to ensure the most efficient and appropriate use of the available gas; and
- the Minister may, by notice published in such manner as may be appropriate in the circumstances, direct consumers not to draw gas from the system except for the purposes (if any) allowed by the directions.

Such a direction will operate for a period (not exceeding 30 days) specified in the notice by which the direction is given. No civil liability arises from compliance with a direction under this proposed section but a person who fails to comply with such a direction is guilty of an offence.

(Maximum penalty: If the person is a gas entity—$50 000. In any other case—$2 500. Expiation fee (if the person is not a gas entity): $210.)

DIVISION 5—SUSPENSION OR CANCELLATION OF LICENCES

Clause 38: Suspension or cancellation of licences

The Technical Regulator may, if satisfied that the holder of a licence—

- obtained the licence improperly; or
- the holder of a licence has been guilty of a material contravention of a requirement imposed by or under this proposed Act or any other Act in connection with the operations authorised by the licence; or
- the holder of a licence has ceased to carry on operations authorised by the licence; or
- there has been any act or default such that the holder of a licence would no longer be entitled to the issue of such a licence,

suspend or cancel the licence.

DIVISION 6—TECHNICAL REGULATOR'S POWERS TO TAKE OVER OPERATIONS

Clause 39: Power to take over operations

If a gas entity contravenes this proposed Act, or a gas entity's licence ceases, or is to cease, to be in force without renewal and it is necessary to take over the entity's operations (or some of them) to ensure an adequate supply of gas to consumers, the Governor may make a proclamation authorising the Technical Regulator to take over the entity's operations or a specified part of the entity's operations.

Clause 40: Appointment of operator

When such a proclamation is made, the Technical Regulator must appoint a suitable person (the operator) (who may, but need not, be a gas entity) to take over the relevant operations on agreed terms and conditions. It is an offence for a person to obstruct the operator in carrying out his or her responsibilities or not to comply with the operator's reasonable directions (penalty: $50 000).

DIVISION 7—DISPUTES

Clause 41: Disputes

If a dispute arises as to the activities of a gas entity, a party to the dispute may ask the Technical Regulator (who has a discretion whether to mediate or to decline to mediate) to mediate in the dispute. This proposed section is not intended to provide an exclusive method of dispute resolution.

PART 4—GAS ENTITIES' POWERS AND DUTIES

DIVISION 1—GAS OFFICERS

Clause 42: Appointment of gas officers

A gas entity may (subject to the conditions of the entity's licence) appoint a person to be a gas officer to exercise powers under this proposed Act subject to the conditions of appointment and any directions given to the gas officer by the entity.

Clause 43: Conditions of appointment

A gas officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position on the conditions stated in the instrument of appointment.

Clause 44: Gas officer's identity card

Each gas officer must be issued with an identity card in a form approved by the Technical Regulator.

Clause 45: Production of identity card

A gas officer must produce his or her card for inspection before exercising any of his or her powers.

DIVISION 2—POWERS AND DUTIES RELATING TO GAS INFRASTRUCTURE

Clause 46: Acquisition of land

A gas entity may acquire land in accordance with the *Land Acquisition Act 1969*. However, a gas entity may only acquire land by compulsory process under the *Land Acquisition Act 1969* if the acquisition is authorised in writing by the Minister.

Clause 47: Power to carry out work on public land

Subject to this proposed section, a gas entity may—

- install gas infrastructure on public land; or
- operate, maintain, repair, alter, add to, remove or replace gas infrastructure on public land; or
- carry out other work on public land for the generation, distribution or supply of gas.

Clause 48: Power to enter for purposes related to gas entity's infrastructure

A gas officer for a gas entity may, at any reasonable time, enter and remain on land—

- to carry out preliminary investigations in connection with the installation of gas infrastructure; or
- where gas infrastructure is situated—to inspect, operate, maintain, repair, alter, add to, remove or replace the infrastructure or to carry out work for the protection of the infrastructure or the protection of public safety.

A gas officer must be accompanied by a member of the police force when entering a place under a warrant and, if it is practicable to do so, when entering a place by force in an emergency.

DIVISION 3—POWERS RELATING TO GAS INSTALLATIONS

Clause 49: Entry to inspect, etc., gas installations

A gas officer for a gas entity may, at any reasonable time, enter and remain in a place to which gas is, or is to be, supplied by the entity—

- to inspect gas installations in the place to ensure that it is safe to connect or reconnect gas supply; or
- to take action to prevent or minimise a gas hazard; or
- to investigate suspected theft of gas.

If in the opinion of a gas officer a gas installation is unsafe, he or she may disconnect the gas supply to the place in which the installation is situated until the installation is made safe to his or her satisfaction. A gas officer must, if it is practicable to do so, be accompanied by a member of the police force when entering a place by force in an emergency.

Clause 50: Entry to read meters, etc.

A gas officer for a gas entity may, at any reasonable time, enter and remain in a place to which gas is, or is to be, supplied by the entity—

- to read, or check the accuracy of, a meter for recording consumption of gas; or
- to install, repair or replace meters, control apparatus and other gas installations in the place.

Clause 51: Entry to disconnect supply

A gas officer who has proper authority to disconnect a gas supply to a place may, at any reasonable time, enter and remain in the place to disconnect the gas supply.

Clause 52: Disconnection of supply if entry refused

If a gas officer seeks to enter a place under this proposed Division and entry is refused or obstructed, the gas entity may, by written notice to the occupier of the place, ask for consent to entry stating the reason and the date and time of the proposed entry. If entry is again refused or obstructed, the entity may disconnect the gas supply to the place.

The gas entity must restore the gas supply if the occupier consents to the proposed entry and pays the appropriate reconnection fee and it is safe to restore the supply.

DIVISION 4—POWERS AND DUTIES IN EMERGENCIES

Clause 53: Gas entity may cut off gas supply to avert danger

A gas entity may, without incurring any liability, cut off the supply of gas to any region, area, land or place if it is, in the entity's opinion, necessary to do so to avert danger to person or property.

Clause 54: Emergency legislation not affected

Nothing in this proposed Act affects the exercise of any power, or the obligation of an electricity entity to comply with any direction, order or requirement, under the *Emergency Powers Act 1941*, *Essential Services Act 1981*, *State Disaster Act 1980* or the *State Emergency Service Act 1987*.

PART 5—SAFETY AND TECHNICAL ISSUES

DIVISION 1—GAS INFRASTRUCTURE, GAS INSTALLATIONS AND GAS FITTING WORK

Clause 55: Responsibility of owner or operator of gas infrastructure or gas installation

It is an offence if a person who owns or operates gas infrastructure or a gas installation does not take steps to ensure that the infrastructure or installation complies with (and is operated in accordance with) the technical and safety requirements or that the infrastructure or installation is safe and safely operated. (Penalty: $50 000.)

Clause 56: Certain gas fitting work

A person who carries out work on a gas installation or proposed gas installation must ensure that—

- the work is carried out as required under the regulations; and
- examinations and tests are carried out as required under the regulations; and
- the requirements of the regulations as to notification and certificates of compliance are complied with.

(Penalty: $5 000. Expiation fee: $315.)

Clause 57: Power to require rectification, etc., in relation to gas infrastructure or gas installations

The Technical Regulator may give a direction requiring rectification, the temporary disconnection of the gas supply while rectification work is carried out or the disconnection and removal of gas infrastructure or a gas installation if it is unsafe or does not comply with this proposed Act. Failure to comply sith such a direction may result in necessary action being taken to rectify the situation and a fine of $10 000.

Clause 58: Reporting of accidents

If an accident happens that involves gas caused by the operation or condition of gas infrastructure or a gas installation, the accident must be reported as required under the regulations and the infrastructure or installation must not be altered or interfered with unnecessarily by any person so as to prevent a proper investigation of the accident. (Maximum penalty: $2 500. Expiation fee: $210.)

DIVISION 2—GAS APPLIANCES

Clause 59: Interpretation

This clause contains words and phrases used in this proposed Division. The Technical Regulator may, by public notice—

- declare a specified class of gas appliances for the purposes of this proposed Division;
- vary or revoke a declaration previously made under this proposed subsection.

Clause 60: Approval and labelling of gas appliances

A trader must not sell a gas appliance of a declared class unless—

- it is of a kind approved by a declared body or the Technical Regulator; and
- it is labelled, under the authority of the declared body or the Technical Regulator, to indicate that approval.

(Penalty: $5 000. Expiation fee: $315.)

This proposed section does not apply to the sale of second-hand goods.

Clause 61: Prohibition of sale or use of unsafe gas appliances

If, in the Technical Regulator's opinion, a gas appliance of a particular class is or is likely to become unsafe in use, the Regulator may prohibit the sale or use (or both sale and use) of gas appliances of the relevant class.

If, in the Technical Regulator's opinion, a gas appliance of a particular class is, or is likely to become unsafe in use, the Regulator may require traders who have sold the appliance in the State—

- to take specified action to recall the appliance from use; and
- to take specified action to render the appliance safe; or
- if it is not practicable to render the appliance safe or the trader chooses not to do so—to refund the purchase price on return of the appliance.

A person must not contravene or fail to comply with a prohibition or requirement under this proposed section. (Penalty: $10 000.)

PART 6—ENFORCEMENT

DIVISION 1—APPOINTMENT OF AUTHORISED OFFICERS

Clause 62: Appointment of authorised officers

The Technical Regulator may appoint suitable persons as authorised officers subject to control and direction by the Technical Regulator.

Clause 63: Conditions of appointment

An authorised officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position on the conditions stated in the instrument of appointment.

Clause 64: Authorised officer's identity card

Each authorised officer must be given an identity card.

Clause 65: Production of identity card

An authorised officer must, before exercising a power in relation to another person, produce the officer's identity card for inspection by the other person.

DIVISION 2—AUTHORISED OFFICERS' POWERS

Clause 66: Power of entry

An authorised officer may, as reasonably required for the purposes of the enforcement of this proposed Act, enter and remain in any place, accompanied or alone.

Clause 67: General investigative powers of authorised officers

An authorised officer who enters a place under this proposed Part may exercise any one or more of the following powers:

- investigate whether operations are being carried on for which a licence is required;
- examine and test gas infrastructure, gas installation or gas appliance for safety and other compliance with this proposed Act;
- investigate a suspected gas accident;
- investigate a suspected interference with gas infrastructure or a gas installation;
- investigate a suspected theft or diversion of gas;
- take photographs or make films or other records of activities in the place;
- take possession of any object that may be evidence of an offence against this proposed Act.

Clause 68: Disconnection of gas supply

If an authorised officer finds that gas is being supplied or consumed contrary to this proposed Act, the authorised officer may disconnect the gas supply. If a gas supply has been so disconnected, a person must not reconnect the gas supply, or have it reconnected, without the approval of an authorised officer.

Clause 69: Power to make gas infrastructure or gas installation safe

If an authorised officer finds that gas infrastructure or a gas installation is unsafe, the officer may—

- disconnect the gas supply or give a direction requiring the disconnection of the gas supply;
- give a direction requiring the carrying out of the work necessary to make the infrastructure or installation safe before the gas supply is reconnected.

Failure to comply with such a direction or to reconnect the gas supply without authority will attract a penalty of $10 000.

Clause 70: Power to require information

An authorised officer may require a person to provide information or produce documents in the person's possession relevant to the enforcement of this proposed Act. Failure, without reasonable excuse, to comply with a requirement under this proposed section may lead to a fine of $10 000. However, a person is not required to give information or produce a document if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

PART 7—REVIEW OF DECISIONS AND APPEALS

Clause 71: Review of decisions by Technical Regulator

An application may be made to the Technical Regulator—

- by an applicant for the issue, renewal or variation of a licence for review of a decision of the Technical Regulator to refuse to issue, renew or vary the licence; or
- by a gas entity for review of a decision of the Technical Regulator to suspend or cancel the entity's licence or to vary the terms or conditions of the entity's licence; or
- by a person to whom a direction has been given under this proposed Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
- by a person affected by the decision for review of a decision of an authorised officer or a gas officer to disconnect a gas supply.

The administrative details of implementing such an appeal are set out.

Clause 72: Stay of operation

The Technical Regulator may stay the operation of a decision that is subject to review or appeal under this proposed Part unless to do so would create a danger to person or property or to allow a danger to person or property to continue.

Clause 73: Powers of Technical Regulator on review

The Technical Regulator may confirm, amend or substitute a different decision on reviewing a disputed decision. Written notice of the decision and the reasons for the decision must be given to the applicant.

Clause 74: Appeal

A person who is dissatisfied with a decision of the Technical Regulator on a review may appeal against the decision to the Administrative and Disciplinary Division of the District Court for a fresh hearing of the matter.

Clause 75: Stay of operation

The Court may stay the operation of a decision that is subject to appeal unless to do so would create a danger to person or property or to allow a danger to person or property to continue.

Clause 76: Powers of Court on appeal

On an appeal, the Court may—

- confirm the decision under appeal; or
- amend the decision; or
- set aside the decision and substitute another decision; or
- set aside the decision and return the issue to the primary decision maker with directions the Court considers appropriate.

No appeal lies from the decision of the Court on an appeal.

PART 8—MISCELLANEOUS

Clause 77: Power of exemption

The Technical Regulator may grant an exemption from this proposed Act, or specified provisions of this proposed Act, on terms and conditions the Regulator considers appropriate.

Clause 78: Obligation to comply with conditions of exemption

A person in whose favour an exemption is given must comply with the conditions of the exemption. (Penalty: $10 000.)

Clause 79: Application and issue of warrant

Application may be made to a magistrate for a warrant to enter a place specified in the application and the magistrate may issue one if satisfied that there are reasonable grounds for doing so.

Clause 80: Urgent situations

Applications may be made to a magistrate for a warrant by telephone, facsimile or other prescribed means if the urgency of the situation requires it.

Clause 81: Unlawful interference with distribution system or gas installation

A person must not, without proper authority—

- attach a gas installation or other thing, or make any connection, to a distribution system; or
- disconnect or interfere with a supply of gas from a distribution system; or
- damage or interfere with gas infrastructure or a gas installation in any other way.

(Penalty: $10 000 or imprisonment for 2 years.)

Clause 82: Unlawful abstraction or diversion of gas

A person must not, without proper authority—

- abstract or divert gas from a distribution system; or
- interfere with a meter or other device for measuring the consumption of gas supplied by a gas entity.

(Penalty: $10 000 or imprisonment for 2 years.)

Clause 83: Notice of work that may affect gas infrastructure

A person who proposes to do work near gas infrastructure must give the appropriate gas entity at least 7 days' notice of the proposed work if—

- there is a risk of equipment or a structure coming into dangerous proximity to gas infrastructure; or
- the work may interfere with gas infrastructure in some other way.

(Penalty: $2 500. Expiation fee: $210.)

If the work is required in an emergency situation, notice must be given of the work as soon as practicable.

Clause 84: Impersonation of officials, etc.

A person must not impersonate an authorised officer, a gas officer or anyone else with powers under this proposed Act. (Penalty: $5 000.)

Clause 85: Obstruction

A person must not, without reasonable excuse, obstruct an authorised officer, a gas officer, or anyone else engaged in the administration of this proposed Act or the exercise of powers under this proposed Act. Neither may a person use abusive or intimidator language to, or engage in offensive or intimidator behaviour towards, an authorised officer, a gas officer, or anyone else engaged in the administration of this proposed Act or the exercise of powers under this proposed Act. (Penalty: $5 000.)

Clause 86: False or misleading information

A person must not make a statement that is false or misleading in a material particular in any information furnished under this proposed Act. The penalty if the person made the statement knowing that it was false or misleading is $10 000. In any other case, the penalty is $5 000.

Clause 87: Statutory declarations

A person may be required to verify information given under the proposed Act by statutory declaration.

Clause 88: General defence

It is a defence to a charge of an offence against this Act if the defendant proves—

- that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care;
- that the act or omission constituting the offence was reasonably necessary in the circumstances in order to avert, eliminate or minimise danger to person or property.

Clause 89: Offences by bodies corporate

If a body corporate is guilty of an offence against this proposed Act, each director of the body corporate is, subject to the general defences, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 90: Continuing offence

Provision is made for ongoing penalties for offences that continue.

Clause 91: Recovery of profits from contravention

If a gas entity profits from contravention of this proposed Act, the Technical Regulator may recover an amount equal to the profit from the entity on application to a court convicting the entity of an offence in respect of the contravention or by action in a court of competent jurisdiction.

Clause 92: Immunity from personal liability for Technical Regulator, authorised officer, etc.

No personal liability attaches to the Technical Regulator, a delegate of the Technical Regulator, an authorised officer or any officer or employee of the Crown engaged in the administration or enforcement of this proposed Act for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this proposed Act. Instead, any such liability lies against the Crown.

Clause 93: Evidence

This clause provides for evidentiary matters in any proceedings.

Clause 94: Service

The usual provision for service of notices or other documents is made in this clause.

Clause 95: Regulations

The Governor may make regulations for the purposes of this proposed Act.

SCHEDULE—REPEAL AND TRANSITIONAL PROVISIONS

The *Gas Act 1988* is repealed and there is a transitional provision dealing with licensed suppliers of gas under the repealed Act and licences under the proposed Act.

Mr QUIRKE secured the adjournment of the debate.

GAS (APPLIANCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 664.)

Mr QUIRKE (Playford): We shall not take up too much time on this matter. In essence, this Bill seeks to ensure that, when the consumer purchases a product, it can be connected to the gas reticulation system in South Australia with a degree of confidence that is necessary in terms of the use of that type of equipment. The Bill also seeks correctly to put the onus of certification on the worker who is doing the work on that system in South Australian households and, at the same time, it brings the worker who is connecting the reticulation system or the appliance under the same provisions as apply to the supply of electricity by an electrical contractor.

We also note that this Bill clearly lays down the right of entry into households to ensure not only that the gas reticulation network is in good order but that work has been done in accordance with this legislation and with the appropriate technical regulations which, no doubt, will be forthcoming. The Opposition sees the necessity of this legislation for the confidence of gas consumers here in South Australia and of those persons who work in this industry and contract out this work. As a consequence, the Opposition will support the passage of this Bill without a Committee stage.

The Hon. S.J. BAKER (Minister for Energy): I thank the member for Playford, who has concisely described the Bill. The world has changed in terms of who takes responsibility. There are requirements under the competition policy that the suppliers of the service cannot also be the regulators of the service, therefore a new set of rules must be put in place. This is one set of rules. It provides a level of comfort, which is absolutely necessary, that the appliance being used be technically efficient and not subject to serious breakdowns or problems that could cause injury. The second string to the bow is that those people who are responsible for installing these appliances be also technically competent to do so. Obviously, they must certify that their work is according to the standards expected. We believe that this will be introduced with a minimum of fuss.

We have had broad ranging discussions with the industry and with the Gas Company. The industry is now rising to the occasion. It does not have the Gas Company to look over its shoulder: it has someone else looking over its shoulder. We are delighted with the support of the Opposition.

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

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 662.)

Ms HURLEY (Napier): This Bill has a number of functions. It improves the liability immunity for councils relying on the opinion of a private certifier. It provides for appeals against the decision of a private certifier and it also serves the function of making absolutely clear when the development is an approved development. Where the private certifier exercises the powers of a council, it makes sure that that private certifier is subject to the same duties and requirements as a council. Importantly, as well, the insurance consideration for consumers is apparently clarified under this arrangement, and I understand that insurance for a 10 year run-off period after the certification is provided for.

Private certifiers have been operating in South Australia for only a reasonably short time. They have been able to provide certificates for building work but then seem to have had little legislative responsibility for what happened after that, and much of the responsibility devolved onto councils, even though they had not inspected or certified the original building work. This Bill allows private certifiers to issue the certificate of occupancy and thus take on the same responsibilities as councils.

I believe that the right of appeal against the decision of private certifiers is also important in this regard. It is very important that appeal provisions prevail for either private certifiers or councils. It ensures that home builders have some certainty in the procedure, whether a council or a private certifier is employed to certify the building work and to certify that their home building complies with building regulations. I believe that there have been several amendments since the draft Bill was put around and that this satisfies the concern of a number of interested parties, both council and private certifiers, and that this Bill is now at a stage where it is seen by most people in the industry as being a progression and improvement on the existing legislation.

I will have a couple of small questions in Committee but the Opposition is, in general, able to support this Bill. We will be indicating that support in Committee, but I need to clarify that provisions exist for a reasonable insurance period if it is a private certifier who has granted the consents.

The Hon. S.J. BAKER (Treasurer): I thank the honourable member for her support and the Opposition's support for the Bill. This is a further amendment relating to private certifiers. As the honourable member has so rightly pointed out, the scheme has run for but a relatively short time, but I have been informed that it is working quite well. One of the issues that was outstanding was that of insurance. The industry itself was not capable of or did not wish to be involved in some level of indemnity for this sort of work. That has now been resolved and, rather than the Bill's reflecting a requirement on the certifier to provide evidence of some insurance, it is now part of the registration system for certifiers.

In terms of ensuring that the private certifier operates appropriately and has adequate insurance, that will be the subject of registration as the new system proceeds. In terms of the levels of insurance, I can take that matter on notice and provide information to the honourable member. I can only assure the House that, now that the scheme is in place, the certification process would ensure that there was adequate insurance as part of that process. But I will obtain the relevant details for the honourable member.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'Authority to be advised of certain matters.'

Ms HURLEY: The Minister alluded to this matter in his reply, but I would like it made perfectly clear. This clause strikes out reference in the principal Act to the provision of evidence of insurance by the private certifier. I would like the Minister to make clear that that is accompanied by a change in the registration scheme to ensure that private certifiers do have the correct insurance.

The Hon. S.J. BAKER: My understanding is that they are all changing over, or have changed over. To operate now, the private certifier has to have that insurance factored into the system.

Clause passed.

Clause 11—'Revocation of s.98.'

Ms HURLEY: This clause removes restrictions on the right of appeal against private certifiers' decisions. What appeal rights are available if people involved with a private certifier, or a council for that matter, have made a wrong decision or a wrong judgment?

The Hon. S.J. BAKER: The appeal provisions are the same as they are for councils, which means that, if you do not like the decision of the private certifier, you go to the Environment and Resources Development Court under the same provision.

Clause passed.

Clause 12 and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. S.J. BAKER (Treasurer): I move:

That the House do now adjourn.

Mr MATTHEW (Bright): I must say at this stage that it feels somewhat unusual to stand in this place and participate in the adjournment debate, because over the past three years, serving during that time as a Minister, I did not have that opportunity. It is always somewhat of a disappointment to be placed in the predicament in which I was placed, a predicament not for committing any misdemeanour or act of inefficiency but for reasons simply of political allegiance at that time. I support strongly the right of any Premier—and that right is retained only by Liberal Premiers—to choose a Cabinet with whom they feel comfortable. It is an absolutely vital power for a Premier to have to ensure that Cabinet can operate in the manner in which the Premier seeks. For that reason, I have made no public comment regarding my feelings at the time because I support strongly the Premier's right to do what he did.

It is common place at such a time to place on the record thanks to the people who assisted me during my time as Minister. I am very proud of the achievements I presided over during my three years in the ministry and those achievements would not have been possible without a dedicated, hardworking team behind me carrying out their duties diligently on behalf of the Government. I take this opportunity to acknow-

ledge them for their efforts. I place on the record the names of those staff to whom I hold this debt. The two chiefs of staff I had during those three years—the first, Mr Mike Newman, and the second, Dan Ryan—performed their work in a manner for which I believe the taxpayer would be grateful, diligently and without complaint. My press secretaries during that time—the first, Mr Keith Blyth, and the second, Mr Sean Whittington—again performed a valuable role for the benefit of the community. My personal secretary for the three years—

The DEPUTY SPEAKER: Order! The member for Spence is not only out of order, he is out of his seat.

Mr MATTHEW: My personal secretary, Mrs Kate Cunningham, and the entire team during that time also worked far more hours than the taxpayer would have paid them for.

Mr Quirke interjecting:

Mr MATTHEW: Usually, it is also customary for members of the Opposition to have the courtesy to let such acknowledgment of efforts made by people to the advantage of the State be put on the record without interruption. I am disappointed that members opposite do not at least follow that normal tradition. I also acknowledge the work of my administrative staff, staff whose names may well be recognised by some Labor members of Parliament for they are staff who are employees of the Public Service (now employed under the PSM Act) and who have worked for both Labor and Liberal members of Parliament. I was very proud to have them on board because they are people whom I regard as being truly professional public servants and who will work to the best of their ability for the betterment of South Australia in a completely bipartisan way.

Those people include my Senior Administrative Officer, Anthony Murphy; my Administrative Officers (three during that period), Lisa Lockwood, Harry Geizinzis and Dawn Thomas; Ian McHenry, Andy Bennett and also the correspondence clerks and typists in the office, Margaret Sparrow, Ms Carmen Gonzalez, Gina Cave, Sonia Kowalski and Michelle Pryse. They are a team of people who have worked incredibly hard over the past three years. I am pleased to say that all the staff who worked for me have new positions of employment, and I have no doubt that their employers will be particularly impressed by their efforts in those new roles.

It is also important to place on record my sincere thanks to the chief executive officers, the management teams and the staff of the agencies for which I was responsible during that time. It is fair to say that most managers—not all, but most—and most staff put in an effort of which I believe the taxpayer of South Australia would be proud and would expect, and that effort assisted in moving the processes of Government forward. For that reason I acknowledge the management and staff of the Police Department, the Department for Correctional Services, the Metropolitan Fire Service, the SA Ambulance Service, the Country Fire Service, the State Emergency Service and also Services SA.

It is also worth putting on record my particular appreciation to the Chief Executive of Services SA, Anne Howe, who presided over the difficult task of amalgamating two Government agencies; that is, amalgamating the former Department of Housing and Construction (SACON) and the former Department of State Services into one agency, State Government Services or Services SA. Without doubt she is one of the finest chief executive officers in Government and, if I could be so discerning, amongst women chief executive officers by far the finest I have had the privilege of working with, a true professional and one who works diligently for the taxpayer and the Government of the day.

While many of the achievements and changes over which I have presided have been placed firmly on the public record and are there for all to see, I will briefly mention some of those again. In Correctional Services I presided over the abolition of Labor's early release system from gaol through the introduction of truth in sentencing, and I am proud that that piece of legislation came into effect from 1 September 1994 and has culminated in longer prison terms for serious offenders commensurate with prison terms served in other States. I have significantly changed the conditions of home detention so that prisoners convicted of serious offences such as rape, murder, robbery with violence, assault and child sex offences were no longer eligible for home detention under this Government as they had been under the previous Government.

I believe that one of the proudest achievements over the past three years has been the reduction of the cost of imprisonment, indeed, a significant reduction to South Australians. At the time we came into office it cost $54 000 per annum (excluding the cost of capital) to keep someone in gaol. That cost has been reduced to $38 000, a reduction of 29 per cent and, based on the numbers presently within the prison system, it is fair to say that those changes have saved $19.6 million in each financial year.

In so far as the ambulance service is concerned, I am particularly proud of the new Patient Transport Service which has been established to ensure that those seeking elective carrier are provided with an efficient, compassionate service and one that is timely, which was not possible under the former Labor Government. I am also very proud of the professional approach taken by ambulance officers and the qualifications that are available to them, including the Diploma of Applied Science in Ambulance Studies, which entrenches in ambulance work a professional qualification. The introduction of the paramedic ambulance service has provided an opportunity that has been seized upon by ambulance officers.

With respect to the Country Fire Service, I am particularly pleased with the streamlining of administration of that organisation and the much stronger support given to Country Fire Service volunteers—all 18 000 of them—who serve their local communities in a way that was a privilege to behold from my point of view, having had the opportunity to witness it at first hand. We have also implemented a debt reduction strategy to reduce Labor's $14 million debt and maladministration in that agency.

In so far as the State Emergency Service is concerned, I am pleased with the separation of that agency from the Police Department. Its more autonomous management and financing structure has enabled that organisation to benefit, in one financial year, to the extent most recently of $100 per volunteer in the State. I am particularly pleased with the structure that has been set in place in the Metropolitan Fire Service. It is a streamlined, more efficient, professional management service, with collocation of both ambulance and fire services at the one site.

With respect to Services SA, I am particularly proud of the agreement that was reached to enable the Commonwealth Bank to finance our State fleet and considerably reduce the cost to taxpayers. I am also pleased that I was able to preside in part over the reduction of the size of the fleet by 25 per cent. It is a privilege to serve as a member of

Parliament, more so as a Minister, and I am pleased to have had that opportunity.

Mrs ROSENBERG (Kaurna): The issue that I raise today follows matters discussed today and yesterday by the member for Mawson concerning policing in the south and general law and order issues that have been raised both publicly and privately in the southern area.

In his speech yesterday and today the member for Mawson mentioned the serious allegation that, in an article, the Messenger Press quoted an official police document, and he used the opportunity of the grievance debate to challenge the Leader of the Opposition to table that document in Parliament. Yesterday the Premier of this State was prepared to table all the documents that the Leader of the Opposition claims the Labor Party has obtained by way of a leak. This is the same situation: if the shoe fits, wear it. We on this side of the House are saying that, if an honourable member is prepared to stand by a document, it should be tabled, and we are asking the Leader of the Opposition to table this document by the end of business tomorrow.

I should like to place on the record my support for a number of issues raised by the member for Mawson, because I have spent some time researching the issues that were raised in the Messenger newspaper. Staffing levels at the Christies Beach Police Station will never satisfy everyone, and the reality is that there is a perception in the community, which can easily be built up, that as long as police are everywhere, crime stops. That is not a reality because the police can do only so much. We cannot stop crime merely by increasing police numbers.

I have a very definite feeling about the way in which the Police Department is operated. Having officers who are specifically designated as traffic police, transit police or patrol police is not the best way to use the numbers within the Police Force. For three years all my southern colleagues and I have spent a considerable amount of time talking to police officers at Christies Beach and at the new Aldinga Police Station, and I am tempted to say that the general feeling is that, if there was less concentration on traffic police dealing only with traffic matters and if they had more flexibility so that they could be called more readily to the support of patrol officers, some of the issues—such as when a patrol has 10 listings waiting to be served—could be taken care of more quickly. That is particularly important on Friday night, Saturday night and when hotels are closing. A number of sensible measures can be taken to make the police more flexible and responsive to the needs of the community, rather than always calling for an increase in numbers.

I turn now to the issues that were raised in the Messenger newspaper and then I will comment on them. The Messenger stated:

> The six page report, believed to be an internal Police Department document, condemns a proposal to force more responsibilities, including breath testing and speed detection, onto general patrols at Christies Beach. Christies Beach police general patrol sergeant, John Liersch, confirmed the accuracy of the report, saying patrol police were expected to carry out both random breath testing and speed detection duties on top of their regular duties.

The Divisional Commander has not received or has no knowledge of the six page report referred to by the Messenger. Sergeant Liersch, identified as the spokesperson by the newspaper, does not have any knowledge of the six page report but confirmed the accuracy of some of the statements that patrols are expected to perform RBT and speed detection duties. The reporter was referred to that particular sergeant in the absence of the Divisional Commander.

The process of performing RBT and speed detection would not prevent patrols from responding to calls in the community. To participate in road safety objectives cannot be defined as neglecting the needs of the community. The report in the Messenger goes on further to state:

> General patrols from the station, which respond to calls for help and keep watch over the community, would be neglected. 'But we do not have the time to do that,' Sergeant Liersch said. 'It is expected that we do these things while we are quiet, but due to the staffing levels we do not get to them. General patrol personnel are continually being told to become more professional. How can you expect anyone to act professionally when they are generally treated as second-class members of the department who are more and more being asked to perform duties outside their primary role?'

It is my belief that to participate in road safety initiatives is considered to be a function of the general duties of patrols and cannot be said to diminish their professional status. However, the importance of road safety in the community has been put aside a little; yet the constituents within my electorate constantly ask for more surveillance, more speed control and more measures to keep people within a certain speed limit on most of our major roads. If one listens to the community, one would be aware that the community expects the police to take a greater role in that area. Patrol personnel have never been expected to perform duties such as road work to the detriment of their other duties. This Liberal Government has made a major commitment to the improvement of road safety, and the police form a natural part of that policy.

The report also states that, while the workload in the area to be covered continues to grow, nothing has been done to alleviate the personnel and logistical problems long associated with the division. The report states that the Christies Beach area has continued to grow at a rapid rate—and, from a police point of view, an alarming rate—and manning levels have continued to deteriorate.

That is absolutely incorrect. In the past 12 months, five general duty police officers and five CIB members have been added to the Christies Beach police division. In addition, a community liaison officer has been appointed within the past three years. The Minister for Police has made it quite clear that staffing numbers will always remain a priority, and he has pointed out that 25 new police recruits graduated on 22 January and there are a further 25 set to graduate in March. I wholeheartedly support the member for Mawson in calling for the Leader of the Opposition to table that document.

I wish to place on the record the inaccuracies of *The Messenger* newspaper article. I also place on the record the achievements of the Liberal Government in my electorate; namely, the opening of the Aldinga Police Station and the Noarlunga Police Station since I have been the member for this area. Further, we have had two youth officers appointed to Christies Beach Police Station, and we had a community liaison officer start at Christies Beach Police Station but who is now located at the Noarlunga Police Station. Almost the entire electorate is now covered by Neighbourhood Watch. If we contrast that record of achievements with Labor's numbers, we find that Labor's numbers were fudged. For example, Labor included in its police figures, simply because they wore a police uniform, those people who shovel horse manure in stables.

By way of personal explanation, I point out that at the end of the grievance debate today the member for Ross Smith

accused me of piling either 'vile' or 'bile' on the member for Torrens simply because I did not think I would be here after the next election. I do not feel that way about the member for Torrens. I simply placed on record statements which she had made in the press which show that the statements made by other members of the Labor Party in the public arena are totally inaccurate. It is my right as a member of Parliament to question other members of Parliament with regard to their honesty.

Motion carried.

At 4.47 p.m. the House adjourned until Thursday 6 February at 10.30 p.m.