HOUSE OF ASSEMBLY

Thursday 30 March 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

SELECT COMMITTEE ON THE MURRAY RIVER

Mr HILL (Kaurna): I move:

That standing order 339 be and remain so far suspended as to enable the Select Committee on the Murray River, established on 18 November 1999, to authorise the disclosure or publication, as it sees fit, of any evidence presented to the committee prior to such evidence being reported to the House.

This is a technical motion which, if passed, would suspend standing order 339. That standing order prevents select committees from revealing the contents of their hearings to the general public or the media. The media and the public can attend the hearings but they are not allowed to report or talk about what they hear.

As we all know, the River Murray is the No. 1 political issue in South Australia at the moment. It seems absurd that we have a select committee of this parliament considering the matters, hearing information from a range of experts and members of the public, and none of it can be discussed. There is a big debate on it and the select committee's material should be part of that debate. I understand that the majority of members of the committee are sympathetic to allowing that material to be put out into the public arena, so I encourage them and the whole House to support this motion. I hope that the government will allow this motion to be voted on so that the select committee, which meets again within a few days, can be an open meeting.

The Hon. D.C. WOTTON (Heysen): I support the motion. As we have said so many times in this place, there can be no greater issue than that of working through the problems of the River Murray and, because of the immense amount of interest that there is in the community on this subject, it is appropriate that the media be kept informed, whether through their attendance at meetings or through a continuation of interim reports. I support the motion in its present form.

Mr LEWIS (Hammond): Lest anyone misunderstand my acquiescence on the matter, I make my remarks before the vote is taken, if there is a vote other than on the voices, and it seems that there will not be. The point I make is that it ought not to be seen as a precedent, given that, if it passes, it will not be setting a precedent but reinforcing a prior decision of the House in recent times.

Select committees ought not to be committees that have their proceedings reported as they occur because they are intended to enable members to get information that goes to the truth of the matter, which can often be embarrassing to other parties, be it politically, socially or commercially. That is why standing order 339 was established: because select committees were different from standing committees of the parliament in that they looked at a specific vexatious matter of great public import and, through their process, enabled clearer understanding of the facts relevant to that matter, facts upon which opinion could then be determined through debate or put forward in the course of debate.

If we open our select committee process to the press on an ongoing basis by continuing to move that standing order 339 be suspended and create the expectation in the press's mind that select committees are no different from standing committees of the parliament, or to the parliament's proceedings themselves, we will be doing ourselves a disservice and we will be doing the institution of parliament a disservice. We will show that we do not understand the conventions that have been entrusted to us by members of Westminster parliaments who have gone before us and established the convention, and established it in their standing orders.

I know that there are other members in this place who would agree with those sentiments when they reflect upon the issue but, if they do not think about it now as I am asking them to, and even perhaps speak about it and make the point in the record that it ought not to be seen as a precedent, we will reach the point where the press bullies us into opening the proceedings of all select committees as a matter of course and ultimately repeal standing order 339, and that would be very foolish indeed. It would take away from us the power we have to obtain that vital factual information from any source in our community in South Australia at no cost to the public, and to enable public policy on such matters then to be debated in light of facts, which were discovered by and reported to the House by a select committee.

I share the view that has been expressed in this instance that it is desirable for the public to be informed of the progress of the select committee in discovering those facts now, and I doubt that any member of the select committee would engage in straight-out political opportunism in debate in doing so. The reason that the member for Kaurna has moved this motion and, furthermore, the reason that the Chairman of Committees and Deputy Speaker has spoken in favour of it, is that it is a matter of such great importance to the future of South Australia (that is, the River Murray, as a source of water not only for potable purposes and irrigation but for recreational activity and to ensure the survival of that riverine environment), that we all ought to be made aware of the facts as they are presented to the committee by the people who come along as experts, or people who offer themselves as experts, and give evidence to it and encourage wider understanding and debate of the issue and how best to achieve the outcomes that are desired.

I do not go for the merits either way of that argument. It is not a part of an argument in any case. What matters about it is that, first, there is such a lot of information that it ought to go into the public domain as it comes to the select committee and that it is going to take a long time, probably longer than most other select committees to get that information, given the constraints on our time and on the time of the people who want to talk to the committee and provide the committee with that vital factual information. It is for that reason, and that reason alone, that I would acquiesce in the face of the proposition to suspend standing order 339. I see it as in the public interest in this instance.

In conclusion, it was my preferred option, and still would be, but I find no support for it, that the select committee make interim reports. I am heartened by the nodding from members, and indeed one member has quietly interjected to me, the Chairman of Committees and Deputy Speaker, who says that is the way he would prefer it to happen in any case. We would release interim reports to the House very frequently through you, Sir, when the House is not sitting so that those subjects which have been canvassed can be reported by the press from that point onwards. That will stop, in my

judgment, the unfortunate consequence of having someone appear before the committee, who makes outrageous statements that are factually unsound, from getting a cheap headline for their appearance before the committee and thereby in that nefarious activity distracting public attention and the focus of the debate from the main game. Altogether, I am happy to see the motion pass and to leave the responsibility for determining the process by which the information gets into the public domain to the committee itself.

The Hon. G.M. GUNN (Stuart): I move:

That the debate be adjourned.

The House divided on the motion:

AYES (1)

Gunn, G.A. (teller)

NOES (45)

Armitage, M. H.	Atkinson, M. J.
Bedford, F.E.	Breuer, L.R.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Clarke, R.D.
Condous, S. G.	Delaine, M.R.
Evans, I. F.	Foley, K.O.
Geraghty, R.K.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J.D. (teller)	Hurley, A.K.
Ingerson, G. A.	Kerin, R. G.
Key, S.W.	Kotz, D. C.
Koutsantonis, T.	Lewis, I. P.
Matthew, W. A.	Maywald, K.A.
McEwen, R.J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rankine, J.M.
Rann, M.D.	Scalzi, G.
Snelling J.J.	Stevens, L.
Such, R. B.	Thompson, M.G.
Venning, I. H.	White, P.L.
Williams M.R.	Wotton, D. C.
Wright, M.J.	

Majority of 44 for the Noes.

Motion thus negatived.

The Hon. G.M. GUNN (Stuart): I would have preferred another course of action because I have some reservations about this particular exercise which we are going through. I well recall the honourable member's activities on another select committee when we had a similar motion. The purpose of the motion in this case is nothing to do with getting a good result but, rather, a measure to endeavour to attract political points so that they can brief the media and cause political skulduggery and nonsense, nothing to do with good government, nothing to do with resolving the issue, but purely the ability to make a political point. I will not be party to it.

If the select committee determines, it can release the matter in any event, but this is nothing more than a stunt so that the honourable member and some of his cohorts can call witnesses which they think are likely to embarrass the government, tell half the story and then run it out to the media. That is what the exercise is. I will not be party to it, even if I am the only one. I have been around this place for a day or two and I know the sort of political activities it can involve. I say to the honourable member that, yes, he is one of the more astute members of the opposition and he is endeavouring to build a platform so that he can progress. I know the member for Hart does not want to him any closer to the front bench.

However, this move to suspend standing order 339 is neither necessary nor desirable. The whole role of a select committee is to carefully take evidence, examine the issues put before it, and in the fullness of time, out of the glare of publicity and political controversy, bring to the parliament a set of well thought out and considered recommendations which will be in the interest of the people of South Australia.

Mr Speaker, I take it that there is a slight problem with the clock. I am very happy to talk for the next 30 minutes if you would like me to. I do not know whether others want me to, but I am quite happy to do that. I have the standing orders here so I could give the House my views on every clause.

Mr Hill interjecting:

The Hon. G.M. GUNN: I will. From my recollection of the Standing Orders Committee, I had only one meeting. I did not think it was necessary to have any more.

Mr Hill interjecting:

The Hon. G.M. GUNN: We had one nonsensical meeting. I did not think it was necessary to have any more. However, I do not believe that this motion is necessary. We should not been be debating it. I do not think it will do anything to improve the standard of debate in the select committee, the evidence coming before it or, more importantly, the end result. My concern is the end result.

I want to see a set of recommendations put to this parliament that will improve the Murray River, a problem that all South Australians and Australians should be concerned about, and it should be done in the most careful and responsible manner. We should avoid unnecessary sensationalism or political point-scoring which will not do anything to solve the problem. Therefore, I do not believe that this motion has anything to do with solving the problem, or about ensuring that everyone acts responsibly, or about making sure that the witnesses that appear before the committee give evidence that is factual and not designed to seek a headline or to embarrass anyone. The whole purpose should be to solve the problem, not only the short-term difficulties but the long-term difficulties facing the people in the Riverland.

As one of the members in this House who represents a small section of the Murray River, I am most concerned to see that the committee has constructive, well thought-out evidence put to it, and at the end of the day brings to this chamber hopefully a unanimous report which will have recommendations that the parliament and the government can agree to and implement so that we immediately redress the wrongs of the past and get on with the job of ensuring that South Australia does have a future. If the Murray River's problems are not fixed, I am very concerned about what will happen in respect of the long-term future development of this State. Large parts of my electorate and other parts rely on the Murray River for their water supply, and it is absolutely essential that we look after the quality and quantity of water.

I do not believe that this motion has anything to do with solving the problem. It has a lot to do with the honourable member's campaign to assume greater responsibility within the ranks of the opposition—

The SPEAKER: Order! I bring the member back to the text of the motion, which is in relation to the suspension of standing orders.

The Hon. G.M. GUNN: I thought that that point was the most significant I had made. Here we have the member for Kaurna, one of the whiz-kids and planners of the Labor Party, using this motion so that he can shift further along the bench.

I thought that was about 50 per cent of the basis of this motion. However, I will accept your guidance, Mr Speaker, because I do not want in any way to disrupt the proceedings of the House or take up time unnecessarily.

An honourable member interjecting:

The Hon. G.M. GUNN: I know that the honourable member has had a difficult day. We do feel for her, but in this world, when somebody hands a bit out, you must wait for your opportunity and hand it back—and make sure that you give them a bit of compound interest as well!

The Hon. D.C. Wotton: That is exactly what standing order 339 is all about!

The Hon. G.M. GUNN: That is right, that is what this is all about. The honourable member wants to use standing order 339 to cause maximum disruption and difficulty for the government. I will not be party to that under any circumstances. I want to see a good result that will benefit the people of South Australia.

This is the second occasion on which the member for Kaurna has engaged in this activity. I well recall when the Labor Party minders were out in the corridors trying to jig up the press, but he just forgot one thing: the rest of us were not going to have anything to do with that sort of skulduggery. They were out there jigging up the press and telling them all sorts of stories. Unfortunately for members opposite, most of them did not have much basis in fact about them.

Obviously this will be the stunt: the select committee will meet and the Labor Party minders will be in the corridors trying to jig up people in the media and run little stories out to them. I do not think the House should be fooled into accepting that sort of activity and we should show it up for what it is—a political stunt that is contrary to the best interests of the people of South Australia. I ask the House to reject the motion.

Mrs MAYWALD (Chaffey): I thought I should contribute to this debate as I am a member of the select committee. I would draw the attention of the member for Stuart to what happened when this issue was raised in the parliament in relation to the select committee on the South-East water issue. A similar motion was moved and passed by this House, and in fact it worked for the committee and not against it.

The Hon. G.M. Gunn interjecting:

Mrs MAYWALD: I remind the chair of that committee that it did work for the committee, rather than against it, and I believe that supporting this motion will do the same this time around. The committee will have the opportunity to be master of its own destiny. I would be greatly disappointed if members of the opposition used this as an opportunity for political point-scoring on an issue as sensitive as the Murray River. I would also be equally as disappointed if the government continued to use the Murray River as an issue for political point-scoring. It is too important for this state, and it needs a bipartisan, cooperative approach. I believe that this can be best achieved through the select committee, providing tripartisan support.

It is important that we have the opportunity to report to the media on occasion on specific issues that are in the interests of the public. The public needs to receive a balanced and informed viewpoint on the Murray River, and I believe that this select committee has the opportunity to do that. By becoming master of our own destiny as to what we release and what we enable the media to have access to will give us the opportunity to ensure that there is that balance in the viewpoint that is put forward to the media and, therefore, to the public. In that light, I support the motion.

I also take on board the concerns of the member for Stuart and also the issues raised by the member for Hammond. They are very important, and I am sure that the committee will deliberate on those issues and ensure that the same principles apply that applied with the select committee on South-East water to ensure that the public interest is protected.

Mr WILLIAMS (MacKillop): I had decided not to contribute to this debate until I heard the comments just made by the member for Chaffey. I bring to the House's attention her comments about a similar motion being passed in relation to the select committee into water matters in the South-East, a committee of which I was a member and which, at the end of the day, reported in a bipartisan way with a unanimous report from all members of the committee. It was a very good report. However, I am aware that letters have been circulated from certain people within the South-East bemoaning some of the findings of the select committee and making some unhealthy suggestions about the select committee.

I believe that the reason we have this standing order is so that select committees can go into the community and take evidence from concerned citizens in a completely unfettered way. If a citizen does wish to make comment and give evidence, they can do that in the knowledge that they will not be subject to the glare and spotlight of the press, that there will not be debate in the media about their evidence prior to the compilation of that evidence and the final recommendations being put out in the form of a report. I think that is one of the most important things about the whole committee procedure in general: they can take evidence from witnesses who are completely free to give their evidence without having that glare upon them.

Contrary to what the member for Chaffey has told the House, I believe that, because of what happened in the select committee in the South-East, there is a fair chance that some of these people who at this stage are somewhat disgruntled will decide on that course of action and in a covert way write to certain ministers of the crown rather than appear before the select committee. In that way, the motion that was passed with regard to that committee in fact worked against not only the committee but also the community and those people who wished to put evidence to the committee. I have some serious reservations about the motion. I also have very serious reservations about this motion because I do question the motives of the mover. I do that—

Members interjecting:

Mr WILLIAMS:—from experience, and also in supporting the comments made by the member for Stuart. I have considerable respect for the honourable member—or at least I did until Tuesday, when he came into the House and asked of the new Minister for Water Resources absolutely scurrilous questions which were designed to do nothing but undermine the efforts of this government to get on top of the problems of the River Murray. We have had the spectacle of the Leader of the Opposition trying to get in on the act and make some running out of it by making out that he has some genuine concerns for the River Murray and the people of South Australia when members on this side know better.

Then we had the member for Kaurna on Tuesday in this House making these scurrilous accusations through a series of questions to the minister with the intention of doing nothing but stirring up a fight in the media. I question his motives for doing that. In fact, it has been suggested to me

that in another place and at another time there would be talk of treason by the honourable member in respect of the questions that he asked the minister on Tuesday. I question the honourable member's motives. I think the member for Stuart got it completely correct when he said that this is designed to set up a lot of scurrilous debate within the media. We have seen it all before, and I am certain that I cannot support the motion.

The SPEAKER: Order! I call the member for Kaurna. If the honourable member speaks, he closes the debate.

Mr HILL (Kaurna): I think, quite frankly, Sir, that it is about time that this debate was closed. I will briefly reflect on some of the comments made by members opposite. I was going to thank the government for supporting this motion, but having heard members opposite I am not sure whether the government is supporting it. However, I assume that the seconder will support the motion, as will the member for Hammond.

I cannot let pass the comments just made by the member for MacKillop. As I said by way of interjection: After all I have done for him! The member for MacKillop was desperate to rejoin the Liberal Party, but the one thing that stood in his way was the South-East water issue. Eventually, he conceded that the select committee for which I moved and which took almost a year to get up resolved the problem. I could have raised merry hell on that committee and undermined completely his attempts to get back into the Liberal Party by making recommendations which perhaps would have suited the government but not the member for MacKillop. However, I operated—as did the member for Wright—in a bipartisan way to get a good solution to the problems in the South-East.

The Hon. G.A. Ingerson interjecting:

Mr HILL: And the member for Bragg as well. We worked together to get a good solution, and that solution sorted out the member for MacKillop's preselection problems with the Liberal Party. I could have created absolute political mayhem out of that situation, but I chose not to: I chose to go for good policy. So, I object strongly to the comments made by the honourable member about my motivation and role in relation to this issue.

I will briefly refer to the comments of the member for Stuart. Having listened to his comments, I must say that I think he has been in this House for far too long. The 20-odd years he has been here have made him a very cynical man. To think that I would try to use this process to score political points is an absolute outrage. The member for MacKillop went one step further when he said that we should not even use Question Time to make political points. Obviously, he has been drinking Murray River water.

I say to the member for Stuart and the member for Hammond who have some problems with opening this up to the media and the public that I understand the nature of their objections, some of which are philosophical and some of which are rhetorical. This motion will give the select committee a discretion about whether these matters are opened to the public. It will not automatically open it up to the public, and that is something which I regret, but that is not something that the motion does. In fact, it will be open to the committee to say to any person wishing to give evidence that they can give evidence in camera if they wish, and that they will not be subject to scrutiny or media reporting if they do not want to be.

We have already had a number of meetings of the committee and all the evidence, of a factual nature, has been given by departmental representatives. It has been useful, good information. The media sat in and listened but was not allowed to report on it. They tried to interview the officer outside, but the officer said, 'I can't tell you.' This was factual information which should be before the public of South Australia, and it is a great shame that the media have not been able to follow up on that.

I see absolutely no reason for not allowing this evidence to be made public. It would help the debate in South Australia and it would help to inform our citizens. If we wait until the end, this information will be summarised in one report, and the benefit of having a long and continuing debate will be lost. On a philosophical basis, I think all committees should be open to the public as a matter of automatic right. It seems to me that our court system works on the basis that the evidence is exposed to public scrutiny. That is the way to ensure that we have a good working democracy.

If people want to be heard in camera, that is a different matter, but basically I believe the committees should be open to the public. I have not been here for 25 years, so I have not seen select committees working over a long period of time. Perhaps, God forbid, when I have been here for as long as the member for Stuart I might have a different point of view. I thank the government for supporting this motion, and I hope the committee will follow the spirit of the motion and allow its hearings to be held in public.

Motion carried.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH EAST

Mr McEWEN (Gordon): I move:

That the Select Committee on Water Allocation in the South East reconvene to review its recommendations and report on progress and further consider the New South Wales white paper on a new water management act for that state.

It is somewhat ironic that I stand in this place to move a motion to enable the debate on water to be continued, because it was in this place that the debate first began. It was the member for MacKillop who first began what has now become one of the most significant debates in the forty-ninth parliament: the debate about the importance of water in South Australia. The member for MacKillop will be well remembered for the incredible contribution that he has made not only to the specific debate about water in the South-East but also for putting water on the political map.

It is interesting to see that water is now such a significant part of the debate. Someone must have suggested that it could be a winner for the Liberals in the next election. There are very few issues that could be winners for them, so it seems that they are now embracing water in a big way.

It is also important that I remind people that in the South-East we are dealing with more available water than is available to irrigators on the river. This is a bigger issue than the river. The one thing that we must not do is repeat the many mistakes that have been made over nearly a century in terms of managing not only the river but the whole Murray-Darling Basin. That is why, again, I beg this House for more haste and less speed in this water debate and not to rush into amending the Water Resources Act, as is the wish of the minister at this time. Much more must be done before we reach that point.

I turn to the first part of my motion: that the select committee return to its recommendations. I believe that it needs to review all 37 recommendations, but in the time allotted to me I will allude to at least 13 of them to point out to the committee that things have moved on. Recommendation 5 states, in part:

> . . . any other allocation for contingencies such as forestry.

In effect, the committee is saying that forestry is on the margin and that it is a minor matter. The member for MacKillop has shifted quite some way from that recommendation of the standing committee. I might add that I support the fact that he no longer supports that recommendation. The member for MacKillop is now saying publicly that the impact of forestry on recharge is so significant that you cannot ignore it when you calculate permissible annual volumes. I need to remind a member of that committee that that is not what he said and, if he wishes, I have the draft of that in front of me. Again, I will quote his words. He said:

> Any other allocation for contingencies such as forestry—

An honourable member interjecting:

Mr McEWEN: My apologies to the interjector. I was referring to the select committee's report rather than the honourable member's speech. The member for MacKillop is now saying—and I want to go beyond that—that forestry has such a big impact on the water budget that it must be included in the water allocation process. All land use change that impacts on recharge and, therefore, on the water budget must be included. It is imperative that the select committee return to this recommendation. It needs to do it quickly, because of the impact of blue gums in the South-East—and, again the member for MacKillop has made this matter very public.

Recommendation 8 referred to the need immediately to identify the PAVs. The resources required for that had to be provided immediately yet, running concurrent with this debate, the Deputy Premier was telling people in the South-East that it would take five years to do this job. It cannot take five years to do this job. This job must be done. This data suite is imperative for a whole lot of calculations that have to be done in terms of pro rata allocations and other actions as part of the water allocation process. We cannot wait for five years. Again, the committee now needs to review its recommendation and ask the government what it has done in terms of recommendation 8.

Recommendation 10 is interesting, because it talks about preserving the rights of present irrigators. If you follow further the logic I have just walked you through in terms of the impact of land use change, unless you bring it into the budget, you cannot preserve the rights of existing irrigators, because we are continuing to decrease the amount of water available to them as we are taking water out of the budget. You cannot protect the rights of existing irrigators unless you totally review the process you are applying in terms of water allocation. Again, that needs to be reviewed. With IDMPs, we need to have a look at the recommendation, because it was that all unfulfilled commitments in terms of IDMPs would be redeemed. We need to see that the committee's recommendation in that regard is being honoured. If they are not redeemed, people will get water in a dishonourable way, and we will come back to the matter of some other people who might get water in a dishonourable way.

Recommendation 13 talked about charging a rent for allocations. Again, this is an interesting issue, because the member for MacKillop has moved well beyond the recommendations of the select committee. An article states:

> 'MP says "No" to levy for unused water. Farmers should not have to pay a levy for a pro rata water allocation they do not use,' according to the Member for MacKillop, Mitch Williams.

An honourable member interjecting:

Mr McEWEN: I stand to defend the member for MacKillop. It is not a switch. This is why it is imperative that the select committee reconvene. We have moved on considerably and, in moving on, a number of people will be reappraising the position they took at that time. I support the member for MacKillop where he has shifted from the select committee in terms of his view on a number of matters and, as I have indicated, in terms of land use being part of the water budget, I support the member for MacKillop. However, on this issue, I do not support him. That is not important at this stage. What is important is the fact that the select committee now needs to go back and have a look at the new changing landscape in relation to its recommendations, and it must do it before we debate amendments to the Water Resources Act. So, the minister will also see why it is so important that we return to these recommendations. There needs to be an investigation into the issue of consistent non-use that they talked about. Again, non-use could actually be linked to the member for MacKillop's earlier statement about farmers not having to pay a levy for pro rata allocation that they do not use. There seem to be some inconsistencies here. We need to explore them and have a consistent approach.

There are a couple of other areas of concern. A reasonably minor concern to some people is simply the translation from irrigation equivalents to volumetric allocations. On the surface of it, it seems just simply to be a formula based calculation. Unfortunately, it is far more complex than that, because irrigation equivalents actually change depending upon soil type, irrigation technique, the seasons and so on. It is a minor point but, in terms of protecting the rights of existing water users, it must be done properly and not quickly. So, they just need to do a bit more work on that.

There are a few other matters of concern. As I also want to speak about the New South Wales legislation, I will touch only briefly on a few more matters. One of the reports deals with amalgamating water management committees in the South-East and bringing together surface and ground-water under the one approach. Of course, one of the good recommendations was that the committee alluded to the fact that we need a minister responsible for water resources and, again, the government has moved on that recommendation. It is interesting to note the very first discussion that the Independent member for MacKillop, the member for Chaffey and I had with the Premier at which he asked us, 'What would you like to see happen?' In December 1977, the very first thing we asked him for was a minister for water resources. At that time, he said that that sounded like a good idea. What is more, he said to us, 'Mr Ian Kowalick will come and meet with you in January 1998 and explore that matter with you further.' Mr Kowalick did that. He came and met with us in the office downstairs, and that was the last we heard of it for two years. That notwithstanding, we now see that there has been some movement on that matter, and it is excellent.

I am pointing to some of the 37 recommendations in the select committee report to strengthen my debate that it is imperative at this time that the select committee return to that report, reconvene, have a look at how we have shifted and maybe review some of the recommendations as a tool to assist the minister, who needs to make significant changes to the Water Resources Act.

I now come to the Water Resources Act and suggest why the minister at present does not have the broad cognitive framework he needs to truly fix, once and for all, the complex issue of managing water. The minister has not stepped back far enough. The best example of taking one step back is the New South Wales white paper, which actually explores the fact that there are three concepts. This will interest the member for MacKillop, because within this argument he can capture what he is asking for in terms of managing land use change. The New South Wales white paper suggests that the first construct in this new water architecture is a share entitlement. Anyone who has any impact on the water budget in any way must have a share entitlement.

One thing you might do with that share entitlement is to apply for an extraction entitlement. If you have a share entitlement, one thing you might choose to use it for is to irrigate, and to do that you will need an extraction entitlement. Another thing you might wish to do with your share entitlement is land use change—clay spreading, perennial crops, forestry and so on. You have to demonstrate that you have a share entitlement for such a land use change, because that land use change will impact on the water budget as it lessens recharge. So, it now says that in an holistic way you must embrace all those matters that impact on a water budget within that water budget. To do otherwise is just denying the truth.

It is like saying with your household budget, 'Ignore some of the expenditure' and then wondering why it does not balance at the end of the week. You cannot do it. Anything that impacts on the budget must be captured within the budget, and that is what New South Wales is now saying with its legislation. We should keep in mind the fact that our legislation is not for the South-East: it is the mechanism that puts into effect the state water plan which, in turn, is part of the Murray-Darling Basin's water plan. What I am talking about is a far more significant matter than just the South-East. So, we ought to be looking to New South Wales, Victoria and Queensland in order to develop the concept of having a like approach with regard to how we capture all water impacts within an overall water budget. I am attracted to the concept of a share entitlement. There will be some other issues, then, about who has pre-existing rights in terms of share entitlements, how share entitlements are obtained, whether there is a hierarchy of share entitlements, whether the environment, urban areas, forestry etc. get a share entitlement before an extraction entitlement, and so on.

I want to talk about the third part of this new architecture—a licence to extract. A licence to extract is now something that is site specific and will have no tradeability. When we have a look at the COAG framework, we can see this now fits. A licence to extract is site specific. It says, 'You may extract this water from this site, in this way, at this time.' Sometimes with an extraction entitlement you may not be able to get a licence to extract, because for hydrogeological reasons you may not be able to extract water from that site. There could be a whole range of reasons for that. So, the licence to extract is non-tradeable; it is site specific. The idea of an extraction entitlement is that some components of that are tradeable and some are not. For example, the volumetric component of an extraction entitlement varies over time and does not exist in perpetuity. So, although you may trade your extraction entitlement, you are not actually trading a specific volume, because extraction entitlement itself is only a share of the available water. So, there are some components of an extraction entitlement that you may be able to trade, again consistent with COAG.

To return to the first principle, which is the new one, it shifts the debate back and therefore creates a big enough architecture to capture the type of issue that the member for MacKillop has canvassed in the press since the select committee and, on the surface of it, would either be at odds with the select committee or more fairly has moved on from the debate of that time; that is the concept of a share entitlement. It provides that anyone who impacts on the budget must demonstrate that they have a right—a share of that entitlement. They then have the right to exercise it in a number of ways. They might exercise it in terms of industry or environment. They will need to exercise that in terms of a land use change, because to do otherwise is to deny that land use change is having an impact on the water budget.

In closing, I urge the House to support my motion that a select committee as the appropriate vehicle continue with the good work it has done and review its recommendations. Some of them will need modification, some will need reaffirmation and some will need a question to the government as to why it has not done what it was asked to do. More importantly, this committee will be a great opportunity to look in a bipartisan way at the New South Wales white paper and assist the minister in amending the Water Resources Act. If he pushes ahead without it, I put on record that I will not support his amendments. They will not move forward at this time. This is a one-off opportunity to get it right. We must do it properly; there is no need to do it quickly.

Mr HILL secured the adjournment of the debate.

HEALTH AND COMMUNITY SERVICES COMPLAINT BILL

Ms STEVENS (Elizabeth) obtained leave to introduce a bill for an act to provide for the making and resolution of complaints against health and community service providers; to make provision in respect of the rights and responsibilities of health and community service users and providers; and for other purposes. Read a first time.

Ms STEVENS: I move:

That this bill be now read a second time.

This initiative to establish a health and community services ombudsman is long overdue. Every day our fellow South Australians in their thousands approach health and community services for help, support and care. They do this at a time in their lives when they are at their most vulnerable, due to physical or mental illness, disability, or the despair brought on by family crises, unemployment, poverty or social isolation. Most people can and do approach these vital health and community services with confidence, certain in the knowledge that they will receive the help they need in a caring, respectful and professional manner. South Australia's dedicated health and community service providers, whether in government, non-government or private sectors, have an enviable and well deserved reputation for delivering high quality services which generally meet world's best standards of care.

While this picture is true for most people who use these services, there is another, more disturbing experience which can confront consumers. The sad reality is that things do go wrong when they should not. People can be poorly cared for or receive the wrong treatment or medication, or can be dealt with in a disrespectful or at times careless manner. They can

have their rights denied or be further damaged or worse by the very services meant to assist them. I want to quote briefly from the introduction of the final report to health ministers from the national expert advisory group on safety and quality in Australian health care, July 1999. In the opening paragraph of the introduction the report states:

The Quality in Australian Health Care Study (Wilson *et al* 1995) estimated that in Australia 'adverse events' account for 3.3 million bed days per year, of which 1.7 million (that is, about 8 per cent of all hospital bed days) would have been from adverse events that were potentially preventable. The researchers noted that 'as in other complex systems, such as aviation, adverse events in health care seldom arise from a single human error or the failure of one item of equipment, but are usually associated with complex interactions between management, organisational, technical and equipment problems, which not only set the stage for the adverse event but may be the prime cause'.

As I said back in 1998, when I had a previous bill before this House:

These adverse events can range from relatively minor disagreements through to life-threatening errors, [and] even death. The causes of such a crisis in our health system covers the [full] spectrum from problems with resources, unthinking bureaucratic procedures, poor communication, staff attitudes, inexperience and lack of. . . junior staff. Whatever the cause, none must be tolerated. People's health is too important. The basic principle of health care is, first, do no harm. Our health professionals and administrators must continue to grapple with improving the quality of their services for the good of their patients and for the good of the community as a whole.

When people are at their most vulnerable the last thing they need is for a care service to further harm them; the last thing they need is to be abandoned. Labor is pledged to stand by people to provide them with a means of having their complaints and concerns addressed and resolved. There is now an established system of accountability for health and community service providers internationally and throughout every state and territory in Australia, but not here in South Australia. Everywhere in Australia if people have a problem with a provider of health care, either public or private, and cannot resolve it directly, they can seek the intervention of a powerful independent complaints body—everywhere, that is, except here in South Australia. This is a situation we should not tolerate another day longer.

Former state Labor governments started the process of providing health consumers with protection in the South Australian health system. In the 1980s, state Labor established the Health Advice and Complaints Office as part of its commitment to develop a broader based, independent complaints office. Before leaving government in 1993, Labor signed the Medicare agreement committing the government to establish a charter for health consumer rights and an independent health complaints agency. In the short time remaining to that government, the former minister for health and former member for Elizabeth, Hon. Martyn Evans, was able to conclude a broad based consultative process and develop clear proposals for such a charter and complaints agency.

All it would have taken for the incoming Liberal government to bring this needed development about was to take this work and implement it. But what happened? Nothing; silence for two more long years. It was not until 1996 that the former minister for health, Dr Michael Armitage, finally moved to establish a small unit with limited powers and jurisdictions within the office of the state Ombudsman.

I emphasise that this, however, only provided for limited coverage of the state public health system. Whereas in 1996 the rest of the country had already moved beyond the terms of the 1993 Medicare Agreement, by 1996 all other states and territories in Australia had either implemented or were in the process of establishing comprehensive independent health complaints commissioners or Ombudsmen with the powers to cover both the public and private system. These moves were in line with the recommendations of the 1996 final report of the Task Force on Quality in Australian Health Care. That report of experts in their field called on all state and territory governments to complete the process of establishing independent health complaints offices and to extend their coverage to all public and private health services.

This Liberal state government was content with the barest minimum level of cover. This government has ignored these commonsense reforms adopted by governments of all persuasions across the nation. This government has ignored the plight of South Australians when they are most in need. It is clear to anyone who has had to use a health or community service or who provides such services that people can and often do receive service for the same condition or situation from a multitude of professionals and providers across the public, non-government and private systems. A person can approach a general practitioner, be admitted to both a public and then a private hospital at different stages of care, use the services of a specialist, have tests performed by pathologists or radiologists and receive after-care by services such as domiciliary care or the Royal District Nursing Service.

On each occasion of service they are moving across an unseen border between the public and private system. If all is well, this movement should present no problem; but when things go wrong who is to say where a proper investigation must go in order to identify an error and reach a resolution? In South Australia the state Ombudsman's Consumer Health Complaints Unit can only intervene with the public sector—not the private and non-government care services. As a Labor opposition, we could have simply criticised the government for its inaction and arrogance, but the needs of the people of South Australia are too important for political posturing, and we put our money where our mouth is.

On 9 July 1988 I introduced a private member's bill in this House to amend the South Australian Health Commission Act. This amendment would have broadened the powers of the state Ombudsman to include private and non-government health care providers within his jurisdiction. This would have brought South Australia into line with the rest of the country. Well, what happened to that bill? The bill languished on the *Notice Paper* and finally dropped off with no response at all from the minister or any other member of the government. Minister Brown at that time was not initially supportive but after discussion could see the logic of such a move. The minister suggested informally to me that we work on this proposal in a bipartisan way. I readily agreed, because I believe that this type of basic protection for South Australians should be above adversarial politics. It deserves the support of all sides of this House.

I allowed my bill to lapse without further comment in the expectation that Minister Brown would take up the initiative and in the spirit of bipartisanship start discussions with me on how we could develop the model. It has been over 18 months, and I am still waiting. But the people of South Australia cannot wait any longer. I do not know what Minister Brown has been doing about the issue since July 1998. I see no evidence of progress. However, the opposition has continued listening to the people of South Australia, monitoring national and international developments and

refining our proposals. That is why today I can present to the House a more developed and comprehensive proposal than the one contained in my 1998 bill.

This new bill establishes a health and community services ombudsman with wide powers to investigate, conciliate and resolve complaints—not just across the public, non-government and private sectors but also across the broad sweep of health and community services. The examples of the community services that are included in the bill are as follows: a service that provides community support or care; a service for the provision of emergency accommodation or relief, including the provision of emergency financial support or the provision of accommodation or support to the socially disadvantaged; a counselling, advice or community information or awareness service; and a community advocacy, self-help or mutual aid service. Examples of health services provided for in this bill include: a service provided at a hospital, health institution or nursing home; a medical, dental, pharmaceutical, mental health, community health or environmental health service; an ambulance service; a laboratory service; and a laundry, dry cleaning, catering or other support service provided in a hospital, health institution or nursing home.

The line between traditional health care and traditional community support services has become blurred and is breaking down. This is a good thing as services take on a more holistic approach to the total needs of their clients. Labor supports initiatives which enhance coordination between services and which create a better outcome for South Australians. But, as our health and community services systems grow increasingly more complex and blended, we must make sure that those mechanisms designed to protect consumers and ensure accountability are equally robust, dynamic and able to follow the person no matter where they go for help. This is the heart of Labor's approach to health and community services. Our aim is to put people first, to put people at the very centre of care. Our approach is not based on the needs of institutions or the rights and privileges of professional interests; rather, our clear aims are to make sure that people come first and that systems of care are designed around their needs.

The first step in this approach must be to guarantee the protection of their rights in what can be a confusing and difficult time for people as they struggle to deal with the challenges which face their health or wellbeing. The position of health and community services ombudsman established by this bill will have wide powers of investigation. Its principal aim, though, is to seek resolution and remedy. It builds on the well-established reputation for independence which is the cornerstone of the public's confidence in an ombudsman's role. The health and community services ombudsman does not take sides but, rather, has the power to seek out the truth of a complaint and has the authority to construct a remedy.

In performing and exercising his or her functions and powers under this act, the health and community services ombudsman must act independently, impartially and in the public interest. The bill is far reaching in its jurisdiction simply because it reflects the diversity of providers of health and community services. In today's world, health and community services are delivered in a wide variety of settings, including government, non-government and private operators, registered professionals, unregistered care providers, alternative and complementary therapists, large institutions, shop fronts and neighbourhood centres. To this point, no one authority has had the power to go with people, protect their interests, investigate their grievances and provide an avenue for redress and remedy. This bill will allow that to happen.

Some may think that the health and community services ombudsman duplicates the role of professional registration boards like the Medical Board, but it is clear that the health and community services ombudsman's role is complementary and goes even further. Registration boards are there to protect the public interest. While they may offer some sense of solace for an aggrieved individual, whatever disciplinary steps may be taken by a board or tribunal can leave the complainant outside the process and without a sense of resolution. Unfortunately, also, for some members of the public, registration boards are seen as professional clubs, closed shops designed to protect the interests of the professionals. Whilst this is not my view, I believe that such a perception underscores the absolute necessity of having a health and community services ombudsman who is and who is seen to be completely independent of any professional group or provider. Only then can the public approach the health and community services ombudsman with confidence.

The other limitation on the role of the boards is that they are empowered only to examine the conduct of a particular professional group, such as doctors, nurses, physiotherapists, etc. Today health and community services are more often than not based on multi-disciplinary team work where a consumer can receive a variety of services from a range of registered professionals or unregistered care providers at the same time. A registration board is unable to look at the full range of issues that could arise. In addition to the conduct of any one professional it may be a problem that cuts across a number of professional groups or care workers, the organisations they work for, or the methods of their coordination and communication.

Only the health and community services ombudsman who has then power to investigate the total care process is able to deal with this type of complexity, which is now an every day part of the delivery of health and community care. But no matter how complex health and community care services become, I ask all members to remember that these services are intensely personal and affect individuals every day when they are at their most vulnerable. I am sure that all of us here, through our electorate offices, have dealt with women escaping from domestic violence situations (not being helped by crisis services), or the family member or advocate of a person with disabilities inappropriately supported, or the mental health patient who cannot get the community care and support she needs, or the daughter whose elderly parent is not being cared for properly in an aged-care facility, or the son whose mother received the wrong medication, or the expectant mother whose antenatal care is compromised because the GP and the specialist are not coordinating their services, or the teenager who is being mistreated by the care system designed to protect him.

Sometimes these problems can arise because of lack of resources or through misunderstanding and confusion, but that cannot discount the possibility of poor practices, improper or unethical behaviour or things just plainly going wrong when they should not. It is always hoped that whatever the complaint may be it can be addressed and resolved directly and immediately between the consumer and the provider, but this cannot always happen. Sometimes the power imbalance between the consumer and the provider is too great or sometimes the complaint is too serious for there to be an effective, direct avenue for remedy.

By establishing the health and community services ombudsman parliament recognises this problem and provides a place of last resort where aggrieved parties can seek objective investigation and remedy. The approach taken by the health and community services ombudsman envisaged in this bill is one which not only benefits consumers but also health and community service providers. When the relationship of trust breaks down between the provider and consumer because of actual or perceived problems in the care delivered, it can be almost impossible for a provider to restore that trust by themselves.

The health and community services ombudsman provides an independent third party who can assist the provider and the consumer, examine the problem and possibly conciliate their differences. The health and community services ombudsman therefore provides a concrete and practical means of individuals having their complaint investigated and their services improved. Let us not forget that this is the entire point of this initiative: fairness and safety for consumers and improved services for all of us. This will be but one initiative of the next Labor Government, designed to improve the quality of health and community services in this state.

But this is a reform that just could not wait. This reform is a vital first step because it starts with the people who must daily contend with the problem of dealing with services that do not live up to their reasonable expectations. The health and community services ombudsman, whilst starting with the individual's complaint, will go beyond simply responding to their particular concerns. The bill empowers the health and community services ombudsman to recommend standards for rights and responsibilities in the form of a health and community services charter, which will be approved by parliament.

The health and community services ombudsman will also be able to comprehensively monitor trends in complaints across the health and community services sectors by requiring designated providers to gather statistics and report to the health and community services ombudsman on the types of complaints they are receiving and how they are handling them internally. This will provide the health and community services ombudsman and the community with a vital early warning signal which will identify emerging problems and trends, enabling quick, corrective action to be taken by responsible professionals and service organisations.

The health and community services ombudsman will also have 'own initiative' powers to launch his or her own investigations and review emerging problems before they are allowed to damage South Australians. In this way the health and community services ombudsman becomes not just a powerful tool to investigate and resolve complaints but also a vital link in monitoring and improving health and community services. As bold as some members may think this initiative may be, all it does is bring South Australia into line with well established national and international moves of several years standing. Health complaints commissioners or ombudsmen are established facts in all other states and territories in Australia. Several have had their legislation drafted or specifically amended to include 'community services' within their jurisdiction.

In summary, this bill establishes a health and community services ombudsman whose independence is guaranteed by legislation. The health and community services ombudsman has extensive jurisdiction covering health and community services in the government, non-government and private sectors. This jurisdiction reflects the diversity and complexity of the health and community service sectors. The bill confers extensive powers on the health and community services ombudsman to assess, investigate and, where appropriate, conciliate complaints—the chief purpose of the bill being to seek resolution and remedy.

The role of a health and community services ombudsman is extended to look at the issue of rights and quality standards and complaints more systemically. The health and community services ombudsman has a role in drafting and monitoring a charter of rights for health and community services. The health and community services ombudsman will also monitor trends in complaint handling and foster and encourage the development of local complaint handling and dispute resolution between providers and consumers. The health and community services ombudsman will also have the power to initiate investigations into emerging problems in the service delivery system and therefore will be an important part of fostering safety and quality improvement across health and community services generally.

When discussing my private members bill in 1998, Minister Brown suggested a bipartisan approach. As I said, I have waited over 18 months for that approach. It is time now for me to return the offer. Bipartisanship is a two-way street. I therefore invite Minister Brown to support this bill on behalf of the government. When the Leader of the Opposition, Mike Rann, foreshadowed this bill a few weeks ago the minister was clearly caught on the hop. All he could say was that this was something he was going to do anyway. Therefore he should welcome this bill because we have done the work for him. It is no longer a matter of whether South Australia should establish a health and community services ombudsman, but when.

South Australians have waited long enough. The time to act is now. The bill will now be distributed widely for consultation and comment. I welcome constructive engagement on these very important issues and I hope that, as a result, South Australians will at last have in place what most other Australians already enjoy. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure may be brought into operation by proclamation.

Clause 3: Interpretation

This clause sets out the definitions required for the purposes of the measure. The measure will apply to community services and health services, as defined. It will be able to exclude classes of service by regulation.

Clause 4: Appointment

There will be a *Health and Community Services Ombudsman* (the'HCS Ombudsman'), who is to be appointed by the Governor.

Clause 5: Term of office and conditions of appointment

The HCS Ombudsman is to be appointed on conditions determined by the Governor for a term not exceeding 10 years. An appointment may be renewed but a person must not hold the office for more than two consecutive terms. Limitations will be placed on the ability of the Governor to remove the HCS Ombudsman from office.

Clause 6: Remuneration

The HCS Ombudsman will be entitled to remuneration, allowances and expenses determined by the Governor.

Clause 7: Temporary appointments

The Minister will be able to appoint a person to act as the HCS Ombudsman in an appropriate case.

Clause 8: Functions

This clause sets out the functions of the HCS Ombudsman under the Act.

Clause 9: Powers

The HCS Ombudsman will have such powers as are necessary for the performance of the HCS Ombudsman's powers.

Clause 10: Independence

The HCS Ombudsman will act independently, impartially and in the public interest. The HCS Ombudsman will not be subject to Ministerial control.

Clause 11: Committees

It will be possible to establish committees under this clause.

Clause 12: Appointment of conciliators and professional mentors

The HCS Ombudsman will be able to appoint suitable persons as conciliators or professional mentors under the Act. An appointment will be for a term not exceeding three years determined by the HCS Ombudsman, on conditions determined or approved by the Minister.

Clause 13: Staff

The HCS Ombudsman will be assisted by staff assigned by the Minister. The HCS Ombudsman will be able to enter into arrangements for the use of the staff, equipment and facilities of a Department.

Clause 14: Annual report

The HCS Ombudsman will prepare an annual report, which must be tabled in Parliament.

Clause 15: Immunity

A person acting under the Act will not incur any personal liabilities for his or her acts or omissions (except in a case of culpable negligence). The liability will instead attach to the Crown.

Clause 16: Development of Charter

The HCS Ombudsman will be required to develop a draft *Charter of Health and Community Service Rights*. The draft is to be presented to the Minister within 12 months, or such longer period as the Minister may allow.

Clause 17: Review of Charter

The HCS Ombudsman will be able to review the charter, as appropriate (and will be required to do so at the direction of the Minister).

Clause 18: Consultation

The HCS Ombudsman will be required to take steps to achieve a wide range of views when developing or reviewing the charter.

Clause 19: Content of Charter

This clause sets out various principles that must be considered when the HCS Ombudsman is developing or reviewing the charter.

Clause 20: Approval of Charter

The charter will be subject to the approval of the Minister. The charter will be subject to scrutiny by Parliament.

Clause 21: Who may complain

A complaint about a health or community service may be made by a user of the service, someone acting on behalf of the user of the service, a service provider if the service is having to be provided because of the actions of another provider, the Minister, the Chief Executive of the Department, or another person authorised by the HCS Ombudsman in the public interest.

Clause 22: Grounds on which a complaint may be made

This clause sets out the grounds upon which a complaint may be made.

Clause 23: Time within which a complaint may be made

A complaint must be made within two years after the day on which the complainant first had notice of the circumstances giving rise to the complaint unless the HCS Ombudsman is satisfied that it is proper to entertain the complaint in any event.

Clause 24: Further information may be required

The HCS Ombudsman may require a complainant to provide further information or document, or to verify a complaint by statutory declaration.

Clause 25: Assessment

The HCS Ombudsman must assess a complaint within 45 days after receiving it and then refer the complaint to a registration board or other person (if appropriate), refer it to a conciliator under this Act, investigate it, or dismiss it.

Clause 26: Notice of assessment

Notice of a determination on a complaint under clause 25 must be given to the complainant and, unless the complaint is dismissed, to the relevant service provider.

Clause 27: Provision of documents, etc., on referral of complaint

The HCS Ombudsman may hand over documents and information on a referral.

Clause 28: Splitting of complaints

The HCS Ombudsman will be able to split a complaint into two or more complaints in an appropriate case.

Clause 29: Withdrawal of complaint

A complainant may withdraw a complaint at any time. The withdrawal of a complaint under this provision does not necessarily affect the powers of a person or board to whom the matter has been referred.

Clause 30: Function of conciliator

A conciliator will attempt to encourage settlement of the complaint by arranging discussions, assisting in the making of an amicable agreement, and taking other action with a view to resolving the complaint.

Clause 31: Public interest

The HCS Ombudsman and, if necessary, a conciliator, will identify any issues raised by the complaint that involve the public interest.

Clause 32: Representation at conciliation

A party to a conciliation may not be represented by another person unless the HCS Ombudsman is satisfied that the representation is likely to assist substantially in resolving the complaint.

Clause 33: Progress report from conciliator

A conciliator must provide a written progress report to the HCS Ombudsman on request.

Clause 34: Results report from conciliator

A conciliator will provide a written final report to the HCS Ombudsman.

Clause 35: HCS Ombudsman may end conciliation

The HCS Ombudsman may bring a conciliation to an end if he or she considers that the complaint cannot be resolved by conciliation.

Clause 36: Privilege and confidentiality

Anything said in a conciliation is not admissible as evidence in proceedings before a court or tribunal.

Clause 37: Professional mentor

The HCS Ombudsman may appoint a professional mentor to be available to the conciliator to discuss any matter arising in the performance of the conciliator's functions.

Clause 38: Enforceable agreements

An agreement reached through a conciliation process may be made in a binding form.

Clause 39: Matters that may be investigated

The HCS Ombudsman will be able to investigate any matter specified in a written direction of the Minister, a complaint under the Act (or an issue or question arising from a complaint), or any other matter relating to the provision of health and community services in South Australia.

Clause 40: Limitation of powers

The statutory powers of the HCS Ombudsman under this part of the measure may only be exercised for the purposes of an investigation.

Clause 41: Conduct of investigation

An investigation will be conducted in such manner as the HCS Ombudsman thinks fit.

Clause 42: Representation

A person required to appear or to produce documents may be assisted or represented by another person. The HCS Ombudsman may also make a determination about representation of a person to whom an investigation relates.

Clause 43: Use and obtaining of information

The HCS Ombudsman may obtain information or documents relevant to an investigation, or require a person to produce information or documents, or to attend before a specified person.

Clause 44: Power to examine witnesses, etc.

A person may be required to take an oath or affirmation, or to verify any information or document by statutory declaration.

Clause 45: Search powers and warrants

A magistrate will be able, on the application of the HCS Ombudsman, to issue a warrant authorising a person to enter and inspect premises for the purposes of an investigation.

Clause 46: Reimbursement of expenses

A person attending for the purposes of an investigation may claim expenses and allowances allowed by the HCS Ombudsman.

Clause 47: Reference to another authority for investigation

The HCS Ombudsman may refer a matter arising in an investigation to another authority (without limiting any power to investigate further).

Clause 48: Possession of document or other seized item

The HCS Ombudsman may retain documents or things seized under these provisions for such period not exceeding 60 days as may be necessary for the purposes of the investigation.

Clause 49: Privilege

A person is not to be required to provide information or a document that might tend to incriminate a person of an offence. A person is not to be required to provide information privileged on the ground of legal professional privilege.

Clause 50: Reports
The HCS Ombudsman may prepare reports during an investigation, and must prepare a report at the conclusion of an investigation. The HCS Ombudsman may provide copies of a report to such persons as the HCS Ombudsman thinks fit.

Clause 51: Notice of action to providers
If the HCS Ombudsman concludes that a complaint is justified but appears incapable of being resolved, the HCS Ombudsman may make recommendations to the relevant service provider. The service provider must advise the HCS Ombudsman as to the action that he or she is willing to take to remedy any unresolved grievances.

Clause 52: Referral of complaint to HCS Ombudsman
A registration board that receives a grievance that appears to be capable of constituting a complaint under this Act must consult with the HCS Ombudsman and may refer the matter to the HCS Ombudsman under this section.

Clause 53: Action on referred complaints
A registration board that receives a referral from the HCS Ombudsman must investigate the matter.

Clause 54: Action on investigation reports
A registration board must inform the HCS Ombudsman whether it is going to act in relation to a matter raised in a report referred to the board by the HCS Ombudsman.

Clause 55: Information from registration board
A registration board may provide to the HCS Ombudsman information relevant to a complaint.

Clause 56: Information to registration board
A registration board may request the HCS Ombudsman to provide a report on the progress or result of an investigation of a complaint.

Clause 57: Intervention in disciplinary proceedings
The HCS Ombudsman may intervene in disciplinary proceedings before a registration board for a matter arising out of a complaint or an investigation.

Clause 58: Establishment of Council
Clause 59: Conditions of membership
Clause 60: Functions of the Council
Clause 61: Procedure at meetings
Clause 62: Disclosure of interest
These clauses provide for the creation of the *Health and Community Services Advisory Council* to provide advice to the Minister and the HCS Ombudsman in relation to various matters, or to refer matters that, in the opinion of the Council, should be dealt with by the HCS Ombudsman under this Act.

Clause 63: Delegation
The Minister or the HCS Ombudsman may delegate a power or function under the Act to another person.

Clause 64: Adverse comments in reports
The HCS Ombudsman must give a person in relation to whom an adverse comment is to be made in a report (and who is identifiable) a reasonable opportunity to make submissions in relation to the matter before the comment is made unless the HCS Ombudsman is satisfied that such action is inappropriate in accordance with the terms of this provision.

Clause 65: Protection of identity of service user or complainant from service provider
The HCS Ombudsman may withhold revealing to a service provider the identity of a service user or complainant in certain cases.

Clause 66: Preservation of confidentiality
A person involved in the administration of the Act will be prevented from disclosing confidential information, other than as permitted under this clause.

Clause 67: Returns by prescribed providers
Designated health or community service providers will be required to lodge an annual return with the HCS Ombudsman containing specified information.

Clause 68: Offences relating to intimidation
Clause 69: Offences relating to reprisals
Clause 70: Offences relating to obstruction, etc.
Clause 71: Offences relating to the provision of information
These clauses create various special offences for the purposes of the Act.

Clause 72: Protection from civil actions
Various acts in connection with the Act are to be protected from liability.

Clause 73: Informality of procedures
The HCS Ombudsman will have regard to the rules of natural justice when acting under the Act.

Clause 74: Determining reasonableness of health or community service provider's actions
In assessing the reasonableness of the conduct of a health or service provider under the Act, the HCS Ombudsman must have regard to the Charter, principles specified under the Act, and generally accepted standards.

Clause 75: Regulations
The Governor may make regulations for the purposes of the Act.

Clause 76: Transitional provision
A complaint may be dealt with under the Act even though the circumstances arose before the commencement of the Act if the complainant was aware of the circumstances not earlier than two years before the commencement of the Act.

Schedule
The schedule specifies registration boards for the purposes of the Act.

Mr MEIER secured the adjournment of the debate.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Mr McEWEN (Gordon) obtained leave and introduced a bill for an Act to amend the Gaming Machines Act 1992. Read a first time.

Mr McEWEN: I move:

That this bill be now read a second time.

I am mindful of the time, but I will be able to conclude my remarks as they will be brief. This is a simple matter, which simply says, as people have said for more than two years now, 'Enough is enough'. It puts a stake in the sand and says that we do not need any more poker machines. It was interesting that one of the first debates I contributed to in this House was on gaming machines in shopping centres. Members will remember that bill. Some interesting things were said at that time. The member for Fisher said that he was not a great gambler. Interestingly, the member for Hartley said at that time that the bill was debating a promise that was made before the election, which of course was a lot of rot. However, today's bill debates a promise that was made before that election. The member for Hammond talked about scoundrels who conspire with one another. So, his view of people who own gaming machines is quite clear. The member for Stuart said that they were 'blasted electronic machines'.

I am not expressing those views. I am going down the line that Premier Olsen went down at that time when he said, 'Enough is enough'. At that time there were 11 000 poker machines in South Australia, and soon after the Premier said, 'Enough is enough' the Social Development Committee said, 'Enough is enough': 11 000 machines is enough. Sadly I can report today that we have over 13 000 machines, so although everybody believes enough is enough we continue down a sad road. All I am saying is that, if you think you are lost, stop. I am not even suggesting we go back. I am simply saying, 'Stop, look around and review the landscape'. This bill simply says, 'Stop, have a look around and see what we are doing'.

Interestingly it is the second time today I have stood to compliment the New South Wales government. I spoke earlier today about the approach it is taking in relation to the management of water. I notice that this week in the New South Wales Parliament legislation was introduced to say, 'We think we are on the wrong road, so let's stop, have a look around and review the situation'. All I am doing is pleading with the House to say, 'Let's stop, because we think we're lost; we may not be lost; possibly we are lost, but please stop and have a look around'. My bill is so simple there are no clauses.

Mr MEIER secured the adjournment of the debate.

SELECT COMMITTEE ON THE MURRAY RIVER

Mr MEIER (Goyder): On behalf of my colleague the member for Heysen, I move:

That the time for bringing up the report of the committee be extended to Thursday 6 July.

Motion carried.

SELECT COMMITTEE ON A HEROIN REHABILITATION TRIAL

Adjourned debate on motion of Mr Hamilton-Smith:

That the report be noted.

(Continued from 21 October. Page 205.)

The Hon. G.A. INGERSON (Bragg): I rise to make a few comments on the select committee report, but before making those comments I put on the public record the excellent work done by Dr Linda Gowing in supporting this committee. She was on loan to us from the Department of Human Services, and without her excellent guidance and knowledge in this area the whole select committee may have taken a lot longer. I also put on record the support we got from the Clerk, Malcolm Lehmann, because with all these technical reports unless we get support from back-up staff it is very difficult.

The whole issue of the select committee in relation to heroin trials, as it initially started out, expanded rapidly into a whole range of other very diverse issues and was probably one of the most interesting select committees I have ever be on (and I have had the privilege of being on five or six). I have a pharmacy background, so it was interesting to be brought up to date with modern drug treatment, particularly as it relates to heroin. A whole range of other issues became entwined with the development of the select committee, and from a pharmaceutical view it was a very interesting committee.

The range of people who appeared before the select committee was also very diverse. I was quite surprised at the number of people who had different views on how we should handle the treatment of drug addicts, particularly those involved with heroin. It was interesting to see the comments from the general public on how we could handle this issue. It also became very obvious to all members very quickly that this was a public health issue and not purely and simply a case of 'that is another group of drug addicts who we have to push under the carpet'. Clearly the view of those who came before us was to encourage us to accept that it really is a major public health issue. Undoubtedly, all the members of the committee would agree that is the way it ought to be. We might all have our own different views as to why and how people become drug addicts, but clearly, from a public health point of view, the government, through its public system, as well as the private sector need to be encouraged to expand that notion because clearly it is a part of enabling us to achieve a better outcome for those who are affected in this way.

Time expired.

AUSTRALIAN DANCE AWARDS

Ms CICCARELLO (Norwood): I move:

That this House congratulates South Australian based company Leigh Warren and Dancers on winning the 1999 national Australian dance awards for best performance by a company and best choreography and further congratulates Delia Silvan for best performance by an individual dancer.

In November last year Leigh Warren and dancers experienced enormous and satisfying success in winning three major awards in the 1999 Australian dance awards at the Sydney Opera House. The awards were for the best performance by a company, best choreography and best performance by an individual dancer.

The Australian dance awards are the top annual awards presented by the Australian dance industry and they are the result of nominations from dance professionals, critics and venue managers from around Australia. The company was up against all national and state companies, including the Australian Ballet, the Sydney Dance Company, the Bangarra Dance Theatre and, most significantly for Leigh Warren, the Australian Dance Theatre, the company from which he unjustly lost his position as artistic director in 1992.

Leigh Warren and Dancers won best performance by a company for two shows *Masterpieces of the Twentieth Century* and *Shimmer*. Delia Silvan was awarded best individual performance in *Silent Cries*, one of three works featured in *Masterpieces of the Twentieth Century*. This award certainly highlights her talent as a dancer, as the other nominations included Lisa Bolte from the Australian Ballet and respected Perth dancer Margarete Helgely. Leigh Warren's award was for the best choreography for *Shimmer*. In this year's Adelaide Festival of Arts Leigh Warren premiered *Divining*, which Leigh has said was drawn from his own life and from the dancers he has known personally. It was performed at the Norwood concert hall to the music of the Russian composer Alexander Scriabin, played by young Australian pianist Simon Tedeschi. It was a resounding success and proved yet again how fortunate we are to have such an outstanding company based here in South Australia.

I feel particularly proud of the company because it first established itself in Norwood after Leigh Warren had parted company with the ADT in 1992. As the then Mayor of Norwood, I was able to make Leigh and his newly formed company the resident dance group at the Norwood concert hall, providing them with a base for rehearsals and performances. This was quite an unusual move for a local government body as this was not seen as a core area of importance. With the then manager of the Norwood concert hall and well-known arts identity Barbara Messenger, we were able to convince the council that this would enhance the reputation of the refurbished concert hall.

I believe this helped the company in establishing itself, and it certainly brought credit to the council when the company was launched in 1993. It has been gratifying to see other councils becoming involved in the arts which, traditionally, were not supported by most local government bodies.

The company was awarded project funding by the Department for the Arts and the Australia Council, and in 1994 it gained annual funding from these bodies. In 1997 it was awarded the inaugural Adelaide Critics Circle Award for outstanding achievement by a group, and this was certainly a vindication for Leigh and a testament to his ability.

In 1998 the company gained triennial funding from the Australia Council and in 1999 triennial funding from Arts SA. In addition to its work in Adelaide, the company has always been committed to bringing dance to the country regions, and it has performed in places including Maitland, Gladstone, Clare, Mannum, Victor Harbor, Keith, Eyre

Peninsula and as far west as the Yalata Aboriginal lands, Port Pirie, Renmark, Whyalla and Mount Gambier.

It has also toured in other Australian states and territories and performed successfully overseas in Holland, Singapore, the United Kingdom, Indonesia and Korea. The company is now a resident of the Lion Art Centre, which provides it with its own office and rehearsal space, but the company still likes to premiere its performances at the Norwood Concert Hall.

Initially, Leigh Warren and Dancers employed six dancers and, apart from specific projects where extra dancers are needed, still employ six. The dancers are employed on a project-by-project basis and have to find other employment during periods when there is no work with the company. For most years, the dancers have been offered work for approximately six months of the year, and Leigh Warren has had to rely on the loyalty of the dancers and their willingness to make themselves available to him when required.

In today's climate it becomes increasingly difficult for the dancers to subsidise their earnings from Leigh Warren and Dancers with employment elsewhere. It is also very difficult for the company to attract from elsewhere dancers who would like to work for the company but find it impossible to commit to living in South Australia with the likelihood of only six months' assured work. The ideal model would be for the company to operate for eight months of the year, allowing the dancers to make the company their first priority whilst still allowing them the opportunity to teach and take advantage of their opportunities. I would like to call on the Minister for the Arts to see her way clear to increasing the funding for the company, as it deserves support for the credit and enjoyment that it has brought to South Australia. I call on this House to support the motion.

Mr HAMILTON-SMITH (Waite): I support the motion and congratulate the member for Norwood on putting it to the House. As a company, the South Australian-based Leigh Warren and Dancers has grown considerably in stature and has gained national and international recognition in recent years. The company was formed in 1992 and seven dancers are employed, with Leigh Warren as artistic director. National and international tours have been conducted and the member for Norwood has outlined some of the achievements.

The high point for the company, as the member for Norwood pointed out, is definitely the success achieved in November 1999 when the company received three awards at the Australian Dance Awards: an award for outstanding performance by a dance company; the choreography award to Leigh Warren for *Shimmer*; and an award for outstanding performance by a dance artist, Delia Silvan, for *Silent Cries*. As has been pointed out, this is the first time that a company has achieved this level of success and all South Australians should feel very proud of the accomplishment.

The company's 1999 program included the critically acclaimed Adelaide season of *Masterpieces of the 20th Century*, a successful collaboration with the South Australian Maritime Museum, and the South Australian regional tour of *Quiver*, which included the award-winning production *Shimmer*. Leigh Warren and Dancers recently performed *Divining* as part of the 2000 Telstra Adelaide Festival. As pointed out by the member for Norwood, the work featured the renowned pianist Simon Tedeschi playing Scriabin, and it was a marvellous production. The critical response to *Divining* includes the following remarks by *dB Magazine*:

> Leigh Warren continues to hone his craft and in *Divining* he appears as a choreographer at the peak of his powers. . . little short of remarkable. . . a triumph to equal *Shimmer*.

And the *Eastern Courier Messenger* stated:

> Divining is innovative, beautiful and reflective; it's the kind of work that earns Leigh Warren and Dancers the reputation as one of the best dance companies in the country.

And, finally, the *Adelaide GT* stated:

> A beautiful work by one of our finest choreographers and his dedicated company.

Later in the year, in addition to performing the new work *Chasing Space* in Adelaide in May, the company will be touring nationally with the highly acclaimed *Masterpieces of the Twentieth Century*, which was so successful here in 1999. For the Melbourne Festival in 2001, Leigh Warren will be engaged in an international collaboration with William Forsyth, Artistic Director of the Frankfurt Ballet Company.

Leigh Warren and Dancers receive triennial funding under an agreement with Arts SA that assists in underpinning its future planning and development. This funding arrangement forms part of a triumvirate of support to dance in South Australia. This includes the Australian Dance Theatre and the Helpmann Academy, and is a testament to the support that dance and the arts in general enjoy from this government.

We are extremely proud of all that Leigh Warren and Dancers have achieved and their support will continue in the years ahead, as this Liberal government does what it has always done; that is, support the creative arts in this state.

Motion carried.

CITY OF ONKAPARINGA

Ms THOMPSON (Reynell): I move:

> That this House congratulates the City of Onkaparinga on its recent winning of multiple awards and, in particular, the WorkCover Corporation Safety Award for Continuous Improvements in Safety—Large Business.

At the end of November last year the *Advertiser* told us that the City of Onkaparinga, a recently formed council, had won the 1999 WorkCover Corporation Safety Award for Continuous Improvement in Safety (Large Business Category). I thought that by itself was worthy of note, but in asking around a little more I discovered that the City of Onkaparinga has won many awards recently, and I consider that they all deserve recognition.

The WorkCover award was conferred on the City of Onkaparinga by the Governor on Friday 12 November 1999. It was the only one awarded in the Large Business category, and recognises the significant emphasis placed on occupational health and safety by the City of Onkaparinga. Some of the initiatives that influenced the award are:

- An effective safety representative and occupational health and safety committee structure.
- Ongoing reinforcement of the safety message through communication mediums such as 'Blueprint for best practice' posters and banners.
- Regular safety awareness and training and information sessions.
- Safety as a standard agenda item for all team meetings.
- Compulsory protective clothing and uniform policy to provide greater protection from UV rays and other hazards.

The City of Onkaparinga has many community and neighbourhood houses and has been very active in instilling a safety message, and supporting the many volunteers in these

houses in operating in a safe and healthy manner. This is very welcome, particularly at a time when we are not seeing sufficient emphasis on occupational health and safety in the community in general.

The city has also won a Silver Award for Best Practice in Attendance Management, awarded by the Australian Industry Group. The award recognises the significant reduction in absenteeism that the Asset and Infrastructure Services Department achieved over the preceding year. The award acknowledges the innovative people development strategies pursued by the city, including open, consultative management styles; a family friendly approach; occupational health and safety initiatives; departmental values; team leaders trained in human relations skills; a team-based operation; flexible working arrangements; and a continuous improvement approach.

These strategies have either directly or indirectly had a positive effect on absenteeism, productivity and the cost of the operation. This all represents the basic commonsense approach of 'care about people and the bottom line will care about itself'. Again, lately, we have had far too much emphasis on the bottom line and not enough on the people. We need to look after both, but the people are those who really count.

The city obtained a high commendation award for 'Onkaparinga: where asset management understanding comes first.' This does not sound like a very interesting award, but it is some of the basis of local government's effective operations, as you yourself would know, Mr acting Speaker. This award was obtained in the International Asset Management Competitions in 1998-99. The international group encompassed Australia, New Zealand, Canada and the United Kingdom, so it is excellent that the south has been recognised in this context.

The award was in recognition of the City of Onkaparinga's holistic approach to asset management, a concept that enables all stakeholders, especially the community and elected members, to have the same high level of understanding about asset management issues. This approach reflects the City of Onkaparinga's integrated approach to major issues, which ensures that economic, environmental and social considerations are taken into account in every major decision. In the field of asset management, which traditionally has a narrow economic, technical and financial focus, this is an innovative and ground-breaking approach.

A further award was made by the Royal Australian Planning Institute, South Australian Division, Excellence in Planning awards, which received a total of 26 entries. The City of Onkaparinga received a Community Planning Commendation Award for the Southern Social Planning Study and a further commendation in the Occasional Special Award category for 'Strategic directions—Creating our future'.

A vital initiative of the City of Onkaparinga was the establishment of the Southern Partnership, in which state and federal members of parliament work with the City of Onkaparinga for the social, economic and environmental good of the area and its people.

The Royal Australian Planning Institute—Community Planning Commendation award was presented for the Southern Social Planning Study, an initiative of the Southern Partnership. The jury considered that the Southern Social Planning Study was a project that makes a significant contribution to community planning. The Southern Social Planning Study report resulted from research completed in 1999 on priority community needs, strategies to reduce those needs, and a process for their implementation.

A significant outcome of the report is the recommendation of an integrated planning process for aligning intergovernmental strategic and business plans, resources and programs, in order to jointly redress priority needs. The study was the initiative of the City of Onkaparinga in partnership with the Noarlunga Health Services, South Australian Housing Trust and Family and Youth Services. The Southern Partnership played a key role in facilitating the partnership approach to the study and in obtaining funding.

The Royal Australian Planning Institute jury was impressed with the statistical information and analysis prepared to provide context to the proposed strategies. The study was deemed to be a convincingly thorough analysis and an effective collaboration of the various groups in producing the report. Of course, without the support of the Minister for Human Services, a member of the Southern Partnership, this planning study could not have proceeded, as he was wise enough to recognise the need for additional funding to enable this sort of innovation to occur.

It is unfortunate that special funding is required; it would be nice if this were routine, but the outcome is that many government agencies are working together in a much more effective manner to deliver services to the people of the south. A round-table approach has been established to work on the needs that have been identified, and we hope that the rest of the funding will follow to enable these needs to be properly addressed and improve and enhance the quality of life for people in the south who are in need.

The Royal Australian Planning Institute's commendation in the Occasional Special Award category for the strategic directions document 'Creating our future' was another notable achievement. The jury reported that the City of Onkaparinga's strategic directions document'Creating our future' was a significant project that integrates the strategic directions into the business planning of a recently amalgamated, large metropolitan local government council. The task for the fledgling City of Onkaparinga was to create strategic directions for the region's future that could be shared by the newly combined communities. These communities are very diverse and have added to the complexity of management of the City of Onkaparinga.

One of the examples of the diversity is the issue of unemployment. The figure for the City of Onkaparinga indicates that it is about the state average in terms of unemployment, or sometimes slightly better. However, the diversity within the city is illustrated by the fact that, in the Liberal-held areas of Aberfoyle Park and Happy Valley, the unemployment level is down to about 4 per cent. In some of the areas of need around Christie Downs, Hackham West and Morphett Vale—the areas that I represent—the unemployment rate is unfortunately over 12 per cent, which shows the need for concerted activity in areas where there are high levels of social need rather than just glossing over the fact that the whole of the city meets the average.

I know that the city itself does not gloss over this fact and is aware of the diversity within its community. However, at times members opposite seem to seize only on the fact that the average unemployment level for the city is the same as the state average and they consider that to be an achievement, rather than look at the complexity of the issue. The Royal Australian Planning Institute recognised the complexity of the issue and acknowledged the great achievement of the city in trying to bring together a plan that would allocate priorities

according to needs and establish a new community from the three previous cities of Willunga, Noarlunga and Happy Valley.

The institute saw that the business planning processes of the administration needed to respond to these new strategic priorities and to reflect it in work plans. The jury was impressed by the principle identified in the project that emphasised the need to align the council's day-to-day business operations with its strategic planning for the council. It considered that the analysis and supporting research was particularly impressive and that the project excelled in achieving an accurate and timely review of current trends.

I extend my sincere congratulations to all those involved in the many awards and particularly to Mayor Ray Gilbert and City Manager Jeff Tate for their leadership of the city, which is quite outstanding when one considers what has been achieved in a short time. For example, they have been able to marshal scarce resources and sometimes they have found additional resources from the state government, particularly through the medium of the southern partnership. I also extend special congratulations to Deb Just and the staff in the planning team who have really contributed significantly to these awards.

Mr HILL (Kaurna): I commend the member for Reynell for raising this issue. It is important that we congratulate the Onkaparinga council on its outstanding achievements, and the honourable member has gone through those achievements in some detail. I will not repeat that but I will make some general observations about the Onkaparinga council. It has been in existence for just a couple of years, and in that time it has shown an extraordinarily high level of professionalism in terms of its own organisation and administration and in terms of the service that it has provided to the residents of that district, and we are lucky to have such a professional council operating on our behalf.

Much of that is due to the fact that the council has such good staff, as the member for Reynell said, under the leadership of Ray Gilbert. He has provided long and excellent leadership for approximately 20 years and he has done an outstanding job. That continuity of leadership has helped create the right environment in which council staff can operate effectively. In addition, the council was very wise in its appointment of senior staff, and Jeff Tate and the other senior managers are outstanding. The only difficulty is that, because they are so good, they are in danger of being poached by other organisations, and one or two of them have gone as a result.

When the proposal to amalgamate the councils was brought forward, there was some hesitation in the community about the amalgamation, particularly in the most southern part, that is, the Willunga district, because the people living in that area were afraid that they would be swallowed up in a big council and their needs would not be met. While it is not true for everybody in that district, the majority of people would say that the people concerned were wrong in that the council has looked after them very well and that the level of service has been greater as a result of the extra resources available to attend to their needs. I think the council has worked very effectively. It is managed very well, the level of service has been great and the professionalism has been very good, and that is due to the outstanding leadership of Ray Gilbert and Jeff Tate and the very good senior staff. I commend the motion.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): It gives me a great deal of pleasure on a bipartisan basis to overwhelmingly support this motion with respect to the City of Onkaparinga and its achievements in occupational health and safety, as well as a number of other significant achievements since the three councils were amalgamated into the largest council in the state a few years ago. In fact, the state government now recognises that council area as equivalent to a region.

One of the most important things that any council, or any employer for that matter, can do is to ensure the safety and wellbeing of its staff, and the success of an organisation always depends on empathy, teamwork and—when it comes to human resources—the importance of caring for staff members, particularly in respect of occupational health and safety. The last thing anybody wants to see is an employee severely injured, or injured at all, in their workplace. In addition, the economics of the situation must be considered. I know as minister that, in my portfolio, one of the biggest impacts that works against me when employing additional people is the high cost of WorkCover, whether it relates to stress-related claims or physical injury.

The challenge for the whole community is to work hard to improve the protection and safety of the people who work for them and with them. I know that WorkCover has done a lot in changing its focus in recent years to be more proactive in the areas of prevention rather than looking at the bottom line cost, and therefore I commend the City of Onkaparinga for the work it has done in ensuring that it has a safe workplace. I have noticed a lot of improvements in the City of Onkaparinga, not only in training but in the type of vests the staff wear. We all know how much at risk council and emergency services personnel are when working on busy roads and that is why I am pleased to see the amendments with respect to the 40 km/h speed zone past emergency services currently being considered in the upper house.

The City of Onkaparinga has done an outstanding job in working through occupational health and safety issues for its staff, and I am pleased to put my congratulations on the record. But there always has to be leadership, particularly during transition and change. Most people do not actually like change. When you have change on the go it involves an extraordinary effort from those at the top. I know that in the first year of the amalgamated council of the City of Onkaparinga (which was formed from the City of Noarlunga and Happy Valley and the District Council of Willunga) many people in the community had a question mark about whether or not the amalgamation was going to be a success. I said to a number of people in my electorate that we must give it time to bed down. It does not matter whether it is a council amalgamation, a new form of funding emergency services or whatever you need to be prepared to be patient and give those leading the change in transition the time to bed it down.

The community by and large in our area was patient and now three years down the track we are starting to see the benefits of this amalgamation. Therefore, I want to personally commend Mayor Ray Gilbert, who has been involved in leading this change, and also Edith Gilbert. We get two for one in the City of Onkaparinga because while the mayor is very active and committed equally is the Lady Mayoress, Edith Gilbert, and I also want to commend her. I also congratulate Jeff Tate, the city manager, and his team which is very professional and which works cooperatively with all members of parliament in our area, and by working together

we have seen great achievements. I also acknowledge the hard work and active role of the councillors.

I conclude by saying that there is a lot more to come for the community by virtue of the amalgamation and formation of the City of Onkaparinga. I was very pleased to see a serious economic arm in the City of Onkaparinga. I was concerned before the amalgamation about how serious local government was in our area when it came to economic development because there must be a partnership approach. We now have that partnership approach and what we have achieved is significant financial dollars and support and facilitation occurring between state government and local government. Whether it is an issue that is directly resulting in economic opportunity or the other important opportunity for our region, that is, the further development of social reform, there has been good cooperation between state and local government.

I support and commend the southern social planning matter which was highlighted by my colleague, and I put on the public record my appreciation of the Minister for Human Services (the Hon. Dean Brown) for the work he did in facilitating that opportunity. There will be more success stories in the future for the City of Onkaparinga and I look forward as a member of parliament in the state government within that city to working cooperatively with them and our community in the future to see the positive growth and opportunities occurring on a daily basis continuing for the long-term future.

Motion carried.

JACOBS CREEK TOUR DOWN UNDER

The Hon. D.C. WOTTON (Heysen): I move:

That this House congratulates the organisers, competitors and sponsors associated with Australia's leading international road cycling event, the Jacobs Creek Tour Down Under, on its outstanding success, acknowledges the enthusiastic support given to the event by South Australians, thanks the local, national and international media organisations for their extensive and positive coverage of the event and recognises the extensive economic and social benefits the Tour Down Under brings our State.

I am delighted to move this motion congratulating the organisers, competitors and sponsors associated with Australia's leading international road cycling event, the Jacobs Creek Tour Down Under. What a fantastic event this was for South Australia, for the nation as a whole, particularly for all those who were committed to ensure that it was a success.

The Jacobs Creek Tour Down Under has, I would suggest, forever changed the perceptions of road cycling and sporting tourism in Australia. As members would be aware, it was staged for the second time from 18 to 23 January this year in South Australia; the first time was fantastic and this was even more fantastic. This remarkable event captivated and motivated spectators especially international cycling enthusiasts in a way other success stories, such as our World Cup winning cricket team or swimming superstars, have generated enthusiasm for their own sports.

In every city and town en route, the Jacobs Creek Tour Down Under attracted the same exalted level of involvement and excitement as the very event on which it was modelled, the Tour de France. Even the participating international teams commented on how only the Tour de France enjoys the level of crowd support they experienced here in South Australia. Could there be any better compliment than that? Those of us who had the opportunity to be at starting stations or to follow the event en route could not help but be amazed and very supportive of the number of people who turned up to observe it. In fact, over 500 000 spectators were able to enjoy this event. Many of them, of course, were committed. Some of them were just curious but they all lined the route waving homemade banners, streamers, flags, anything they could get hold of, and shouting support for international riders and teams. It is interesting because many of them they hardly knew or cared about, if it comes to that, before this event.

The outstanding feature for those spectators was that a new major international sporting event was being run on South Australian soil. The other great thing about this event was that it was all for free. It is very seldom that people or families have the opportunity to have so much pleasure and pride for nothing—and that was certainly the case with the Tour Down Under. All people had to do was to muster the kids on school holidays, for example, and take them to town, just as people do for national celebrations such as the Anzac Day march or South Australia's own Christmas Pageant. The buzz in those towns was quite extraordinary and I am sure that the majority of members in this place took the opportunity to participate in one way or another and to be part of that excitement, whether it be in small country towns or in the city.

Even though the race itself took, in many instances, just a few blurred kaleidoscope seconds to pass, the sense of community involvement remained long afterwards. People continued to talk about the experience for weeks and for months—and still are talking about how much pleasure they received from it. I am very pleased to say that my hills electorate featured prominently in this year's event. Stage 2 of the race started at Woodside and took in Oakbank, Hahndorf, Mount Barker, Macclesfield and Strathalbyn, and some of those areas are in the Premier's electorate and some in mine. The balloon archway, bunting, flags and local bands on display in Hahndorf were a spectacular backdrop for the enormous television coverage this race received and were a part of the huge amount of enthusiasm shown regarding this event.

We featured in stage 4 as well. After that spectacular Unley start the race threaded through Blackwood and then into my electorate through Coromandel Valley, Clarendon, Kangarilla, Meadows, Echunga, Mylor, Bridgewater and onwards to Lobethal. I would go so far as to suggest that I doubt that there was a single balloon left for sale in the hills after that event. They were everywhere, surpassed only by the crowds who lined the race route. After the race, the crowd stayed on in the area to have a drink or a meal, to discuss the race, the riders or the weather, or to simply enjoy the chance to see and experience something so different. That is why it was so great for tourism. I know that that is something that was very much appreciated throughout my electorate, because it brought in people. It was not just the local people who lined the route. People came from all parts of the state, and from interstate as well, and they were able to spend time in the shops, the restaurants and the pubs, just getting to know the areas better. That is great for tourism.

The European riders were very clearly enchanted with the South Australian countryside, its atmosphere and the reception they received here. Along with many of my colleagues, I had the opportunity to meet a number of these riders at the reception they received at the Adelaide Hilton. They are delightful people, and they were certainly taken aback by the reception they received and the atmosphere of it all. A couple of them were quite emotional about that

reception, and it was good to see. In addition, they discovered that Australia provides a perfect venue for cycle training and racing. I hope that that is remembered because a number of the competitors made it clear to me that they did not know anywhere better for bike riding than the route that was chosen.

Of course, those of us who have the opportunity to spend time in the Hills would now recognise that on most weekends or during the week we have people on bikes either training or just enjoying the experience. All but two of this year's international teams arrived early for this year's race. In fact, riders from the German Telecom team were in Adelaide from as early as the first week of December. That in turn provided the opportunity for them to get to know the city, to be able to take in the sights around the place and, most importantly, to get to know the people who make South Australia such a great place to live and visit.

It has opened new doors for South Australia, particularly as a pre-season training destination. Where in the past teams may have gone to southern Spain or California to mount their pre-season training, I am told that in the future they will come to South Australia, and that is good for this state. Perhaps most importantly, the race provided an outstanding tourism showcase for Australia. The national and international media coverage of the event is expected to be valued at more than $20 million, and a final audit of this is expected shortly.

I could not help thinking when it was being staged, when a few people sat down originally and thought about the possibility of staging the first Tour Down Under in Australia, and in South Australia, whether they ever imagined the amount of interest that would be shown and the support that would be provided for this organisation. How often can you stage any event that brings 500 000 spectators together and with that sort of budget? It is quite remarkable that the national and international media coverage was valued at about $20 million. I, and I am sure other members, will certainly be interested in the final audit whenever that is available.

As a component of this coverage, the event also enjoyed a potential audience of over 200 million throughout Europe as a result of the six hour highlights package which screened on Europe's biggest television network, Eurosport. During the event I was delighted to receive a call from some very close friends in England who were delighted to be able to watch a section of the event, to be able to recognise parts of the state and, in particular, the Hills, which they visited on a number of occasions. They were delighted with the coverage. They made the point that they really felt as if they were part of it. For 200 million people throughout Europe to be given that opportunity is just mind blowing.

The Jacobs Creek Tour Down Under has engendered such publicity in Europe that a vastly increased media and spectator contingent is certain for the next race in 2001. You just wonder how much bigger this can get. Likewise, the inaugural event in 1999 was touted as an overwhelming success by participants, the media, and particularly by the public. In echo of these accolades, in mid-1999 the race had a meteoric rise in ranking from the sport's world governing body, which took this year's race from a 2.4 classification to a 2.3, making it the only 2.3 classified race outside of Europe. That is quite remarkable.

In setting out to recreate the significant sporting and tourism opportunities enjoyed by major cycling events in Europe, the Jacobs Creek Tour Down Under has in many areas surpassed what it aimed to emulate. In moving this motion, I commend all of the organisers, the competitors and the sponsors, because where would we be with an event like this if we did not have sponsors associated with Australia's leading international road cycling event? It was an outstanding success. It is something that people from all walks of life and all ages will remember. As I said earlier, it is not often that you see the enthusiasm on the part of so many people of so many different ages and backgrounds as was the case with this event.

I also commend the Minister for Tourism, the Hon. Joan Hall, who was totally committed to the staging of this event. She did a fantastic job wherever she went, and she won the hearts of a lot of people, particularly the competitors, the sponsors and those who supported this event from other parts of this country and overseas. I hope—and I am sure—that all members of this House will join me in supporting the motion.

Ms THOMPSON (Reynell): I speak in support of the motion and thank the honourable member for bringing it before the House. This was indeed an exciting event, and as somebody who does not know much about cycling—I could not even ride a bike until I was 36—the fact that so many of us got involved in cycling and came to some understanding of this sport which is quite foreign to us as a spectator sport was quite a remarkable achievement. It shows the way that the people of Adelaide will get out and have a good party and support activities and initiatives in this state, especially when they do not cost the state a lot of money and do not make a lot of noise—which some people do not seem to like.

I was hoping to get to stage 1 but unfortunately electorate commitments prevented me from making it down to join the fun in the city. I was able to enjoy very much the fun of stage 3, which spent most of its time in the City of Onkaparinga. The City of Onkaparinga was pleased to have won the right to host a final in the town of McLaren Vale, which we all know is very important to this state, particularly the southern region.

The tour passed through the city on 21 January, beginning its journey at Glenelg at 11 o'clock and culminating in an exciting finish 5½ hours later in McLaren Vale. One sole rider, Stephan Berges, broke away from the peleton 16 kilometres into the race on Beach Road at Christies Beach—where the traders supported this event as they support many community events—and took to the road alone in a courageous race through the McLaren Vale wine region, up the mighty Sellicks Hill and on to Victor Harbor.

Who could have imagined that he would still be alone on his return, racing down Sellicks Hill, allowing a small breather before cresting Old Willunga Hill nine minutes ahead of the pack? Although the gap was reduced while riding along the Range Road and back down into McLaren Vale, he crossed the finish line alone, taking all awards along the route.

The roads of the City of Onkaparinga were the stage for the international bike riders, and spectators came from near and far to see them perform. Our towns presented an ideal backdrop for their show: the stage dressed with balloons, streamers and banners, music playing in the background, and the crown awaiting the King of the Mountain—the scene was set.

About 50 000 spectators witnessed Stephan Berges' extraordinary solo journey through our region. Thousands cheered him up the gruelling hills, and there were people at every corner to spur him on. Crowds gathered hours before the riders were expected. I certainly saw them waiting

1½ hours before any of the riders were expected along the entry route into McLaren Vale. At the finish they gathered five to six deep to watch Stephan Berges cross the line one minute and 43 seconds ahead of the field.

The City of Onkaparinga organised a spectacular range of activities to enable its community to maximise enjoyment and involvement in the 2000 Jacobs Creek Tour Down Under. It held the Taste the Race Tour, a cycling event aimed at providing family fun and entertainment, giving participants the opportunity to see the race at three exciting locations without the hassles of traffic and car parking. A fully escorted ride allowed spectators the opportunity to see the international cyclists at McLaren Vale on the pass through to Victor Harbor, King of the Mountain on Old Willunga Hill, and back at McLaren Vale for the finish.

Soundcore from the Reynella Enterprise and Youth Centre provided entertainment at the finish line in McLaren Vale for most of the day. Soundcore itself is an achievement that should be noted. It is a joint initiative of the City of Onkaparinga and Mission Australia which came together to run the city established Reynella Enterprise and Youth Centre. This initiative identified that the music industry is an industry of the future for many of the local people of the south.

This area has traditionally been a manufacturing area with many white and pink collar jobs forming the basis of the economic support of the people. However, manufacturing jobs are declining. In some cases, this is a good thing because those jobs were harming people, and they have now been replaced with robots. However, it is also a bad thing in that people need jobs for their self-respect and dignity.

The way the city has recognised that entertainment, including sporting events such as the Tour Down Under and music, can form the basis for stable jobs for our young people is outstanding. The Soundcore program enables young people to train in all aspects of the music industry: presentation, composing and arranging, and the hidden activities of setting up the sound stage, getting the sound and lighting right, promotion, publicity and photography. All aspects of the music industry are involved in the Soundcore project.

So, it was only fitting that the Jacobs Creek Tour Down Under provided at a local level a bit of a showcase for the Soundcore program. Soundcore entertained us at McLaren Vale with the Feel the Beat concert which allowed the crowds to 'chill out and groove' to a line-up of folk, contemporary rock and percussion bands whilst awaiting the cyclists' return to the vale.

Ms Key interjecting:

Ms THOMPSON: That's what they call it. I inform the member for Hanson that this is the language. It needs inverted commas. Five thousand burgundy balloons decorated the sprint finish into the town. I am sure that many of the people in the gallery know more about chilling out and grooving than we do.

Willunga also planned live entertainment and used its King of the Mountain crown to decorate roads, flags and even water towers. Not to be outdone, the Aldinga Bay traders held a carnival on a prominent corner along the route with the army, the CFS and local schools ensuring that the crowds were truly entertained.

On the following day, stage four passed through the Adelaide Hills, and the towns of Coromandel Valley, Clarendon and Kangarilla in the City of Onkaparinga hosted parts of that stage of the race. Coromandel Valley locals planned a warm welcome to match the sizzling pace of the international riders. A bike fun day was held at the local oval, putting Coromandel Valley on the cycling map. Willunga and McLaren Vale won coveted silver and bronze in the best dressed town competition and Aldinga a commendation award.

The advantages of hosting the race are obvious to all: the crowds, the publicity and the international and interstate exposure. The region had the opportunity to showcase its towns, countryside and unique culture, as well as its talents for the future. The community once again excelled in making the Tour Down Under an exciting and memorable event, and we look forward to next year's event with great enthusiasm.

However, all this excitement in the City of Onkaparinga did not happen by itself. Many people (led by Janice Blair) were involved in much hard work. We are grateful to the mayor and mayoress, Ray and Edith Gilbert, who hosted many of the activities, particularly in McLaren Vale. Working on the basis that the riders could not see much of what they were passing but could perhaps hear and recall a unique sound, and given some of the industries of the south, it was determined that cow bells would represent the area. Janice Blair found many of these cowbells, and those of us who officially attended the support events were issued with cow bells which we rang vigorously for the riders as they passed by.

I thank the many council workers who organised barriers, balloons and rubbish bins at the last moment, because some of these things can only happen at the last moment. The council workers were very involved in the basics as well as the glamour things that make these sorts of events memorable. Congratulations go to David McFarlane and Mike Turtur at the state level for their dedication and vision in making this great event something for South Australia to be proud of and for enabling the City of Onkaparinga to showcase itself a little.

Mr VENNING (Schubert): In the one minute remaining, I will commence my speech about this fantastic event. I was one of thousands of South Australians who saw the Jacobs Creek Tour Down Under, which once again brought to South Australia (indeed, Australia) all the vibrant colour, drama and excitement of professional international road racing. I was one of the many sceptics three years ago when this race was first mooted. Having observed this event being staged so successfully for the second time, I want to pay the greatest tribute to those who had the foresight to see that it would fit into South Australia. It certainly fitted brilliantly into my region: the Barossa Valley.

The Jacobs Creek Tour Down Under is distinguishable from other road cycle tours staged in Australia in that the event has as its basis the participation of complete European trade teams and because it is positioned and promoted as a national event. The Tour Down Under certainly has a great ring to it.

The Jacobs Creek Tour Down Under attracted 10 European trade teams, six of which had previously ridden in the Tour de France and are household names in Europe: for example, Credit Agricole, Saeco, Telekom and Polti. Two national teams also competed. Over 500 000 spectators lined the roadside to watch the tour. In addition to nine hours national television coverage, the race enjoyed a potential audience of over 200 million people throughout Europe as a result of the six hour highlight package which screened on Eurosport. What price that in today's media?

The Barossa hosted the finish of stage five of the Jacobs Creek Tour Down Under as a result of its success in the

inaugural 1999 event, which I also attended. A total of 80 000 people witnessed the finish of stage five on that day, and that was eclipsed only by stage three (the Glenelg to McLaren Vale leg) which, I believe, attracted 130 000 spectators.

Time expired.

[Sitting suspended from 1 to 2 p.m.]

SUPPLY BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Supply Bill.

FIRST HOME OWNER GRANT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the First Home Owner Grant Bill.

SOUTH AUSTRALIAN FORESTRY CORPORATION BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the South Australian Forestry Corporation Bill.

PROSTITUTION

Petitions signed by 565 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, were presented by the Hon. D.C. Kotz and Mr Meier.

Petitions received.

BLAIR ATHOL TRAFFIC LIGHTS

A petition signed by 456 residents of South Australia, requesting that the House urge the Government to install traffic lights at the intersection of Audrey Avenue and Main North Road, Blair Athol, was presented by Mr Clarke.

Petition received.

ABERFOYLE PARK PRE-SCHOOL

A petition signed by 111 residents of South Australia, requesting that the House urge the Government to ensure completion of the Aberfoyle Park Pre-School relocation before the fourth term, was presented by the Hon. R.B. Such.

Petition received.

NATIVE VEGETATION

A petition signed by 83 residents of South Australia, requesting that the House legislate to protect native vegetation and promote sustainable farming practice to ensure biodiversity and healthy waterways, was presented by the Hon. R.B. Such.

Petition received.

ART WORKS

The SPEAKER: I would like to provide the House with some information regarding the commissioning of a painting of the Hon. Joyce Steele MHA OBE, and a bust of the Hon. Don Dunstan QC AC. In December 1998 the Joint Parliamentary Service Committee requested that the Premier commission a bust of the Hon. Don Dunstan, to be placed in Parliament House. Cabinet approved the proposal on 18 January last year. In February last year, following requests from a number of members of parliament, the Premier also approved the commissioning of a painting of the Hon. Joyce Steele, to be placed in the House of Assembly in Parliament House. A commissioning committee comprising myself as Speaker of the House, a representative from Arts SA, a representative from the Art Gallery and two senior staff from the Department of the Premier and Cabinet was formed in July last year.

For each of the commissions a short list of three artists was selected to prepare detailed briefings and models for assessment. In November last year the committee considered three design briefs and half-sized maquettes presented by the short-listed artists, and its unanimous view and recommendation to the Premier was to award the commission for the bust of the Hon. Don Dunstan to Ms Janette Moore. Ms Moore's recent commissions include the statue of Dame Roma Mitchell on North Terrace.

One of the artists selected to prepare a concept design proposal for the portrait of the Hon. Joyce Steele withdrew from the commission. The remaining two artists presented their concept design proposals to the commissioning committee in December last year. The committee's unanimous view and recommendation to the Premier was to award the commission to Mr Robert Hannaford, a well known and highly regarded portrait painter. The chair of the commissioning committee consulted with representatives of both families regarding the concept design proposals and the selection of the artists prior to seeking the Premier's approval.

Ms Janette Moore has commenced work on the bust of the Hon. Don Dunstan and the model will be ready for casting in September 2000. The bust will be cast in bronze by a South Australian foundry using the complicated process of lost wax casting. The anticipated completion date will be no later than 30 June 2001. Mr Robert Hannaford has now been engaged to paint the portrait of the Hon. Joyce Steele and it is anticipated that the portrait will be completed towards the end of the calendar year.

CHAMBER DISTURBANCE

The SPEAKER: With the indulgence of the House I would like to make a second statement. With respect to Peter Hoare, the police have advised me that they are finalising their investigations into Mr Hoare and expect to take action in the near future with respect to the incident in this chamber last Tuesday.

BROKEN HILL PTY LTD

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I am pleased to advise the House today that the state government has reached agreement

with BHP to allow BHP Whyalla to proceed with the sale of its long products business. This is a significant move for both the company and for the people of Whyalla. This agreement benefits all stakeholders. It assists in securing the future of the steelworks and the jobs at the steelworks. It paves the way for new investment by the new owners of the business, and it provides new opportunities for economic development in Whyalla. It brings the new steel business under the control of the Environment Protection Authority and it provides a significant financial boost to the Whyalla council.

The Whyalla steelworks and the iron ore mining operations in the Middleback Ranges will be the cornerstone of the new national steel business. It is a win-win-win situation. The government's priority is to ensure that the new owners of the steelworks are given the opportunity to place the new business on a sound footing for growth in order to underpin employment in Whyalla. At the same time, the government is keen to ensure that BHP and the new owners accommodate the reasonable and legitimate concerns of the Whyalla community in this period of transition.

As part of BHP's rationalisation process and subsequent sale of its steel long products business, the state government asked BHP to reduce the amount of land covered by the indenture so that new opportunities for economic development, recreation and leisure can be created. Under the agreement negotiated by the government the new company will give approximately 3 600 hectares of land to the Whyalla council and the government. That is approximately 45 per cent of the land it currently owns or occupies. A large portion will be given to council to establish an industrial estate and a section, including the golf course, will be used for community recreation and leisure purposes. In addition, land will be given to the government to extend the Whyalla conservation park. The agreement will ensure better environmental protection for Whyalla. Unlike BHP, the new steel company will no longer have an unfettered right to discharge effluent into the sea or discharge smoke, dust or gas into the atmosphere, under section 7 of the indenture.

The new steel company will operate under the full authority of the Environment Protection Authority and will make annual payments totalling more than $8.6 million over the next 20 years to the council in lieu of rates. This is more than four times what BHP has paid over the last 20 years. BHP's decision to divest its long products steel business has profound implications for the Whyalla community. I am confident that all members of parliament will support the government in its efforts to achieve the most positive outcomes for the community of Whyalla.

I take the opportunity to place on record the support and interest the government has received from the member for Giles, Lyn Breuer, in seeking and achieving the outcome in the best interests of the City of Whyalla. Since BHP first announced its plans to sell its long products business in October last year the government has actively consulted with community leaders in Whyalla about this matter, especially the Whyalla council and the Whyalla Economic Development Board. This agreement represents a major step forward in securing the future for Whyalla and the Upper Spencer Gulf region. It offers substantial benefits to the council and provides opportunities for new economic development in Whyalla. All members of parliament will receive briefs before the relevant bills are introduced into parliament, and I trust a spirit of bipartisan cooperation will ensure that the people of Whyalla can look forward to a prosperous future.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Human Services (Hon. Dean Brown)—

Public and Environmental Health Council—Report, 1998-99
South Australian Health Commission—Public and Environmental Health Act 1987—Report, 1998-99
Food Act—Report, 1998-99.

The SPEAKER: Order! Before calling on questions I advise the House that the Deputy Premier will take questions for the Minister for Education and Children's Services and the Minister for Environment and Heritage will take questions for the Minister for Water Resources.

QUESTION TIME

GOODS AND SERVICES TAX

The Hon. M.D. RANN (Leader of the Opposition): Given that the introduction of the GST is only three months away, can the Premier supply a full and complete list of all state government services and charges that will be subject to the GST? Given the fact that the government has called upon councils and insurance companies to be open and transparent about the government's emergency services tax, will the government itself do the same by adopting a truth-in-pricing policy for state charges that attract the GST by clearly showing how much of the price of a state government service is actually made up by the GST? This morning on radio the Minister for Education and Children's Services stated that his department had written to the federal Treasurer in May 1999 asking whether educational services and material charges would be subject to the GST, but he has not yet received a reply and did not know. The Victorian government has announced that it will clearly disclose the amount by which the GST will affect the cost of all government charges.

The Hon. J.W. OLSEN (Premier): I will refer the question to the Treasurer. My understanding is that the Treasurer is compiling a list of those areas that will be impacted by a new tax system to be introduced on 1 July. As for transparency, of course when any matters are referred to for consideration by government they are included in the *Government Gazette*, in the budget papers, and are subject to estimates scrutiny.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has asked his question.

Mrs PENFOLD (Flinders): Would the Premier please outline to the House his views in relation to comments made by the shadow Treasurer regarding the cost of implementing the GST in government departments?

The Hon. J.W. OLSEN: I thank the member for Flinders for the question, because members might recall that yesterday the shadow Treasurer indicated that implementation costs across government were in the order of $200 million. Well, the shadow Treasurer is wrong yet again; in fact, the shadow Treasurer is not even close. I am advised by Treasury, having referred the shadow Treasurer's question to them yesterday for some advice, that the cost is likely to be of the order of $50 million—not $200 million. Once again, we have had the shadow Treasurer quoting outdated newspaper articles in the House to substantiate, in part, his question. Can I suggest to

the shadow Treasurer that, instead of bringing the *Financial Review* into the House, he actually read the *Financial Review*, because if the shadow Treasurer had taken the trouble to read the *Financial Review* of yesterday as well as demonstrating he had it in the House he would have seen that the Australian Taxation Office yesterday released a public ruling which contradicts earlier reports that the GST would be applied to interdepartmental and interagency transactions.

That decision was a direct result of the respective states taking up the issue at a commonwealth level and getting an outcome and a result in the interests of all the states. Perhaps a little gratuitous advice to the shadow Treasurer might be that, instead of being so busy dwelling on what could have been, we should get on and fix the problem to ensure that it will not be an impost of the order of $200 million. We are happy to correct the member for Hart every time he gets up in this House with inaccurate suggestions, assertions and figures—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will come to order.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for interrupting.

Mr Foley: What about Ingo?

The SPEAKER: Order! I warn the member for the second time. The member will remain silent.

The Hon. J.W. OLSEN: I can understand the member for Hart's sensitivity and wanting to talk over the answer, because he is somewhat embarrassed about this answer as it goes to the credibility of the opposition in financial matters. We know what their credibility is: it is in tatters after about eight years in government and bankrupting South Australia. But, here we are, six or seven years on, and you would have thought they would learn something, just something, in terms of trying to get some financial credibility back on the opposition benches. But the simple fact is that the member for Hart has got it wrong yet again and has consistently had it wrong in terms of any financial acumen he would want to demonstrate to the public of South Australia. The honourable member will have to do a lot better than this. I can assure the member for Hart that, every time he gets up in this House inaccurately putting forward figures, facts and an argument, we will correct him, put it down and demonstrate yet again that in six or seven years in opposition the Labor Party and the member for Hart have learnt absolutely nothing.

CHELTENHAM RACECOURSE

Mr WRIGHT (Lee): What discussions has the Minister for Recreation, Sport and Racing or other government officials, including those from RIDA, had with any members of the SAJC committee and/or SATRA members regarding the possible sale of the Cheltenham racecourse? Within the past 10 years $11 million of taxpayers funds have been spent on upgrading Cheltenham racecourse. The opposition has been told that discussions between the government and individuals from the SAJC committee and SATRA are at an advanced stage and that the green space at Cheltenham could be turned over to industrial use. We have also been advised that proceeds from the sale of the TAB and the funding of a second track at Morphettville are being used as a carrot to encourage the sale of Cheltenham and that the government's proposed legislation to corporatise the racing industry will allow the sale of Cheltenham without referring the decision to the full SAJC membership.

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): I thank the honourable member for his question. As members of the House would appreciate, the Cheltenham racecourse is owned not by the government but by the SAJC. The government does not have the power to sell Cheltenham. That is the first point to get on the record: the government does not have the power to sell the Cheltenham racecourse. I checked this matter with the Executive Officer of RIDA this week. His advice to me was that the government officials had contacted members of the SAJC prior to Christmas simply on the basis that, if the SAJC through its membership made a decision to look at selling Cheltenham, the government would be interested in looking at what use it could be put to. Everyone knows in this House that South Australia is short of land for commercial/industrial purposes.

Members interjecting:

The Hon. I.F. EVANS: I make the point that it has simply registered an interest that, if the owner of the land decides—

Members interjecting:

The SPEAKER: Order! The chair has a particular interest in hearing the reply.

The Hon. I.F. EVANS: If the SAJC as the owner of the land decides ultimately that it wishes to sell it (and that is a matter for it and not a matter for government; I have made that quite clear to the racing industry), it needs to think about what uses it may be put to, but ultimately that decision is for the SAJC.

WORKING HOURS

The SPEAKER: The member for Colton.

Members interjecting:

The SPEAKER: Order! The member for Colton has the call.

Mr Wright interjecting:

The SPEAKER: Order! The member for Lee will come to order.

Mr Wright: What about him?

The SPEAKER: Order! I caution the member for Lee. He should be very careful—he is treading on very thin ice.

Mr CONDOUS (Colton): My question is to the Minister for Government Enterprises. Will the minister advise the House of the impact on South Australia if a 36 hour week is adopted?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Colton for his question, because it enables me to identify that, if in fact the push by building unions in Victoria were to be replicated here in South Australia, it would in fact represent a really dangerous precedent that would threaten the competitiveness of industry across the board in South Australia. Given that the Leader of the Opposition delighted in a previous question in extolling the virtues of what the Labor government was doing about things, we might ask what the Victorian Labor government is doing about this 36 hour push. The answer could in fact be, 'Nothing,' but it is worse than that. It is doing more than nothing: it is actively supporting it.

I noted in the *Sunday Herald Sun* an article about Steve Bracks, who went to the new museum building in Carlton. The journalist said that he knew the new museum was on the way to being finished because he was inside, having been invited to the opening, and was tucking into something that

he was assured was coffee and everyone had to go outside. Everyone wondered why this was and they went outside to where the jackhammers were operating, and the journalist admits to everything being very confusing. Because there was a picket line for the workers who were trying to get a 36 hour week in their industry, Steve Bracks as the Premier of Victoria said, 'I am not going to cross the picket line.'

Mr Koutsantonis: Hear, hear!

The Hon. M.H. ARMITAGE: 'Hear, hear!' says the member for Peake. So, all the guests took their glass of champagne and went outside to where Premier Bracks was openly supporting something, which will make—

Members interjecting:

The Hon. M.H. ARMITAGE: I can understand why the Labor party opposite is pleased about this, and I guess to a certain extent South Australian businesses should be pleased as well, because by supporting a 36 hour week in Victoria he is making Victorian businesses less competitive. That is good for South Australia to that extent, but we would certainly hope that it does not by stealth creep across the border.

What would the Leader of the Opposition and the ALP do if the push came here? I think they would just sit back and do nothing. In sitting back and doing nothing and agreeing with a push for a 36 hour week, the ALP would in fact be seeing a collapse in cost competitiveness in South Australia. I am advised that if a 36 hour week was brought in across the board in South Australia business costs would rise by a minimum of 5 per cent. If businesses were faced with a 5 per cent increase in cost competitiveness, jobs obviously would be lost and, accordingly, jobs would go. That is the end result if a 36 hour push were to come into South Australia.

I contend that the Labor Party would agree with that. Why would it do that? It would do so because it would be told to by its union bosses. We all remember in some instances the lamented honourable Terry Groom, when on 8 July 1993 he observed, from the inside, that the parliamentary Labor Party is really 'South Terrace running North Terrace'. We can only assume that the ALP members sitting opposite will lie down and have their tummies tickled if a 36 hour week push comes in here, with the direct effect of job losses, cost competitiveness increases and businesses disappearing. I would hope, given that the Leader of the Opposition so regularly offers bipartisan support, that he and his team would offer bipartisan support for the businesses of South Australia not to have a 5 per cent cost competitiveness increase. I hope he and his team would offer bipartisan support for the businesses of South Australia so that they are not faced with these added pressures, and I would hope and expect we would be offered bipartisan support against job losses. The acid will come on the ALP. It will be very interesting to see whether it has at heart the interests of the people of South Australia or those of the people on South Terrace.

EMERGENCY SERVICES LEVY

Ms HURLEY (Deputy Leader of the Opposition): My question is to the Minister for Emergency Services. Will the minister clear up confusion on whether the emergency services tax is imposed on Fleet SA vehicles used by the state government and, if so, how much will the government claw back from the budgets of essential services, such as the nursing service and domiciliary care, by this tax, and does the tax apply to vehicles such as police cars and fire engines?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): Fleet SA is the responsibility of a minister in another place. It is well recognised that I take questions for that minister. The question is: 'Does the ESL apply to Fleet SA?' The answer is, 'Yes.'

LOCAL GOVERNMENT ELECTIONS

The SPEAKER: The member for Hartley.

Members interjecting:

Mr SCALZI (Hartley): Thank you, Mr Speaker. Can I ask my question?

The Hon. M.D. Rann interjecting:

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

Members interjecting:

The SPEAKER: Order, the Minister for Government Enterprises! I call the member for Hartley.

Mr SCALZI: My question is to the Minister for Local Government. Will the minister inform the House of the procedures in place to ensure that a consistent approach is taken in the conduct of this year's local government elections?

The Hon. D.C. KOTZ (Minister for Local Government): I thank the member for Hartley for his question. I am well aware of the honourable member's continued interest in responsible community representatives at all levels of government. I am quite happy to advise the House, as members would probably be aware, that the nominations for the forthcoming local government elections actually closed at 12 noon today. We all recognise that local councils are a vital level of government in Australia, and it is therefore important that we have responsible community minded people to serve on our local government councils.

I am sure that members of the House—and, in particular, the member for Elizabeth—would be happy to know that Marilyn Baker has renominated for the position she currently occupies as Mayor of Playford. I can also advise the honourable member that Mr Ron Watts has renominated to serve the residents of Playford although, despite the worst efforts of those associated with the member for Elizabeth, he is not standing for mayor.

Under the new Local Government Act a number of measures are being implemented to ensure consistency, transparency and accountability in local government. The State Electoral Commissioner is to be the returning officer for all councils, while the act provides for significant delegation to local deputy returning officers. The proportional representation method of casting and counting votes is to be used in every council, where previously councils actually had the choice between proportional representation and optional preferential. Also, postal voting will be used in all cases.

However, the act enables some councils with a history of strong voter turnout at polling booths to apply for dispensation to continue to use booths. The Local Government (Elections) Act also provides for penalties to be applied to those guilty of an offence under the act. The member for Elizabeth and her colleagues ought to be aware of section 57 of this act, which deals with violence, intimidation and bribery. Under section 57—

Members interjecting:

The SPEAKER: Order!

Ms STEVENS: On a point of order, I resent the implication in the minister's statement and ask her to withdraw it.

The SPEAKER: I am sorry: would you just repeat the allegation you speak of?

Ms STEVENS: I resent the implication in the minister's answer that I could have been involved in bribery. I would like to ask the minister to repeat her point.

Members interjecting:

The SPEAKER: Order! Under the circumstances, if there is confusion across the chamber as to what the minister did or did not say, I will not uphold the point of order, but if the minister is moving into areas that could become unparliamentary or subject to a subsequent substantive motion, I caution her against going down that path.

The Hon. D.C. KOTZ: I think it extremely pertinent that all members of this parliament understand what the penalties are in any area of law, considering that every member of this parliament takes an oath to uphold the laws of this state. In terms of the Local Government (Elections) Act, I am now reading about section 57, which details the penalties for breaches of that act. Section 57 provides that it is an offence with a maximum penalty of $10 000 or imprisonment for seven years for anyone to offer or give a bribe to induce a person to submit or withdraw candidature for election.

Members of this house are well aware that under any act of parliament it is the law and, for members in this place who should be setting standards in the community, it is always a concern if there is an allegation against another member of parliament, who may or may not be involved in any of these allegations.

Members interjecting:

The Hon. D.C. KOTZ: It means being role models for the community, not getting involved in anything that might cause allegations of impropriety. I would have thought that that is a very sensible approach for every member in this house to take, without someone else having to stand up here and reiterate the law. In answer to the member for Hartley's question, it is important that this government notes that we are interested in consistency, in transparency and in accountability. That is what the new Local Government Act is all about.

I suggest that the Labor Party not allow its internal divisions and personal animosities to corrupt these practices. They may not yet understand the concept of accountability, but that is what the community expects from every one of us. I suggest that they will get it only through a Liberal government.

EMERGENCY SERVICES LEVY

Mr CONLON (Elder): My question is directed to the Minister for Police and Emergency Services. In light of the answer given by the minister for diminishing government enterprises, just how much of the police and emergency services budget will be clawed back from those agencies because of the exaction of the emergency services tax on their vehicles?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I note that it took until half way through the third question time this year before anyone in the opposition asked a question about the emergency services levy—which they all supported.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Here they go, Mr Speaker: they can support it in the parliament and then spend 15 months running innuendo around the community and working against a principle that they, and particularly the opposition spokesperson, deep down support in every way. I would say to the community of South Australia: 'Put them under the microscope,' because that is where they deserve to be.

They want to work against the best interests of South Australians when it comes to protecting life and property—and well may the member for taxis laugh. I have a day coming for the member for taxis in the very near future, particularly about the material that he trashed around his electorate or what he purports or hopes to be his electorate. We will have a look at some legal implications of that in the near future.

Mr ATKINSON: On a point of order, is the minister answering the question, which, as I recall, was about police vehicles?

The SPEAKER: Order! I refer the minister to standing order 98, which implies that the minister will not branch off into debate but stick to delivering facts, and ask him if he will come back to the question. I do not uphold the point of order technically, because he has not quite strayed there, but he is getting perilously close.

The Hon. R.L. BROKENSHIRE: As it is a serious question it will take a little while to explain, because I need to make sure that I answer it in detail. The fact is that the total amount of money being spent on emergency services will be $141.5 million. Of that figure, $41.5 million is being contributed through general revenue by the South Australian government and another $100 million is being contributed from the community—not 'double the amount', as the Leader of the Opposition said on television a couple of days ago.

It is time that the Leader of the Opposition was at least honest when he goes in front of television cameras to start to get messages across to the community. Through insurance premiums and council rates we were collecting $70 million under the old system. The Leader of the Opposition agrees that 30 per cent of people were either not contributing or under-contributing before. The difference between $100 million and $70 million is $30 million, which is exactly the difference between what was being contributed before by the general community and what is being contributed now.

At the same time we saw the honourable member saying that he would balance the books if he ever had a chance in government on a recurrent, year in—year out, basis, yet he cannot even work out the difference between $70 million and $100 million. Of course, we know what the Leader of the Opposition was like: on 13 April 1989, when there was a motion about Tim Marcus Clark and the State Bank, the Leader of the Opposition said that no-one of significance in the Australian financial community would not acknowledge that the success of the new bank in large part was due to the brilliance of its managing director Tim Marcus Clark. His appointment in February 1984 was said to be a major coup that stunned the Australian banking world. It was a major coup for this state, said the Leader of the Opposition.

Mr CONLON: I rise on a point of order. If the minister had not technically strayed before, he is certainly on a frolic of his own now.

The SPEAKER: I uphold the point of order and bring the minister back to the question before him.

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker. We are balancing the books and, on behalf of the government, as per the act, the money for the mobile property amounting to about $1 million is being paid for as part of the $41.5 million general government revenue commitment.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will have his chance in a minute.

FLINDERS PRIVATE HOSPITAL

The Hon. R.B. SUCH (Fisher): Can the Minister for Human Services outline the benefits of collocating the Flinders Private Hospital next to the Flinders Medical Centre, in particular the benefits for residents of the southern metropolitan area?

The Hon. DEAN BROWN (Minister for Human Services): This morning we had the official opening of the new Flinders Private Hospital. The hospital has been operating for about 12 months and represents about a $60 million investment by Ramsay Health Care in the health care of people in the southern suburbs of Adelaide. It is an Australian first in that it is the first time that a major private hospital has been located on exactly the same area as a major public hospital which is a teaching hospital, together with Flinders University. These three major institutions are all in partnership together and therefore delivering far better health care to the people of the southern suburbs.

The new hospital has 130 beds, eight operating theatres, 10 intensive care beds, six coronary beds and two cardiac laboratories, but the unique feature is that some of the public patient work will be done in the private hospital. In fact, about 5 000 public patients will go into the private hospital, about 2 500 for day surgery and about 2 500 in the cardiac area. This has substantially freed up space and services in the public hospital as a result of the fact that so much work is now being transferred across to the private hospital. It is very significant indeed. It is not just a one-way street: it is a two-way street. At the same time, Flinders Medical Centre (the public hospital) will do the pathology services, the imaging and the emergency services work for the private hospital.

I would urge members to go and have a look at what is truly a magnificent facility in this private hospital, described by Paul Ramsay, the head of Ramsay Health Care, as arguably the best private hospital anywhere in Australia. It is now operating in South Australia in close cooperation with Flinders Medical Centre. But the important thing is that there is a synergy between the two, so that both the Flinders Medical Centre and Flinders Private Hospital will benefit very significantly from this partnership. The people of the southern suburbs will receive considerably better health care, a greater choice of health care and certainly health care in the private sector much closer to where they live. It is, in all respects, a very significant achievement for health care in this state and one that I think will be regarded as a model for the rest of Australia. That is certainly the opinion of Paul Ramsay, who argued that if you are going to maintain the highest standards in health care you must be able to share facilities to be able to afford the expense involved, so that those excellent facilities will cover both public patients and private patients.

I saw the two cardiac laboratories this morning and one could argue, I think quite defensively, that they are the best cardiac laboratories anywhere in Australia. In fact, I asked a specialist who had just come back from a stint overseas whether he had seen better facilities in places such as Canada and the USA and he said that he thought this equalled the very best in Canada and very close to the best in the United States. Those facilities have been provided solely at the expense of the private sector, but we engaged them on a service by service basis to do the work for public patients. It is a very significant benefit both to the private patients and to the public patients through this new facility.

EMERGENCY SERVICES LEVY

Mr CONLON (Elder): My question is directed to the Premier. What changes to the government's emergency services tax are currently under consideration by the government given the serious criticisms made of the tax by the public and pensioners in particular? The opposition has received more than 1 400 written complaints from the public concerning the emergency services tax. A person from Hope Valley wrote:

> We are a low income family with four children and all these new taxes are totally blowing our budget. We already make many sacrifices to clothe and educate our children.

A pensioner from Lockleys wrote:

> As a pensioner maintaining a family home it is becoming more and more difficult with each added tax.

A person from Fulham wrote:

> This was supposed to be a fairer tax for everyone. I paid $141 before. I am now paying $334.

A person from Seaton summed it up simply, as follows:

> Another rip-off for families and pensioners.

The Hon. J.W. OLSEN (Premier): As I have indicated on a number of occasions, and I presume the member for Elder can read the newspapers and follow the news reports, a number of aspects form the basis of a review. That outcome will form part of the budget papers, as one would expect, so if the member for Elder can hold his patience until 25 May he will get the answer. Let me just go on to reinforce the point that previously our emergency services were simply underfunded. I want also to bring to the attention of the member for Elder, although he was not a member of parliament at the time, that in the 1993 Ash Wednesday bushfires 28 South Australians lost their life, and the coronial report indicated that government needed to act forthwith to put in place a communications system for the security of people who risked their life in emergency instances.

It took five reports and some 15 years later for a government to have the fortitude to actually respond to that coronial report, which referred to 28 people who lost their life. I know what this opposition would be like had we not taken any action, or if there were to be another Ash Wednesday experience—God forbid—in this state: you would be the first people on your feet complaining that we had not done anything; had not responded to the report; had not put in place corrective action; had not funded the emergency services as they ought to be funded. We have responded to that. We have accepted the responsibility to do so and to properly fund our emergency services. I have said since August last year that the unintended consequences of components of it will be ironed out. Indeed, they will.

GENETICALLY MODIFIED FOOD

Mr WILLIAMS (MacKillop): Considering recent publicity, could the Deputy Premier outline to the House the government's position on the production of genetically modified foods?

The Hon. R.G. KERIN (Deputy Premier): The debate on genetically modified foods has very much escalated by what has happened in the past week. We are very concerned about several aspects that came out of the Mount Gambier incident to which the member was alluding, not only as to what happened there but also as to the way in which some of the publicity has occurred, statements have been made and the verification of things that happened.

Over the past 18 months to two years, I have been urging the federal government not only to get its regulatory framework in place (which finally is about to go to parliament) but also to ensure that there is a major national educational campaign, not a promotional campaign. A little has happened but nowhere near enough, and certainly I have spoken to Minister Truss again this week about their lifting their effort.

The lack of education has become very obvious from the various responses to the Mount Gambier incident. We have argument as to what was actually dumped. We have claims, some sensational, about potential ramifications from both the dumping and from the trials themselves. There are obvious questions about the protocol and what would be seen as a lack of stringency of the regulatory controls of those trials. Several times we have heard the word 'secret' used, with counterclaims being made that all the information was freely available. Again, the question is, 'If that is the case, why was not more information put out for the consumption of the general public and industry in the area?'

Also, we have what many would see as an incredible situation where growers were saying that they were not sure what they were growing. That really raises the issue: if the growers did not understand it, I am not sure how the general public is supposed to understand. There is probably a gap in the language and the understanding between what the researchers know, the way they speak and what farmers are able to understand with these technologies.

We have also extremely varied views on whether or not South Australia and Australia should go GM and rely on a marketing premium from markets which are demanding non-GM food. Once again, that is a concept which we all understand, but there is very little hard evidence as to what amount of product would go in that premium or what the size of that premium would be. On top of all that, we have very little public understanding of either the benefits or risks of GM crops.

The point I have raised at ARMCANZ meetings is that we cannot expect the public—that is industry and the consumers—to make informed and correct decisions if they are not given the facts in a balanced and understandable way. Certainly, Minister Truss has acknowledged that to me this week. I have spoken before in the House about the debacle that was made of the GM debate in Europe, and we risk a similar mess here. In the vacuum created by a lack of information and a lack of knowledge, I must say that misinformation, emotion and sensationalism will take over. I would hate to see that cause Australia to make either ill-informed decisions or decisions that would have long-term damaging effects, not on the Australian economy but certainly on a lot of regional areas.

In listening to the debate yesterday, I wondered how people in Europe and the US would react on hearing how the story was running. I think the Europeans would recognise it as where they have actually been with it. The Americans would probably think we are a bit quaint and that it was going over the top. Which reaction is correct is secondary to what, at the end of the day, the Australian consumer will decide. I have again spoken to the federal government this week about the need for far more public debate. We need the federal government to lead that, although not as an advocate or as an opponent. However, we need to have all the facts on the table in order to try to have an informed public, an informed industry and certainly an informed debate.

While there are many attractions of the benefits of biotechnology and GM foods, whether they be better yields, better quality, healthier foods and a better shelf life, there is the possibility that this technology could well and truly help us with salt tolerant crops, which could be a major weapon for us in our battle with salinity. However, the benefits will not be delivered ultimately unless the consumers understand and are able to make the right decisions. So we will continue to pursue the federal government and hope that it can dramatically ramp up the education program, because we should not underestimate the importance of this debate to the future not only of Australian agriculture but also of the general public.

EMERGENCY SERVICES LEVY

Mr CONLON (Elder): Has the Premier had discussions with those Liberal members of parliament who were urging the government to reduce drastically or even abolish the emergency services tax, and have those Liberal MPs now changed their views and withdrawn the threat to take the matter out of his hands? The member for Stuart told the media in May last year, 'Many of my constituents can't afford to pay any more.' The member for Fisher criticised the tax on 26 February saying, 'Government was out of touch with the battlers and pensioners.' On the same day, the Conservative (still Independent) M.P. for Gordon, said, 'This has just got out of hand. This issue was going to be a watershed in relations between the Liberal Government and the electors of South Australia.' And the member for Colton—I remember him under the bulldozers—stated on 25 February, 'In my 31 years in politics, nothing I can think of has instilled more anger in the community than this single issue.'

The Hon. J.W. OLSEN (Premier): I do not think there is a question there—just a series of statements that have already been printed.

INFORMATION ECONOMY

Mr HAMILTON-SMITH (Waite): Can the Minister for Information Economy tell us of developments under way in South Australia which demonstrate the Government's commitment to the information economy?

The Hon. M.H. ARMITAGE (Minister for Information Economy): A number of recent and current activities that are occurring highlight the growing importance of the information economy sector in South Australia. I am sure that a number of members, particularly members representing more remote electorates, will have noticed in February the launch of the Networks For You program, which involves expanding awareness and use of and familiarity with the Internet in rural and regional South Australia.

Since that program was launched by the Premier in Mount Gambier, we have had a terrific amount of very positive support and responses from a number of organisations in that area in particular who wanted to be Networks For You centres, and they included TAFEs, schools, libraries, local government centres, and so on—so that is very positive. Also, a number of other areas throughout non-metropolitan South Australia are wanting to be part of it, recognising that the information economy is inevitable and the way of the future, and it is vital that they are familiar with and completely comfortable in the new milieu.

Let me refer to another development which is really exciting. A couple of weeks ago I was part of a judging panel at Ngapartji Multimedia Centre in Rundle Street, where we

actually judged the first of what will become a regular series of competitions to design a web site in one day. Whilst the local web site designer people were at pains to stress that the totally professional web site obviously takes a lot longer than that to design, a number of people were prepared to be involved with a sense of goodwill and fun in trying to design a web page in one day for the two charities involved, the Cranio Facial Foundation and Telethon.

I particularly thank the local multimedia industry, Protech, Hostworks and a number of other sponsors for the day. I particularly thank the team leaders, Dean Rosenhain from Planet Software, and Garry Bourne of Dow Digital, and their team of volunteers who came from the cream of Adelaide's online development community. Each one of the teams had a TAFE student with them, and they were all very positive and deserve to be congratulated heartily.

I know that the Cranio Facial Foundation and Telethon were delighted with the outcome. There was a huge amount of support from the public, which is very pleasing. The fact that a number of people had seen the publicity and were interested enough to come and see the work that went on behind the scenes in designing a web page augurs very well for the embedding of the information economy into the general public. I was delighted to be able to identify that we would in fact repeat the exercise. I think we will have more teams and more charities putting their hands up to benefit from the event.

In closing, I would like to mention very briefly the 47th conference of the Internet Engineering Task Force (IETF), which is currently under way about 100 metres or so from the chamber. This conference is being held in Australia for the first time, with about 1 600 delegates in attendance for the five day event. I am absolutely sure that my colleague the Minister for Tourism is delighted with all this because, when we get that number of delegates, all the local hotels, restaurants and so on do very well. Particularly, it is an indication that in South Australia we can be taken seriously in the online world. The fact that this conference will come to Australia for the first time and come to Adelaide is a great credit to all the people who have been involved, and in particular I congratulate and thank Mark Prior of Connect.com.au for his very active role in securing this event which, as I said, profiles us in the international information economy world just as the World Congress on IT, the WITSA 2002 event (which we won recently and about which we will see a progressive build up of excitement to February 2002) has done also.

Again I thank the member for Waite for his question because it is a very interesting and very important area for the future of South Australia's economy.

MURRAY RIVER

Mr HILL (Kaurna): Does the Deputy Premier deny that irrigation water polluted by cow manure and fertiliser is being deliberately pumped back into the Murray River between Mannum and Wellington? Yesterday the Minister for Water Resources told the House:

> All effluent is now either ponded and disposed of well away from the river or reused on pastures where it will have minimal impact. The impact of dairy shed effluent on the river has been minimised and gives the lie to the opposition's wild allegations of a 'cocktail of manure and urine and chemical fertilisers being pumped into the river'.

The opposition has been advised by the Lower Murray Action Group, which includes the Departments of Primary Industry, Environment and SA Water, that in 1996 the Department of Primary Industries prepared a report for the action group which said that each year 80 gigalitres—that is 8 000 million litres—of irrigation water, stormwater and ground water is returned to the river. The report says:

> This cocktail carries 190 tonnes of nitrogen, 50 tonnes of phosphorous and 100 000 tonnes of salt and bacteria to the river each year.

The Hon. R.G. KERIN (Deputy Premier): I think I answered a very similar question on Tuesday at which time I outlined that a lot of work is still to be done down there. The consultation has been carried out and we are about to start it.

Members interjecting:

The Hon. R.G. KERIN: I said on Tuesday.

Mr Koutsantonis interjecting:

The Hon. R.G. KERIN: You should have listened; I answered the question Tuesday. The honourable member may be mistaking what is happening in other areas with dairies where the EPA has put in strict guidelines. I will go back to what I said on Tuesday. What I said on Tuesday in relation to the Murray swamps area is that, yes, we have work to do there. We have been going through the consultation phase. We have been working our way down the river. We are back at Loxton now doing rehabilitation and we have plans to fix the swamps' problem and we have done the consultation on it.

POLICE PRODUCTIVITY COMMISSION REPORT

Mr VENNING (Schubert): Will the Minister for Police, Correctional Services and Emergency Services inform the House of the result of the Productivity Commission report into the South Australian police force?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his interest in policing in South Australia. As members would know, recently we received the Productivity Commission's report on government services, which we see as a useful and practical insight into community attitudes. As minister I was particularly pleased to see in that report some of the issues concerning community satisfaction with the South Australia Police. The satisfaction with the services of South Australia Police was above the average data recorded for all states. What that says is that the South Australian Police Department is generally doing a very good job in working with and on behalf of the South Australian community.

When it came to respect for honesty, SAPOL achieved the highest joint ranking nationally. That has been the case for some time now and it is something that we as the South Australian community, the South Australian Police Department and I as minister should very much look after and cherish because that is something that is fundamental when it comes to good policing in any state. The report says that 81 per cent of South Australians agree that police perform their duties professionally—and that is above the national average of 78 per cent. On top of that, and something that is important to put into the right perspective, is people's perceptions of safety. This report showed that nationally 94 per cent of South Australians felt safe or very safe at home during the day and 81 per cent of those persons felt safe or very safe at home alone after dark. That is something on which we have to continue to work, but that is a very good outcome.

Notwithstanding those results, clearly there are a number of areas in which we still have to do further work with the police department and I will continue to do that through some of the reform and restructuring. The other point that was very important to note in this report was that South Australia recorded the third highest police to population ratio in the country, with the 1998-99 figures at 232 police per 100 000. As I said, that is the third highest in Australia and indicates that we are 16 above the national average. On top of that, as we all know, the Premier announced a task force to look into police resources and management, and at the moment the Premier, cabinet and I are looking at that particular report. This government has a real commitment to support our South Australian Police in doing their duty.

Finally, while I am talking about police, I would like to put on the record my appreciation of the fantastic South Australian Police Expo at Fort Largs on Sunday. I had the—

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: The member for Hart says, 'Thanks for inviting me.' Did the honourable member attend? I did not see him there.

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: You did. I would hope that the honourable member would have attended because, if he had not, he would have been one of the very small percentage who did not. Up to nearly 80 000 people attended and what that shows is that people are very interested in seeing the work that the South Australia Police perform on a daily basis for us. As well as that, for the first time we had a comprehensive exhibition from the emergency services and I was delighted to see them working together with police to show the community of South Australia the work that is going on on their behalf. Finally, I would like to say how much I appreciated the efforts of the five or six police officers on the committee who put this fantastic event together, and I was pleased to see that the South Australian government was able to be a sponsor of this event.

CROYDON PRIMARY SCHOOL

Mr ATKINSON (Spence): I ask the minister representing the Minister for Education: have the funds obtained by the closure of Croydon Primary School been equitably distributed between the state schools that received new enrolments consequent on Croydon's closure; and will the government stand by its promise that no pupil of a local state school would be disadvantaged by the closure? On 6 October 1999, the Croydon Primary School site was sold to the Islamic College of South Australia for $850 000 to accommodate new enrolments consequent on Croydon's closure. Between $400 000 and $750 000 in new government money has been spent on upgrading Challa Gardens Primary School and Kilkenny Primary School, plus these schools have received equipment from the closed school.

Pupils at Croydon Primary School had first class computer facilities and a whole school sized hall and stage. Owing to Croydon's closure, 30 Croydon pupils went to Challa Gardens, 40 to Kilkenny and 59 to Allenby Gardens Primary School whose enrolment increased from 170 to 270 but it received none of the new money.

The Hon. R.G. KERIN (Deputy Premier): Obviously, I will obtain a reply from the minister. We are all very well aware of the Croydon Primary School for a number of reasons. I can only say that the honourable member's acknowledgment of the help given to two other schools is appreciated. However, I am not too sure of what excess capacity was at Challa Gardens and the minister will provide an answer.

The SPEAKER: The member for Stuart.

Mr Atkinson interjecting:

MINERAL EXPLORATION

The Hon. G.M. GUNN (Stuart): There is one thing about the member for Spence: he has never done a day's work in his life. Will the Minister for Minerals and Energy explain to the House how the targeted exploration initiatives carried out by the department have affected mineral exploration in South Australia; and will the minister indicate what benefits that will have to the people of South Australia, notwithstanding the efforts of the Conservation Council and the member for Kaurna?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Stuart for his question. The member for Stuart has established a reputation in this parliament for being a champion of the mining sector. Probably more than any other member in this chamber, he knows the benefits the industry can bring our state, because as the member for Stuart he represents a considerable area of the state and a considerable portion of the mining sector in our state. The member for Stuart and other members who have a similar point of view are well aware that if we are to have a productive mining sector it is important that it be provided with significant geotechnical information. The initiative of which the honourable member speaks—the targeted exploration initiative—is indeed a $23.2 million four-year program designed specifically to provide the mining sector with quality information and comprehensive, accurate and relevant geoscientific data so that it can undertake exploration of the state with good data behind it.

In providing the industry and the minerals and petroleum sectors with this data, we know we have a good opportunity for locating their activity in South Australia rather than other states of Australia, thereby stimulating economic growth in our state. In this initiative we have particularly targeted some important areas of the state to obtain this information. Members may be interested to know that the areas targeted include the Musgrave Block, particularly the geological province in the Anangu Pitjantjatjara lands; the southern Gawler Craton, including the Eyre and Yorke Peninsulas; the eastern Adelaide geosyncline and the Curnamona Province in areas of South Australia's key sedimentary basins, including the Murray and Cooper basins. To date, this targeted exploration initiative has highlighted an exciting array of geotechnical information, including information that has been provided on stream to more than 20—

Ms Breuer interjecting:

The Hon. W.A. MATTHEW: I am absolutely staggered at the interjection by that particular member of parliament. The member of parliament representing the area of Whyalla and surrounding areas does not wish to hear the yields that have been brought to her area through this initiative. I would have thought that that member would be in this parliament championing the people of Whyalla. I am disappointed that it is that member, of all the members of the opposition, who does not want to hear about this initiative. I will put the details of this initiative—

Members interjecting:

The Hon. W.A. MATTHEW: I know other members of the Labor Party might be interested, because I understand that

there might be an Independent in Whyalla, and that Independent might actually be the honourable member who is sitting there interjecting. I will put this information on the record so that at least a Liberal candidate in that area can tell the people in Whyalla what a Liberal government is doing to encourage the growth of the mining industry. I am pleased to report to the parliament that more than 20 companies have been involved in participating in airborne surveys. Some of those companies are actively exploring areas around Whyalla and its surrounding regions in the honourable member's electorate.

To date, 93 data sets have been provided to companies, providing some exciting economic opportunities in mineral areas that include copper, gold, zinc, lead, nickel, diamonds, uranium and mineral sands. More than 4 600 metres of bedrock drilling in the northern and western Eyre Peninsula and the region represented by the member for Stuart have discovered an exciting range of rocks which are considered highly prospective for precious minerals such as gold, platinum and silver. I look forward to bringing back to the parliament details of the results of these endeavours and, even if the member representing the Whyalla region is not interested, I know that my colleagues on this side are.

GRIEVANCE DEBATE

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

Mr CONLON (Elder): It always does my heart good to see the keen interest in my words taken by the member for Gordon—who should sue his barber. My grievance will not be about the emergency services tax, although I am sorely tempted, having learnt that the tax is applied to everything except the police greys. My grievance goes to addressing a very grievous error made by that career backbencher and serial maker of errors, the Hon. Angus Redford in the Legislative Council who, on 21 October last year, made one in his long series of errors. Remember the Hon. Angus Redford? He is the fellow who went in and attacked the firefighters one day and was on the front page of the paper apologising the next day. He is the fellow who so upset the Kumarangk Coalition that they are in the chamber today, and this is another one of his errors. I might suggest that to err is human: to get it wrong every time you open your mouth is probably the Hon. Angus Redford.

On this occasion the Hon. Angus Redford quite unfairly attacked a fellow member of the legal profession. I say 'fellow member', as I am and as was the Hon. Angus Redford when he attacked the Melbourne barrister, Stephen Howells. The attack on Stephen Howells might have had some point if it were vaguely accurate. By way of a question by the Hon. Mr Redford, Stephen Howells was accused of having adopted a new American style of presentation to the media by making comment on a matter before the courts. I hasten to point out that I will say nothing about that matter, as most members should say nothing about matters before the courts. It has always been my practice not to say anything; I do not do it in a mealy-mouthed way, but simply make it a golden rule. I will say nothing about the litigants; people who find themselves in court are enduring enough without having their matters trailed through this place. But I will say this: the barrister was accused of making a number of comments to 'an assembled media throng' in seeking a penalty for contempt of court.

The SPEAKER: I draw the honourable member's attention to the fact that a reference to any debate or questions in another place is not permissible in debate in this chamber.

Mr CONLON: Thank you, Mr Speaker; it was not my intention to do that, and that is why I have deliberately paraphrased what was actually said in the other place. The suggestion was that this American style of presentation to the media could be highly unethical. The barrister in question is one with the highest ethical standards, and he should not be attacked merely because, I assume, the Hon. Mr Redford has some political problem with one or other of the litigants. I think he should control himself in that regard. If he had bothered to make any inquiries at all on this matter, he would have found that no comment was made to a 'media throng': in fact, the barrister in question was approached inside the court building by one member of the media who asked his client a question. Those who know of this case know that it related to issues that went on for some considerable period and were frequently in the paper, so it is not surprising that a journalist would ask a question about it, given the history. The lawyer was instructed by his client to answer the question in the terms that were reported.

Apparently, that is unethical behaviour. I am surprised that the Hon. Angus Redford holds that view. I do not know his motivation for bringing such an issue before the parliament. He does not seem to have spent a lot of time worrying about the ethics of lawyers previously. In fact, were I less judicious, I might say things about people sliding around corridors late at night trying to brief journalists on matters before the courts. I do not know quite what was his motivation in this regard, but we may find out at some point. I will conclude simply by saying—and it is an invitation from the offended person—that, should the Hon. Angus Redford seriously believe that there are problems with the ethics of the barrister, Stephen Howells, he should step outside this place and put it in the open forum, and he will find out what sort of a lawyer Stephen Howells is.

The Hon. G.M. GUNN (Stuart): I want to refer to the incident that took place here on Tuesday and to what has followed since. It was bad enough that someone breached the security of this parliament—and I am not sure who assisted or made it easy for that person to get in here. The first thing that people should remember is that all the media outlets sign an agreement that they will abide by a certain code of conduct. That is very important.

The worst aspect of this exercise was that the individual in question was seeking publicity, and that was the only motive involved in the exercise. As far as I know, that person had no cause or grievance against any individual or group; he was purely seeking publicity. The worst aspect of it was that the *Advertiser* newspaper took it upon itself to defy the reasonable request of the chair on behalf of this parliament. I am of the view that, if one of us were to defy a law or request, they would put us on the front page of the *Advertiser*, publicly castigate us and say that we were unfit for public office.

I believe that Rupert Murdoch and the *Advertiser* should not be above this parliament and that this parliament should show a bit of guts by suspending them from this place to

show the people of South Australia that the parliament will not be intimidated by the likes of the *Advertiser*.

Mr Hanna: You're not questioning the ruling of the chair?

The Hon. G.M. GUNN: No, I'm not questioning the ruling of the chair. It is up to this House to take a course of action. I am of the very strong view that they should be made—

Mr Clarke interjecting:

The Hon. G.M. GUNN: Well, there are one or two others who would like to, too. I believe that in a democracy the parliament should not be intimidated. Just because we have in South Australia a situation where there is one dominant media outlet, it should not be able to call the shots or be above the reasonable requests of this parliament, because if this parliament surrenders its authority we will be in the hands of the media. They want members of parliament to be like a puppet, jumping up and down. They want to be able to call the shots. They do not want us to be independent. They want to set the agenda. Well, the agenda should be set by this parliament and the electorate. I take the strongest exception to this. Norm Petersen did the right thing when he was Speaker of this House by suspending one particular group of people.

I am firmly of the view that after we have thought about this we should take some action against not only the *Advertiser* but those other two outlets that also defied the ruling. Then they had the effrontery to try to justify what happened by saying that it was in the public interest. We know that there is a person at the *Advertiser* who has a particular dislike and a chip on his shoulders about members of parliament, because he wanted to be one but was not successful. I am firmly of the view—

Mr Foley: You're complaining about Rex?

The Hon. G.M. GUNN: The honourable member can name whomever he likes. I am not very happy with what certain people have had to say about the monarchy and other matters of recent times, but I will leave that for another day. But, in relation to this matter, it is a serious issue when the parliament's authority is called into question because certain individuals think they are completely in control as they control what is put before the community. I do not believe that is a good thing. It is clearly not in the interests of South Australia that we have one daily one newspaper. One of the worst things that ever happened in relation to the democratic process occurred when the afternoon newspaper was shut down. I am firmly of the view that this parliament should have a bit of character and stand up to those individuals who take it upon themselves to set themselves above everyone else.

Ms RANKINE (Wright): This afternoon I shall take a few brief minutes to speak to the House about young people in Salisbury. I want to talk about those young people and the police, those young people and their place in our community and those young people and how they see their future. If time allows, I will give two examples to the House about this. I was very privileged on Monday to attend an award presentation at the rock climbing gym at Holden Hill, where 15 young Salisbury residents received certificates for their participation in a pilot project, developed by officers of the Salisbury police station, called Operation Role Model.

The police officers at that station recognised that the northern suburbs have a very high unemployment rate and that in many circumstances this is not conducive to good police youth relationships. They also recognise that a large number of very gifted young people in the northern suburbs are often set adrift and that they need and deserve some encouragement. The aims of Operation Role Model, which was a blue light program, were: to provide an alcohol, drug and violence free environment; to enhance leadership and motivation in our young people; to encourage self esteem; to promote police and youth relations; and to promote youth as valued members of our community. I think that point is particularly important. These young people attended a four day camp near Iron Knob. They had the opportunity to develop relationships with a mentor, someone who will help them over a 12 month period to develop and enhance their employment opportunities.

But the program was more than just about a camp away, or a few days away. Ten workshops were provided, and they covered a range of issues, including: stereotyping, of which those young people from Salisbury are only too well aware and often suffer a disadvantage because of stereotyping; social styles; leadership; coping with stress; managing change; and managing the future. The young people whom I met on Monday—and, as I said, there were 15 participants, some of whom have already taken up employment, which is an indication of the success of that program—participated enthusiastically. Jackie Munroe, one of the participants, delivered an address to those present as well as a range of recommendations. They are issues which these young people identified and which this House needs to consider.

They recognised the perception that youth in the northern suburbs are often disadvantaged in obtaining employment because of where they live, and that is really important. It is not about their skills but about where they live. Part-time workers are often disadvantaged. Their hours are chopped arbitrarily and they often see others employed in their place, so they feel that they have no power or control over their employment and are frightened to complain. They feel that they have inequality in dealing with their employers; that the pay levels of young people are low and need safeguards to prevent exploitation; that they need assistance in their job search training, vocational assessment, resumé presentation, writing the job applications, etc.; that often just access to appropriate clothes for interviews for new employment is outside the scope of many disadvantaged young people in the northern suburbs; and that they need access to computers, telephones, the internet, etc.

This program, which was launched by Sir Eric Neal, had the support of schools, local business people and service clubs. Once again, the Salisbury council was out there supporting a great initiative. We all have a responsibility to give our young people hope and to provide them with a sense of belonging. I offer my special congratulations to Andrew Ryder, the South Australian Police Community Liaison Officer at Salisbury. This was a very worthwhile project. It deserves to continue, and those who participated enjoyed it. The presentation they provided on Monday was particularly enjoyable.

There was another example of a young person participating in our community on which I will have to address the House on another occasion.

Time expired.

Mr VENNING (Schubert): I rise to inform the House of yet another exciting, positive development for South Australia in the Barossa Valley and, indeed, for my electorate of Schubert. I refer to a project which will create a world-class

rose garden on more than 30 acres (13 hectares) near Lyndoch on the property of my very good friend Mr Hermann Thumm. Members would be aware that Mr Hermann Thumm is the founder of the world renowned Chateau Yaldara winery, winner of several Australian tourism awards. The chateau is not only known for its fine wines but for its priceless antique and art collections. It is situated in a pristine part of the Barossa.

Mr Thumm arrived in Australia in October 1941, his only possessions being the clothes he wore. Upon his arrival he was placed in a prisoner of war camp as he was of German decent, being handed over to the British Army during World War II while working in Persia. He had fled Communist Russia in earlier years to take up work in Persia. I have read a book about Mr Thumm's life and achievements and, if ever there was a story about a man who faced adversity and certain death but overcame them and went on to achieve so much in life for himself and his family, this is the one. His book is called *The Road to Yaldara* and it is riveting reading. I have a copy in my office here in Parliament House and I am happy to lend it to any interested member.

Mr Thumm recently sold the famous chateau and winery complex but did retain ownership of the Barossa Park Motel and adjoining restaurant. It is on this 30 acre property that Mr Thumm plans to develop the rose garden, which is also to include a smaller chateau and boutique winery. Mr Thumm wants to promote the Barossa and South Australia as the wine and rose centre of Australia. This can only further compliment our own National Wine Centre and rose garden on North Terrace and Hackney Road. Mr Thumm has a vision to see this world-class hill of roses as part of the Barossa Valley's enormous ability to draw business around the world. Mr Thumm has my full support in his endeavours.

'Barossa', as many members would know, is a Spanish word and when translated means just that—hill of roses. The spelling of 'Barossa' is not how it was originally spelt. Originally it was spelt with two r's and one s and when the clerk of the 19th century was entering the name in the state's records he spelt it with one r and two s's and that has stuck ever since. 'Barossa' appeals to me more than 'Barrosa'. The name was proclaimed and it has never been changed. Enthusiasm for the project is enormous and I can understand why. I attended a function two weeks ago where the plans for this project were displayed and it is truly magnificent. It will be a real attraction as the gateway to the Barossa. Mr Thumm has said that he welcomes anyone to call in and view the project in its planning stage. I commend that to all members. Call in and enjoy the fine food and wine at the restaurant and have a look at the project concepts. If you are in the Barossa you will be most welcome.

Major rose growers from all over Australia and indeed the world have been very enthusiastic because this area will prove to be a very good area to grow world-class roses. They are all very supportive of the project and are lending their expertise. Mr Thumm has said that he wants to make the greatest rose show in the world. That is a big statement and I am sure Mr Thumm will deliver. He is as serious as he was when he built Yaldara out of nothing. I can attest to that. Mr Hermann Thumb and his wife Mrs Inge Thumb and family have shown themselves to be people of vision and boundless energy, with a real desire to succeed coupled with an earnest support for the industry and their district. I commend them and their advisers on this great concept and I am confident it will be another great tourism asset for South Australia. In conclusion, I only hope that Mr Thumm is given the good health and longevity to be there on the day this magnificent facility is opened because he is a man of 87 years of age. Good luck and God bless him.

Ms THOMPSON (Reynell): I rise today to talk about the unfortunate and tragic problem of sexual abuse. The *Advertiser* earlier this week carried an item on that headed 'Violent homes linked to abuse'. Given that I had already committed myself to some people in the south to raise this issue in the Parliament I find it very useful to be able to link the two matters—the report of the *Advertiser*, which is about a study from the Australian Institute of Criminology and the activities of a wonderful group in the south, SSAFE (Surviving Sexual Abuse by Finding Empowerment).

The *Advertiser* reports that about one in four girls and up to one in seven boys are victims of sex abuse. It goes on to indicate that the report 'Child abuse and neglect' strongly links domestic violence and child sexual abuse within families. It shows that children are victims of abuses ranging from paedophilia, child pornography and child prostitution to ritual or satanic abuse and systems abuse of foster children. It found that abused children were more at risk of juvenile delinquency, youth suicide, homelessness and mental health problems. These factors are only too well known to the members of SSAFE and they find it very distressing that so little is done in our community to help the victims of sexual abuse.

There are a number of counselling services for those who have been directly abused. There is little support for their families, who also suffer through this tragic process. Many families break up as a result of one parent abusing a child and we all know the great disruption this causes in our community and the difficulty children have in many aspects of their lives. It is so difficult for an adult too to find that somebody they have trusted has betrayed them by harming their children in this horrible and tragic way.

The group SSAFE was established in 1988 following a public meeting at the Hackham West Community Centre where a number of people, mainly the non-offending parents, came together to try to support each other and have something done about the issue of sexual abuse in our community. They have been successful over the years in attracting a number of funds to support their work, but they have always found it difficult that the funds were insecure and they had to keep on changing what they wanted to do in order to adjust to different funding criteria.

The end of 1999 was a watershed period. Two successive co-ordinators had gone off on stress leave just trying to do far too much with far too few resources and SSAFE was really wondering where on earth it could go and how it could manage without any funds because at that stage funds were not secure and they were in premises that were totally inadequate. Fortunately the funding has come forward, as has Southern Junction, to take over the service. Southern Junction is very experienced in managing community programs and will ensure that the workers are protected, but it will still leave a huge unmet need.

I will refer to some of the information that came out at the annual general meeting. One of the most disturbing points was that four different agencies reported that they are all dealing with clients who have experienced ritualistic abuse and that was mentioned in the Institute of Criminology report. They find that these clients have difficulty being believed because the thought that there are groups in our community who will set up to ritualistically abuse children is too

horrendous for people to really believe and children are often thought to be fantasising. The workers concerned were very experienced workers from places like Relationships Australia and do not think the children are fantasising and think that it is an evil in our community that we must address and rip out.

In 1998-99, 543 people approached SSAFE for support: 122 of these were in the 36 to 41 years age group and that was the main category. In the younger age group, 6 to 11 years, there was one person, three between 12 and 17 years and 33 between 18 and 23 years; 482 came from the City of Noarlunga.

The Hon. R.B. SUCH (Fisher): Today is an historic day in that the minister responsible for urban planning, transport and various other portfolios released the report of the urban trees reference group entitled 'Managing significant trees in the urban environment'. It is an historic occasion because there have been several attempts in the past, by governments of various persuasions, to try to accommodate the issue of trees in the urban setting, and I believe that we are now on the verge of achieving a very sensible result. First, I pay tribute to the minister, who helped facilitate this process, got on with the job and gave me the privilege of chairing that group.

I also acknowledge the people involved: Chris Russell, from the Local Government Association; Simone Fogarty, Royal Australian Planning Institute; Rob Brooks, Urban Development Institute of Australia; Brenton Gardner, Housing Industry Association; Karen Possingham, Conservation Council; Gavin Leydon, National Environmental Law Association; Lisien Loan from the Department for Environment and Heritage (formerly DEHAA); and Paul Johnson from Planning SA.

That group, which first met in the middle of January this year, completed its report in approximately eight weeks, which is an outstanding effort. It was a cooperative effort, and it was a pleasure to chair the group. The principal recommendations will be covered not only by the introduction next week by the minister of an additional head power in the Development Act but particularly through the introduction of a set of regulations.

The main focus is on very large trees; what I believe the *Advertiser* called 'grand old trees'. These are trees that are 2.5 metres or more in circumference, measured at a point one metre from the ground. What is proposed is that, in the metropolitan area, any person wishing to significantly prune or remove one of these trees will need to put in a development application under the Development Act, and their proposal will be assessed by the council.

These are trees to which many people have great emotional attachment. I should point out that, on the advice we had from experts, a tree of that girth would, in terms of a red gum, be about 250 years old, so we are talking about a very significant tree. Indeed, some of the largest red gums, in particular, in the metropolitan area and elsewhere are of the order of 500 to 600 years old and certainly worthy of protection. The group decided to include all trees of that magnitude because we wanted to keep the guiding principles as simple as possible, since many people would not be able to distinguish between various species and types of trees, so exotics are included as well as native trees.

The committee did not want to suggest that only large old trees are important but wanted to indicate that other trees are also important. To that end, part of the recommendation, which is to be picked up via the regulations, is that trees with a lesser girth than 2.5 metres in circumference can still be protected by a metropolitan area council by the listing of those trees. As most of our rural areas are covered by the Native Vegetation Act, country councils can be part of this proposal if they wish. This is an optional provision relating to country councils that have an urban component.

In terms of the criteria for assessing the significance of trees with a lesser dimension than the 'grand old trees', some of the qualities that would need to be examined are whether the tree makes an important contribution to the character and amenity of the local area; whether it is a rare or endangered species—

Time expired.

SOUTH AUSTRALIAN FORESTRY CORPORATION BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to provide for the management of public plantation forests; to establish the South Australian Forestry Corporation; to amend the Forestry Act 1950 and the Local Government (Forestry Reserves) Act 1944; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: 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 establishes the South Australian Forestry Corporation as a public corporation to undertake the functions currently performed by the business unit of the Department for Administrative and Information Services known as ForestrySA. It also makes consequential amendments to the *Forestry Act 1950* and the *Local Government (Forestry Reserves) Act 1944*.

In my Ministerial Statement on 5 August 1999 I described how the increasing availability of plantation grown log supply within Australia and Australia's move from being a net importer of timber to a net exporter are leading to increased competitive pressures on ForestrySA.

ForestrySA has a commendable track record. However, it is now desirable for the unit to have greater commercial flexibility so that it will be in the best position to respond to these competitive pressures. This flexibility will be balanced by the more formal monitoring and accountability framework which is provided by the provisions of the *Public Corporations Act 1993*.

This bill establishes the South Australian Forestry Corporation as a public corporation with a Board of management reporting directly to the Minister for Government Enterprises. The new Corporation will continue to trade under the name and existing logo of ForestrySA.

Section 7 of the bill sets out the functions of the new Corporation. The functions are to manage the State's plantation forests for commercial production, to encourage and to facilitate regionally based economic activities in forestry and other industries, and to conduct research related to the growing of wood for commercial purposes.

In addition, the Charter of the Corporation which is required under the *Public Corporations Act* will delegate the important non-commercial functions currently undertaken by ForestrySA to the Corporation. These activities include recreational access to forest reserves, management of native forests for conservation purposes, farm forestry initiatives and the provision of technical policy support and advice to Government, industry and the community.

Section 8 of the bill grants the Corporation wide powers in order to meet its objectives. As with other public corporations, these powers will be balanced by the formal monitoring and accountability framework provided by the provisions of the *Public Corporations Act*. The Corporation will be required to operate within strategic directions and business plans agreed with the Minister.

Clause 4 of Schedule 1 of the bill allows for the transfer of specified employees of the Department of Administrative and Information Services to the new Corporation. All existing employees of ForestrySA will transfer to the new Corporation on the commencement date and retain the remuneration and employment conditions that would have applied, both now and for its duration, under the present Award and Enterprise Bargaining Agreement. Future Enterprise Bargaining Agreements will be made with the Corporation.

A number of consequential amendments to the *Forestry Act 1950* are required to transfer existing powers and responsibilities of the Minister to the Corporation. The opportunity has been taken to update penalties under the Act and to delete a number of obsolete provisions. The current prohibition against the sale of a forest reserve or part of a forest reserve without prior revocation will remain.

Consequential amendments are also required to the *Local Government (Forestry Reserves) Act 1944*. Currently under this Act the Conservator of Forests who is defined under the *Forestry Act 1950* as "*the Chief Executive Officer of the administrative unit responsible for the administration of this (Forestry) Act*", has certain powers. Since it will not be appropriate for the Chief Executive to hold this role post corporatisation, these powers will be transferred to the Minister responsible for the administration of the *Local Government (Forestry Reserves) Act 1944*.

Subject to the Parliamentary process, the Government intends that this legislation will be proclaimed to take effect from 1 July 2000. This would allow the benefit of commencing the Corporation's operations at the commencement of a financial year and also allow sufficient time for the significant preparation involved in establishing the Corporation.

Corporatisation of ForestrySA was supported by the Economic and Finance Committee in its report on State Owned Plantation Forests, released in February 1999. It is also consistent with the Government's commitment to the implementation of competitive neutrality policy associated with the National Competition Policy Agreement.

ForestrySA is an important business in South Australia, particularly in the regional economies of the South-East, Mount Lofty Ranges and the Mid-North of the State. I look forward to ForestrySA's continuing success as a Government business enterprise, and I believe that the greater commercial flexibility that follows from corporatisation will allow ForestrySA to compete even more effectively on the world stage.

I commend the bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Object

This clause sets out the object of the measure.

Clause 4: Interpretation

This clause defines certain terms used in the measure.

PART 2

CORPORATION

Clause 5: Establishment of South Australian Forestry Corporation

This clause establishes *South Australian Forestry Corporation* (the "Corporation").

Clause 6: Application of Public Corporations Act 1993

The *Public Corporations Act 1993* applies to the Corporation.

Clause 7: Functions of Corporation

The functions of the Corporation are to—

- manage plantation forests for commercial production;
- encourage and facilitate regionally based economic activities based on forestry and other industries;
- conduct research related to the growing of wood for commercial purposes;

and to carry out other functions conferred on the Corporation by an Act or the Minister or delegated to the Corporation by the Minister.

Clause 8: Powers of Corporation

This clause sets out the powers of the Corporation.

Clause 9: Common seal and execution of documents

This clause provides for the execution of documents by the Corporation.

PART 3

BOARD

Clause 10: Establishment of board

This clause establishes a five member board of directors (the "board") as the governing body of the Corporation.

Clause 11: Conditions of membership

This clause specifies that board members will be appointed for a maximum term of three years but will be eligible for reappointment. The clause also provides for removal of a board member on the recommendation of the Minister and the circumstances in which the office of a board member becomes vacant.

Clause 12: Vacancies or defects in appointment of directors

An act of the board is not invalid because of a vacancy in its membership or a defect in the appointment of a director.

Clause 13: Remuneration

A director will be paid (from the funds of the Corporation) remuneration, allowances and expenses determined by the Minister.

Clause 14: Board proceedings

This clause specifies the quorum for the board and provides for—

- selection of a presiding member;
- voting;
- telephone conferences;
- decisions of the board other than those voted on at meetings of the board;
- the keeping of minutes of board proceedings.

In all other matters the board may determine its own procedures.

PART 4

STAFF

Clause 15: Staff of Corporation

The chief executive of the Corporation will be appointed by the board with the approval of the Minister on terms and conditions approved by the Minister. The Corporation may appoint such other employees (on terms and conditions fixed by the Corporation in consultation with the Commissioner for Public Employment) as it thinks necessary or desirable.

PART 5

MISCELLANEOUS

Clause 16: Delegation to Corporation

The Minister may, in accordance with this clause, delegate any of the Minister's powers or functions under any Act to the Corporation.

Clause 17: Regulations

This clause provides for the making of regulations for the purposes of the measure.

SCHEDULE 1

Transitional Provisions

This schedule includes transitional provisions dealing with—

- interpretation issues;
- vesting of property, rights, etc. in Corporation;
- the application of the *Real Property Act 1886*;
- transfer of staff from ForestrySA;
- the appointment of the Corporation's first chief executive;
- the Corporation's annual report.

SCHEDULE 2

Consequential Amendments to Other Acts

This schedule makes consequential amendments to the *Forestry Act 1950* and the *Local Government (Forestry Reserves) Act 1944*.

The amendments to the *Forestry Act 1950* transfer responsibility for forest reserves from the Minister to the Corporation and deal with other consequential matters.

The amendments to the *Local Government (Forestry Reserves) Act 1944* remove all references in that Act to the "Conservator of Forests".

Mr WRIGHT secured the adjournment of the debate.

FOREST PROPERTY BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to encourage commercial investment in forest property; to amend the Real Property Act 1886; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: 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.

I am pleased to bring before the House a bill which provides improved investment security and support for the expansion of private forestry in South Australia. Although South Australia already

has a well-established private forestry sector, these measures seek to increase investment and expansion opportunities by addressing known impediments to plantation forestry development and investment security.

Increased investment in plantation forestry can play a key role in the economic development of the State and also help reduce Australia's current trade deficit in wood and wood products. A major economic study completed in late 1998 revealed that the wood and wood products sector contributed approximately 29 per cent of the gross regional product within the State's South East, while additionally it accounted for around 25 per cent of total employment in that Region, involving both direct and indirect employment. The same study also indicated that the forestry and wood processing sectors accounted for 34 per cent of all exports from the region. Apart from these specific economic benefits, plantation expansion can also provide significant greenhouse benefits through the sequestration of carbon.

Under the National strategy *Plantations for Australia: The 2020 Vision*, the Commonwealth, States and Industry are seeking to treble the area of Australia's plantation forest estate by the year 2020.

The bill before the House confirms the South Australian Government's support for this National initiative and follows on from earlier commitments made under the *National Forest Policy Statement* to 'establish a sound legal basis for separating the forest asset component from the land asset for the purposes of selling timber'. The bill also provides certainty for plantation owners and potential investors by securing the rights to harvest plantations established for wood production.

The lack of a sound legal mechanism for clarifying ownership rights in relation to trees, in particular those trees grown on another person's land, has long been identified as a major impediment to private forestry expansion, especially farm forestry.

Under common law, trees are regarded as part of the land to which they are attached and like other land fixtures, belong to the landowner. Unfortunately, this can often present a difficulty for investors growing trees on another person's land, especially in terms of preserving separate ownership rights.

To date investors have relied on the use of leasehold and other contractual arrangements in order to secure separate tree ownership rights. While these common law arrangements have been used, they all have certain limitations, including limited flexibility and often inadequate security for the tree grower.

Having regard to the inherent limitations of these common law options, South Australia's approach to this issue has been to develop specific legislation to provide a safe and secure investment environment, without burdening either the landowner or potential investor with unnecessary costs or restrictions.

The first part of the bill allows for the secure ownership of trees separate from land ownership through the creation of an agreement between the land owner and tree owner known as a '*forest property agreement*'. Under such an agreement, individual ownership rights are clearly identified and separated, while the agreement is also capable of being noted as a form of covenant on the actual land Title. Such a mechanism is considered important in terms of enhanced investment security, while it will also provide greater flexibility and options for both investors and landowners, including the opportunity for land and trees to be traded independently.

Although this legislation will enable investors to participate in plantation development without the purchase of land, it will also enable landowners to participate without giving up land ownership rights. For example, it will cater for landowners who may wish to create an asset capable of later sale, while it will also facilitate possible joint venture arrangements.

One of the other important considerations in developing this bill was the Kyoto Protocol and possible additional opportunities for the forestry sector arising from these international negotiations.

As forests absorb carbon dioxide they offer significant potential to reduce greenhouse gas emissions and also the potential opportunity for financial returns to the forest owner in the form of carbon credits under a possible future emissions trading scheme.

As the international arrangements for emission trading are still being negotiated, there is no system in place at this stage to provide carbon credits to forest owners. The Commonwealth Government is currently developing a policy position on emission trading, involving the release of a number of discussion papers to progress the issue. Although it could be some considerable time before such a system is introduced, one of the key issues to emerge already is the question of ownership of carbon rights and future carbon credits.

While the focus of this bill is on investment security and industry development, the bill includes specific provisions which confer clear ownership in terms of carbon rights, and in particular, the commercial right to exploit the carbon absorption capacity of the relevant forest property.

These provisions will help provide greater legal recognition of such rights in advance of a possible future emission trading system and also enable investors to participate with greater confidence on the basis of the added security over these rights.

The second key element of the bill is its aim to remove uncertainty in terms of plantation harvesting rights and thereby enhance investor confidence.

Where timber plantations are established for commercial purposes, plantation owners have a reasonable expectation, like other crop owners, that they can harvest their plantation and receive a return on their investment.

In view of the time it takes for forest plantations to reach maturity, plantation owners are exposed to a greater period of risk compared with other crops. In addition to the risk of physical damage from fire and other natural agents, there is also the risk that plantation owners may be prevented from harvesting their forest plantations due to possible future public or government intervention.

Subject to planning requirements being met to establish a plantation, normal plantation forestry operations, including harvesting, do not require any specific approvals at this present time. Notwithstanding current arrangements, there is a perceived risk with plantation investments that even after the owner has met all relevant environmental and associated requirements, plans to harvest the plantation may be thwarted through the intervention of another party.

Under the bill, harvest security is achieved through a commercial forest plantation licence, which authorises normal forestry operations, including harvesting, and secures these rights under State law. The requirements to obtain a licence will be kept simple to ensure that plantation owners are encouraged to take advantage of the added security that this harvest guarantee will bring.

While the licence would confer certain rights to the plantation owner, it will not authorise the establishment of plantations contrary to the provisions of State and Local Government planning requirements. Potential investors will still need to comply with any relevant planning requirements.

Any other conditions that may be imposed under the licence would be confined to ensuring environmentally sustainable management practices are maintained over the full term of the licence.

Like the forest property agreement, the licence would be readily transferable to facilitate any sale of the associated plantation to another party.

The commercial forest plantation licence and the forest property agreement are separate initiatives and although some plantations will be covered by both, they are independent of one another.

As a consequence, landholders growing trees on their own land, together with those growing trees on the land of another will be able to take advantage of either or both initiatives.

We are confident that this legislation will provide improved investment security and added incentives for plantation development in South Australia, and continue to support an industry of vital importance to this State.

I commend the bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal. The measure is empowering and will come into operation on assent.

Clause 2: Interpretation

This clause contains definitions for the purposes of the measure.

Clause 3: This Act to be read subject to the law of native title

This clause makes it clear that the provisions of the Act do not derogate from the law of the Commonwealth and the State relating to native title.

PART 2

FOREST PROPERTY AGREEMENT

Clause 4: Alienation of forest property

This is the central clause establishing forest property agreements—an agreement between the owner of land and another under which forest vegetation is to be grown for the benefit of the other.

To enter into an agreement the land holder must be an owner in fee simple or a lessee from the Crown (see definition of owner).

Forest vegetation is defined broadly to mean trees and other forms of forest vegetation including—

- roots or other parts of the trees or other forest vegetation that lie beneath the soil; and
- leaves, branches or other parts or products of a trees or other forest vegetation,

but excluding edible fruit.

The person for whose benefit the forest vegetation is to be grown is defined as the forest property owner for the purposes of the measure.

Subclause (3) provides that a forest property agreement may contain provisions—

- conferring on the forest property owner rights to enter the land to plant, maintain and harvest forest vegetation; and
- requiring the owner of the land, the forest property owner, or both, to take specified action for cultivation, maintenance and care of the forest vegetation; and
- dealing with the duty of care to be exercised by each party to the other; and
- dealing with any other incidental matter.

Clause 5: Registration of forest property agreement

This clause contemplates registration of a forest property agreement.

Registered is defined to mean—

- in relation to a forest property agreement relating to land alienated in fee simple from the Crown—
  - if the land has been brought under the *Real Property Act 1886*—registered under that Act or noted on the certificate of title to the land; or
  - if the land has not been brought under the *Real Property Act 1886*—registered under the *Registration of Deeds Act 1935*;
- in relation to a forest property agreement relating to land subject to a Crown lease—registered or noted in the Register of Crown Leases.

The clause requires consent of the holder of any registered encumbrance in the land, ie a life estate or a lease or a mortgage, charge or encumbrance securing a monetary obligation.

The Supreme Court or District Court may dispense with consent on the ground that the consent has been unreasonably withheld or there is some other good reason to dispense with it.

Clause 6: Nature of interest of forest property owner

This clause sets out the interests conferred on a forest property owner under a forest property agreement as follows:

- ownership of the forest vegetation to which it relates; and
- a right (exclusive of the right of the owner of the land) to the commercial exploitation of the carbon absorption capacity of the relevant forest vegetation; and
- an interest in the nature of a profit à prendre in the land on which the forest vegetation is being, or is to be, grown.

If the agreement is registered, the interests will be effective at law and have priority over—

- the interests of the holders of encumbrances over the land who consented to the registration of the forest property agreement or whose consent was dispensed with; and
- the interests of the holders of encumbrances over the land registered after the registration of the forest property agreement; and
- the interests of all persons with unregistered interests in the land or the forest vegetation.

If the agreement is not registered, the interests are equitable in nature and are liable to be defeated by a bona fide purchaser for value without notice.

Clause 7: Dealing with interest of forest property owner

This clause contemplates the forest property owner mortgaging, charging or otherwise dealing with or disposing of the interest conferred by a forest property agreement. Consent to the transaction is required by the owner of the land and the holder of any prior registered mortgage or charge, subject to dispensation from the Court. The clause also contemplates registration of the transaction if the agreement is registered.

Clause 8: Enforceability of registered forest property agreement by and against successors in title to the original parties

This clause makes it clear that a registered forest property agreement is binding on successive owners of the land and successive forest property owners.

Clause 9: Variation of rights under agreement

This clause provides for variation of a forest property agreement by further agreement. If the agreement is registered the consent of the holders of any registered encumbrances is required, subject to dispensation from the Court.

Clause 10: Revocation of agreement

This clause provides for revocation of a forest property agreement by further agreement or as contemplated by the agreement. A consensual agreement for revocation must be consented to by the holder of any registered mortgage or charge, subject to dispensation from the Court.

Clause 11: Termination of agreement on abandonment by forest property owner

Under this clause, the Court may, by order, terminate a forest property agreement and order that the land be discharged from the agreement, if satisfied that a forest property owner cannot be found or has abandoned the exercise of rights under the agreement.

Clause 12: Discharge of land from forest property agreement

This clause contemplates an interested person applying to the Court for an order that land be discharged from a forest property agreement on the basis that the agreement has been validly rescinded, avoided or otherwise terminated.

Clause 13: Applications for registration

This clause contains procedural requirements for applications for registration under the measure.

Clause 14: Application of relevant registration law

For the purposes of registration under a relevant registration law, a forest property agreement is to be regarded as a profit à prendre.

A relevant registration law may be the *Real Property Act 1886* or the *Registration of Deeds Act 1935*.

PART 3

COMMERCIAL FOREST PLANTATION LICENCES

Clause 15: Commercial forest plantation licences

This clause empowers the Minister to grant a licence in respect of a commercial forest plantation authorising forestry operations, including harvesting, in respect of the plantation. The plantation must be lawfully established.

If a licence is granted, operations authorised by the licence may be undertaken despite the provisions of any other law to the contrary and without any further authorisation, consent or approval under any other law.

PART 4

REGULATIONS

Clause 16: Regulations

This clause provides general regulation making power.

SCHEDULE

Amendment of Real Property Act 1886

The amendment defines easement to include a profit à prendre so as to make clear the registration procedures that are to apply in relation to an interest of that class, such as a forest property agreement.

Ms HURLEY secured the adjournment of the debate.

PRICES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

In 1995 the Council of Australian Governments ('COAG') entered into three intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the *Competition Principles Agreement*. As part of their obligations under this agreement, State governments undertook to review all existing legislation that restricts competition. The Office of Consumer and Business Affairs ('OCBA') has reviewed the *Prices Act 1948* (SA) as part of this process.

The guiding principle is that legislation should not restrict competition unless it can be demonstrated that—

- the benefits of the restriction to the community as a whole outweigh the costs; and that
- the objects of the legislation can only be achieved by restricting competition.

A review panel consisting of staff of the Office of Consumer and Business Affairs was formed in September 1998 to undertake this Review.

The *Prices Act* was introduced following the Second World War to curb rising inflation and to address market failure arising from shortages of goods. At one point, all States and Territories had some

form of price regulation. Some States have either repealed their equivalent legislation or allowed them to lapse. Over time, the objectives of the Act have changed, and it is now aimed at dealing with market failure arising from monopoly power and unconscionable conduct.

The Act enables the Governor to declare goods and services. Once declared, the Minister can issue a Prices Order in relation to those goods or services, setting the maximum price at which those goods and services may be supplied. Currently, only four goods or services are subject to price control in this manner, being infant and invalid foods, medical services, tow truck services and freight charges on the Kangaroo Island Sealink.

The importance of the Act as a reserve power and the benefit which flows from this outweigh the minimal administrative costs of the Act's operation. There is no power to fix maximum prices which is as comprehensive and capable of such flexible application as that in the *Prices Act* in any other South Australian legislation. Powers to fix maximum prices under other Acts are limited to short periods of time under narrowly defined circumstances, or apply only to particular goods and services.

The *Prices Surveillance Act 1983* (Commonwealth) may be effective in some situations, but does not have the flexibility to deal with certain local circumstances due to inherent constitutional limitations. The *Trade Practices Act 1974* (Commonwealth) provides an effective protection against price fixing and some other anti-competitive practices, and reliance on the *Trade Practices Act* may sometimes provide an alternative to specific regulation. However, neither of these Acts can completely fulfil the objectives of the *Prices Act*.

While the retention of the Act can be justified, certain provisions cannot. The Act imposes a number of requirements in relation to declared goods and services, of which there are currently in excess of fifty, rather than only applying them to goods and services subject to price control.

Section 12 of the Act imposes certain record-keeping requirements on persons who supply declared services or who sell declared goods. While it could be argued that the records required to be kept under section 12 would be kept by a prudent business person, there may be circumstances in which the Commissioner for Prices may wish certain records be kept. However, these should only be required in respect of goods or services subject to price control.

The proposed amendments will allow the Commissioner for Prices to require a person selling goods or supplying a service subject to price control, by notice, to keep such accounts and records as are specified in the notice. Where the notice imposes the requirements on a particular person, that person must receive written notice. Where the notice imposes the requirements on a class of persons, the notice may be published in the *Gazette* or in newspaper circulating generally throughout the State. In this way, the administrative burden of keeping and retaining certain accounts and records is imposed only on those persons selling or supplying goods and services subject to price control.

The Act also currently requires in section 30 that where declared goods are to be offered for sale in a package or container, the person must not alter the size of the package or container without approval by the Minister. The purpose of the restriction is to prevent a manufacturer altering a container size to avoid complying with a price order.

For declared goods generally, it is difficult to identify any benefit in restricting container size which is not outweighed by the costs of the restrictions on flexibility and innovation which may result. Amending section 30 so that it applies only to goods subject to a price order will address this restriction on competition, while maintaining community protection in the event a price order is made.

The remaining amendments proposed in this bill address minor housekeeping matters.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and businesses. As a necessary part of this reform, it is sensible to amend legislation to reduce red-tape for business owners where legislative requirements can no longer be justified.

Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel, and this bill will allow the necessary amendments to be made to the *Prices Act 1948.*

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 12—Accounts and records in relation to certain declared goods and services

This clause removes the requirement that a person who sells declared goods or supplies declared services in the course of a business keep such accounts and records as are specified in section 12 and the regulations and as the Commissioner may require. The clause also amends the section so that it applies only in relation to declared goods or declared services in respect of which a maximum price has been fixed under the Act, and empowers the Commissioner to give a person who sells declared goods or supplies declared services in respect of which a maximum price has been so fixed a notice requiring the person to keep such accounts and records as are specified in the notice. A notice may be given to a particular person or to persons of a particular class.

Clause 4: Amendment of s. 30—Alteration of container size

Section 30 of the principal Act provides that a person must not, without the Minister's written consent, alter the size of a package or container in which declared goods are to be offered for sale before they are sold by retail. The clause amends the section so that it applies only in relation to declared goods in respect of which a maximum price has been fixed under the Act.

Clause 5: Amendment of s. 46—Knowledge of offences

Section 46 of the principal Act provides that in a charge for an offence of selling goods at a price greater than the maximum price fixed under the Act, it is not necessary for the prosecution to prove that the defendant knew the maximum price fixed, and it is not a defence to prove that the defendant did not know that price. The clause amends the section so that it also applies to a charge for an offence of supplying declared services at a price greater than the maximum price fixed under the Act.

Clause 6: Further amendments of principal Act

SCHEDULE

Further Amendments of Principal Act

The schedule removes redundant provisions and alters penalty provisions to indicate that penalties are maximum penalties.

Ms HURLEY secured the adjournment of the debate.

WRONGS (DAMAGE BY AIRCRAFT) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be now read a second time.

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

Leave granted.

At present, there are three different regimes in respect of liability for damage or injury to persons on the ground caused by an aircraft or objects falling from an aircraft. This is undesirable from the social justice point of view and is also inconsistent with the idea of a single market for aviation services.

International aircraft may be subject to the Rome Convention (the Convention) of 1952 if the country in which they are registered is a signatory to the Convention. Australia (and 32 other countries) are signatories to the Convention. The Convention imposes strict liability in respect of aircraft damage but imposes upper limits on the amount of damages that aircraft operators have to pay. For example, the maximum payout for damages in respect of a Boeing 747 is $A36 million. Such an amount would be insufficient to compensate people for the damage that would be caused by a plane crash in a populated area. About 49 per cent of international flights in Australia, covering operators from 7 signatory nations, come within this category.

The bulk of international carriers are not subject to the Rome Convention (for example, those from the USA, the UK, Japan, China, Thailand, Malaysia). These operators are also subject to strict liability but they do not have the advantage of the Convention and the liability is, therefore, unlimited.

Aircraft engaged in purely intrastate operations operated by natural persons come within the jurisdiction of the States and are not bound by the Convention. New South Wales, Western Australia,

Victoria and Tasmania have applied strict unlimited liability on domestic operators of intrastate flights through legislation since the 1950's. In South Australia, Queensland and the Territories, compensation is available through an action for negligence at common law. The outcome of this avenue is more uncertain than strict liability imposed by legislation as negligence must be proved and multiple defendants (aircraft operator, manufacturer, etc.) have to be included to increase the chances of a plaintiff succeeding against at least one defendant. This increases the cost for the injured person.

The Commonwealth passed the *Damage By Aircraft Act 1999* (the Damage by Aircraft Act) in August 1999 thereby repealing the *Civil Aviation (Damage by Aircraft) Act 1958*, the Act that gave force to the Rome Convention. The Damage by Aircraft Act legislates in respect of liability for injury, loss, damage and destruction caused by aircraft or by people, animals or things that are dropped or that fall from aircraft in flight and introduces strict unlimited liability for aircraft. The Commonwealth will withdraw from the Rome Convention (this requires six months notice). The two justifications for the Convention, being—

(1) to encourage the development of the infant international civil aviation industry by limiting the liability of its participants from accidents; and

(2) to provide unified international rules covering damage to people on the ground,

have either been achieved or have failed. The Commonwealth has decided that the Convention no longer assists Australia's needs.

The Commonwealth believes the best way to provide uniform compensation outcomes for all Australians in the situation of damage by aircraft is for the States and Territories which rely on common law remedies to introduce strict unlimited liability legislation in line with the Commonwealth Act.

One possible effect of introducing this legislation on operators engaged in intrastate flights in South Australia may be to raise the cost of insurance premiums. While these operators are already potentially subject to unlimited liability through common law actions in negligence, the injured person has to prove that the operator was negligent in order to succeed. The burden of proving negligence probably reduces the risk to the insurer of paying out compensation. Any additional cost to an operator will vary according to the type or aircraft, safety record, area of operation and insurer. According to the Commonwealth's research, coverage for third party on the ground liabilities is the smallest of the cost components in aviation insurance.

The Commonwealth consulted extensively with the aviation and aviation insurance industries, as well as with private owners/operators, on the *Damage by Aircraft Act* which this bill is intended to complement. The bill is broadly supported by the aviation industry, including the General Aviation Association which represents regional air operators within South Australia.

In addition to matters complementing the Commonwealth legislation, the bill also provides for a matter covered by the 'damage by aircraft' legislation of those States that have such existing legislation. That is the exclusion of liability for nuisance or trespass by an aircraft flying at a height that is reasonable having regard to the weather conditions and in compliance with the requirements of the *Air Navigation Act* and the *Civil Aviation Act*. The inclusion of such a provision will make this State's legislation consistent with other State laws applying in relation to intrastate flights.

Given the nature of the provisions of the bill, it is appropriate to include them as in the *Wrongs Act 1936*, the Act that relates to wrongs and damages in this State.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of new Division in Part 3

DIVISION 6—DAMAGE BY AIRCRAFT

29A. Damage by aircraft

For the purposes of this new section, aircraft damage is defined to mean personal injury, loss of life, material loss, damage or destruction in this State not covered by the *Damage by Aircraft Act 1999* of the Commonwealth (the Commonwealth Act) but that would, if the aircraft had been engaged in trade and commerce among the States, have been covered by the Commonwealth Act.

Words and expressions used in new section 29A that are defined in the Commonwealth Act have the same respective meanings as in the Commonwealth Act. Thus, aircraft means any machine or craft that can derive support in the atmosphere from the reactions of the air (other than the reactions of the air against the earth's surface) but does not include model aircraft.

Liability for aircraft damage is to be determined on the same principles as under the Commonwealth Act. However, the following qualifications apply in relation to those principles:

- a person who uses an aircraft as a passenger (or for the transportation of passengers or goods) is not to be regarded as an operator of the aircraft if the person reasonably relies on the skill of another (not being an employee) to operate the aircraft;
- if aircraft damage results from the unauthorised use of an aircraft, the person (other than the unauthorised user) who is liable for damage as owner or operator of the aircraft is entitled to be indemnified against that liability by a person (not being an employee) who used the aircraft without proper authority;
- if aircraft damage results from an impact between an aircraft or part of an aircraft and a person or object (other than a person or object in the aircraft), liability is to be determined according to principles of negligence unless the impact occurs while the aircraft is in flight or the impact is caused by the aircraft (or part of the aircraft) crashing or falling to the ground (Thus, the ordinary principles of negligence will apply in determining liability for any damage suffered by a person or object in an aircraft as a result of an impact between any part of the aircraft and the person or object, for example, as a result of air turbulence.);
- exemplary damages are not to be awarded for aircraft damage unless the defendant is shown to have caused the damage intentionally or recklessly.

New section 29A does not apply in relation to aerial activities such as seeding, crop dusting, applying weedicide, etc., unless damage is caused by an impact between the aircraft (or part of the aircraft) and the ground or by an impact between something substantial dropping or falling from the aircraft. Thus, if, for example, weedicide was applied to the wrong crop, the ordinary principles of negligence would apply in order to determine liability for any damage arising from that misapplication.

29B. Exclusion of liability for trespass or nuisance

This new section provides that no action for trespass or nuisance arises by reason only of the flight of an aircraft over land, or the ordinary incidents of such a flight, if the aircraft flies at a height that is reasonable having regard to prevailing weather conditions and other relevant circumstances and regulations relating to air navigation are complied with.

Clause 4: Further amendments of principal Act

It is proposed to amend the principal Act in the Schedule of the bill to divide Part 3 of the principal Act into suitable Divisions. This enables the insertion of the provisions dealing with damage by aircraft to be inserted as a separate Division in that Part.

Ms HURLEY secured the adjournment of the debate.

ROAD TRAFFIC (MISCELLANEOUS NO. 2) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be now read a second time.

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

Leave granted.

The primary purpose of this amendment is to address the concerns of emergency services personnel with regard to the speed at which vehicles travel past emergency incidents on our roads.

A government working party comprised of representatives from the Metropolitan Fire Service, Country Fire Service, State Emergency Service, SA Ambulance Service and St. John Ambulance and SA Police examined the operational needs of the emergency services with specific reference to the safety of their personnel.

It recommended amendments to the existing legislation that would improve the safety of emergency services personnel when

working on or adjacent to the roadway. The recommendations have the support of all the emergency services, police and the South Australia State Disaster Coordinating Committee.

Many of the recommendations can be accommodated through the administrative provisions of the Australian Road Rules. However, the imposition of a speed limit past a stationary emergency vehicle displaying a red or blue flashing light is not included within the Australian Road Rules.

South Australia is the only jurisdiction to proceed with this measure. The approach was not adopted by the Australian Road Rules group because the Australian Road Rules is essentially a sign based system. However, the circumstances in which this provision will apply do not readily lend themselves to the display of signs. There is insufficient space on the rear of many emergency vehicles to place a sign and the placement of the vehicle at an emergency scene may not make the sign readily apparent to an approaching motorist. The flashing lights are a clear and visible expression that a reduced speed is required.

While it is possible to pursue this issue and to continue to seek amendment of the Road Rules at some later time to deal with this matter, the safety and welfare of our emergency services personnel is far too important to delay taking action. Consequently, it is considered fitting that the Road Traffic Act be amended at this time and to seek amendment to the Australian Road Rules in the future.

Notwithstanding that there is a duty upon all drivers to drive with care and consideration for other road users, there is currently no specific legislative obligation upon a driver to slow down when passing an emergency incident on or near a road.

Unfortunately, too many drivers do not seem to accept that a person working at the scene of a motor vehicle crash, fighting a fire near a road, or removing a dangerous obstacle from the roadway, is also a road user to whom that duty of care is owed. Their thoughtless actions are placing the lives of emergency services personnel at risk.

The proposed amendment will make it obligatory for a driver to slow down to a safe speed and, in any event, to a speed no greater than 40 kilometres per hour when passing a stationary emergency vehicle displaying a red or blue flashing light. It should be noted that "emergency vehicle" includes a police vehicle—police, of course, often attend emergency incidents and require the same protection.

The provision for a safe speed will apply in those situations where there is very limited road space available for vehicles to manoeuvre through an emergency site and a very low speed is justified. In other circumstances, a speed of up to 40 kilometres per hour can be travelled without compromising the safety of people working on or near the roadway.

The other purpose of the bill is to amend section 176, the regulation making power of the Act. The amendment will allow regulations to be either of general or limited application, or to vary in their application according to times, circumstances or matters to which they apply. Similar provisions are included in many Acts, including the Motor Vehicles Act 1959, and they allow greater flexibility in the way matters can be dealt with by regulation.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Insertion of s. 83

83. Speed while passing emergency vehicle with flashing lights

The proposed new section 83 creates a speed limit for vehicles passing an emergency vehicle that has stopped on a road and is displaying a flashing blue or red light. Under a general interpretation provision 'road' will include a road-related area. The speed limit is set at 40 kilometres per hour or, if a lesser speed is required in the circumstances to avoid endangering any person, that lesser speed. The speed restriction does not apply if the person is driving on a road divided by a median strip and the emergency vehicle is on the other side of the road beyond the median strip. 'Emergency vehicle' is defined to mean a vehicle used by a member of the police force or by a person who is an emergency worker as defined by the regulations for the purposes of the provision.

Clause 4: Amendment of s. 176—Regulations

The clause adds to the main regulation-making provision of the principal Act a standard provision that makes it clear that any regulations or rules under the Act may be of general application or vary in their application according to times, circumstances or matters in relation to which they are expressed to apply.

Ms HURLEY secured the adjournment of the debate.

PETROLEUM BILL

In committee.

(Continued from 29 March. Page 676).)

Clause 22.

Ms HURLEY: This clause insists that the minister must call tenders for an exploration licence in a highly prospective region which has been already designated or where a person has unsuccessfully applied for an exploration licence and asks the minister to call for tenders. It also allows for a discretion for the minister to call for an exploration licence 'in other cases'. Can the minister explain or give an example where he might want to call for tenders 'in other cases'?

The Hon. W.A. MATTHEW: Having taken advice, I must say that there will not be very many occasions where this will be used, but it could be that there is application in a non-prospective area that has been refused and then, following that refusal, the applicant comes back to the minister and asks for the area to be called by tender. That is one possible option.

Ms HURLEY: That example is covered by subclause (1)(b).

The Hon. W.A. MATTHEW: On taking further advice, I can say that neither I nor my counsel can come up with specific examples in today's scenario where that would apply. As I indicated to the member, it provides an opportunity that will be utilised rarely. I cannot think of an occasion where those licence applications I have seen to date would warrant that special treatment. It provides flexibility in the act, but I cannot give an exact example of where I might apply that flexibility at this time. There is no example.

Ms HURLEY: As I noted in my second reading speech, I approve of the process for calling tenders because it makes it far more transparent, people can see what is going on and the tender allows everyone to compete equally for the licence. So I think this is a good advance in the tendering for exploration licences, and that it is a very useful procedure. However, it is quite an extensive and difficult procedure to go through. I realise there may be occasions in some circumstances when the minister may put an exploration licence out to tender. On the other hand, I do not think we want to discourage companies from exploring or make it unnecessarily difficult for them, and that is why I asked the question. Given the minister's assurance that it would be a very rare event, I have no particular difficulty with the clause at this stage.

Clause passed.

Clauses 23 to 30 passed.

Clause 31.

The Hon. W.A. MATTHEW: I move:

Page 14, line 33—Leave out paragraph (a) and insert:

(a) twice the area under which (according to a reasonable estimate at the time when the licence was granted or last renewed) the discovery is likely to extend;

Ms HURLEY: This is probably as good a time as any to raise the general issue about the size of retention licences and production licences. This clause refers to the area of the retention licence 'which must not exceed twice the area'. The new amendment provides:

> 'which (according to a reasonable estimate at the time of when the licence was granted or last renewed) the discovery is likely to extend'.

It is wording of 'likely' or 'more than likely' about which I have been approached by some in the industry who are

concerned that it is not an appropriate definition when companies are exploring. I have been told that the 'proved', 'probable' and 'possible' definition for the size of the licence is much more appropriate: 'proved' meaning 90 per cent likely to produce petroleum products, 'probable' meaning 50 per cent, and 'possible' meaning 10 per cent. In that instance, the field size for a proved field might be granted for the exact size of that field; for 'probable', the field size of the licence granted might be twice the size of that field; and for 'possible' the field size granted for the licence might be three times the area.

As I understand it, the difficulty is that this bill has the laudable purpose of trying to encourage further exploration (which might indeed happen). However, I am advised that companies may want to explore prospective areas, whether highly prospective or not highly prospective, and find that they drill a well but that that well is not enough in itself to define or to enable them to get much of an idea of the field size of the petroleum resource that lies under the ground.

For smaller exploration companies drilling a well is actually a very expensive procedure. They may not have the capital required to drill the further two or three wells required to outline the field and apply for the retention or production licence after they have the exploration licence. This bill allows for an area for a retention or production licence that is smaller than the exploration licence size. Herein lies the difficulty for particularly the smaller exploration companies. Indeed, on the information I have, it gives me some concern. It is all very well to encourage companies to come in, but if they do not have the resources to exploit that resource properly it may be a short-lived phenomenon.

The Hon. W.A. MATTHEW: I acknowledge the deputy opposition leader's concern that the word 'likely' has caused some consternation in the industry. As the member has acknowledged, we have come back with an amendment to try to clarify that clause after further industry consultation. I am not sure from the member's explanation whether she appreciates that a retention licence can be applied for on the basis of the drilling of just one well, and it is possible then to have multiple retention licences within the area contained around an exploration licence. I feel that that will overcome the concern the member has for smaller exploration companies. I agree that the drilling of wells is an expensive business, and that a smaller company will have less means to undertake extensive drilling than a larger organisation, but it will have the capacity through this act to apply for a retention licence after the drilling of just one well if it so desires and apply for subsequent retention licences after the drilling of further exploration wells within the exploration area.

Ms HURLEY: In fact, on speaking with officers in the department, I was informed of that and that did allay my fears to some extent, but I gather that the problem is that the companies fear they may not be able to raise the loan capital or perhaps equity capital required if on the drilling of that one well they are only able to get a relatively small amount of retention licence. Then, if they go out to the markets to seek further capital to do further exploration and possibly acquire more retention licences, they will not be able to raise that capital because of the uncertainty in the industry of their being able to prove a larger field. I understand that that is the difficulty—not so much that you cannot get another licence but that the current licence is not big enough.

The Hon. W.A. MATTHEW: The reality under the present legislation is that there is no retention licence opportunity anyway. This legislation is delivering further security to the industry than that which they have already. So, for the smaller explorers, this bill provides an enormous leap forward. A lot of what the Deputy Leader of the Opposition expresses in her questioning is simply a commercial market reality. The reality is that, if any company cannot get the financial backing to undertake drilling, it will not be able to progress. It is my belief that after extensive consultation with the industry, after hearing their concerns, this bill comes up with a pretty good balance of their needs while at the same time ensuring that people do not sit for an unduly long period of time on an area without working it. I am satisfied, unless the Deputy Leader of the Opposition can provide me with particular examples, that we have the mix right at this time, but I am certainly prepared to listen to any examples the Deputy Leader of the Opposition may have.

Ms HURLEY: It is quite difficult to provide examples when the bill is not in place and the new regime is not operating. Perhaps I can sum it up by asking the minister whether he is confident as a result of the provision in this bill that there will be increased exploration and the smaller exploration companies in particular will not be handicapped by the various layers of licensing and regulation and the change in the size of the field that they are able to retain or produce in.

The Hon. W.A. MATTHEW: Yes, I am satisfied that there are no impediments of the nature that the deputy leader has concerns about created through this bill. Indeed, the words 'more likely', I am advised, in a legal sense provide less than a 50-50 opportunity, so that means there is a fairly good opportunity to have a fairly extensive area protected which ought to give those smaller companies the protection they seek of their work and their investment to then be able to seek further investors in their project.

Amendment carried; clause as amended passed.

Clauses 32 to 36 passed.

Clause 37.

The Hon. W.A. MATTHEW: I move:

Page 17, line 20—Leave out paragraph (a) and insert:

(a) twice the area under which (according to a reasonable estimate at the time of granting the licence) the discovery is more likely than not to extend;

Amendment carried; clause as amended passed.

Clauses 38 to 42 passed.

Clause 43.

The Hon. W.A. MATTHEW: I move:

Page 20, after line 29—Insert:

(4a) A return must be accompanied by the royalty payable by the licensee in respect of the month to which the return relates.

Ms HURLEY: This clause deals with the royalty payments. As it was discussed in the second reading, there was an initial proposal when the draft bill was circulated in 1998 that there was a possibility of the royalties being put up to 12.5 per cent for petroleum resources. I understand that the industry quite naturally did not like this idea and the government caved into pressure and it was dropped back to 10 per cent, which it is in the current bill. Why did the government initially propose to increase it to 12.5 per cent?

The Hon. W.A. MATTHEW: It is most uncharitable for the deputy leader to claim that the government caved into the demands of the petroleum sector in relation to this, because that is just frankly not the case. She also raised this matter yesterday in her second reading speech and neglected to mention that the draft that was circularised in 1998 talked about a royalty that was possibly between 6 per cent and 12.5 per cent. It was not a fixed royalty figure of 12.5 per cent. It was actually floated as a figure that could be from the range

of 12.5 per cent down to 6 per cent. The business of petroleum activity, as the deputy leader is well aware, is a competitive business, and because it is a competitive business we must also be very conscious of the royalty amounts that apply in other jurisdictions. The reality is that, if we had gone to a 12.5 per cent royalty, we would have been out of step significantly with other jurisdictions where I am advised that 10 per cent applies. So, there was no cave in. It was simply a sensible resolve that we would be at least competitive with other jurisdictions so we would not discourage exploration activity from occurring in South Australia. It is for that reason that the bill now before the House has a 10 per cent figure and not a floating figure from 12.5 per cent at its peak down to as low as a potential 6 per cent.

Ms HURLEY: The minister's answer leads in to what would have been my next question. The 1998 draft bill, when referring to royalties, makes no mention of any 6 per cent floor. It provides:

The prescribed percentage for royalties is:

(a) for petroleum produced before 1st January 2001, 10 per cent;

(b) for petroleum produced on or after 1st January 2001, 12.5 per cent;

(c) for another regulated substance, a percentage fixed under the regulations or under the terms of licence for the relevant resource.

Indeed, the minister raised something which was to be my next question. There may be all sorts of situations with the licence and with the company concerned, so why is a range of royalties not possible so that you might have up to 12½ per cent, for example? The minister mentions that other jurisdictions have 10 per cent. I would be interested to know from him whether other jurisdictions are able to have that range or whether the 10 per cent is specified in their legislation.

The Hon. W.A. MATTHEW: Most other jurisdictions have a fixed figure. Western Australia does have a range. Obviously, government consulted extensively with industry in relation to royalties. It is probably fair to say that industry does not like royalties at all because it is taking away profit that it might otherwise like to keep. The deputy leader would be well aware that industry would rejoice if it had no royalties to pay at all, but the reality is that is not what will happen. However, industry was more comfortable with a fixed rate being set and that was a constant aspect of discussion between government and industry: that, if it has to have royalties—and it knows that it certainly does, because government is insistent upon that—they be at a fixed rate to provide certainty.

In relation to the deputy leader's concern that she had not seen explicitly in the 1998 draft bill mention of a flexibility to go down to as low as 6 per cent, I concede that it is not an explicit reference, but I refer her to section 42(6) of the original bill which provides:

However, the minister may in a particular case reduce the minimum value referred to in subsection (5)(b) to a value not less than 32 per cent of the commercial value of the substance, if satisfied that production would otherwise be uneconomic.

Subsection (5)(b) relates to a minimum value not exceeding 48 per cent of the commercial value of a substance fixed from time to time by a minister by notice in the *Gazette*. That refers to the value at well head of a regulated substance. Essentially, it provides the opportunity for the minister to establish a minimum value for the purpose of the application of royalty and the minimum value cannot be less than 32 per cent of the commercial value of the substance. Therefore that has the effect of reducing the 12½ per cent royalty roughly by three, therefore down to a value of 6 per cent by altering the well head value recognised for royalty assessment.

Ms HURLEY: That absolutely begs the question: why is that provision not in the current bill? If the minister in the draft bill had the ability to reduce the royalty where the removal of that resource might otherwise have been economic, could it be that the bigger players in the industry have forced the 10 per cent royalty and eliminated that ability to provide a reduced royalty to those companies that are perhaps prepared to go into slightly more difficult fields to extract the resource?

The Hon. W.A. MATTHEW: In setting of royalties a couple of fundamental things need to be taken into consideration. First, a royalty in itself is not a tax. Effectively, a royalty is a fee that is paid by companies for the opportunity to extract a community owned resource, which is what we are talking about; and, upon extracting that and realising a capital advantage from that, they are returning some funding to the community.

The second aspect to be taken into consideration is that the value of that royalty ought not in any way impede production. The advice that I have taken in relation to the amount of royalty that has been set is: can I be provided with any examples where a 10 per cent royalty value is hindering petroleum exploration in Australia? I have been assured in answer to that question that there is no example anywhere in Australia where a 10 per cent royalty is hindering production of petroleum. That being the case, I believe that the relativity assessment of the royalty being charged is satisfied, and therefore I see no reason to apply flexibility to enable companies to lobby ministers—both me and ministers in the future—to have that royalty reduced. I am sure that the deputy leader would join me in agreeing that a royalty is simply a fee for the privilege of being able to extract and benefit from that product.

Amendment carried; clause as amended passed.

New clause 43A.

The Hon. W.A. MATTHEW: I move:

Page 21, after line 13—Insert:

Penalty for late payment

43A. (1) If a licensee fails to pay royalty as and when required by or under this part—

(a) the amount in arrears will, unless the minister determines otherwise, be increased by penalty interest at the prescribed rate; and

(b) the minister may impose on the licensee a fine of an amount fixed by the minister up to a limit of $1 000 or 10 per cent of the outstanding royalty, whichever is the greater.

(2) The minister may for any proper reason remit penalty interest or a fine imposed under subsection (1) wholly or in part.

New clause inserted.

Clause 44.

The Hon. W.A. MATTHEW: I move:

Page 21, line 15—After 'Royalty' insert:

(and any penalty interest or fine imposed by the minister under this part).

Amendment carried; clause as amended passed.

Clause 45.

Ms HURLEY: This clause refers to a pipeline licence, and in relation to one of the aspects involved, when the licence is granted, it authorises the licensee to do certain things. Also further down it allows for alterations. We had mentioned security for facilities associated with production licences, but does the minister have any comment on the security and safety aspects associated with pipelines, and can he say whether that is dealt with in any part of the bill?

The Hon. W.A. MATTHEW: Perhaps the honourable member could be a little more specific in her line of question-

ing. Does the honourable member have a specific concern that she would like me to address?

Ms HURLEY: Yes, I am concerned about the maintenance of the pipeline, any leaks or any problems with explosions along the pipeline, various security aspects for anyone who might live along that pipeline or environmental aspects of any leakages or problems with the pipeline.

The Hon. W.A. MATTHEW: There is a provision in every pipeline licence that is issued at the present time for a fitness for purpose report to be provided on a five-yearly basis, and obviously that report takes into account those issues expressed as a concern by the deputy leader.

Clause passed.

Clauses 46 to 54 passed.

Clause 55.

Ms HURLEY: The existing Petroleum Act also contains a reference, I think it is in section 63(1), to good practice for storage of petroleum products. I noticed that that is not present in the associated facilities section, and I want to ask about the security of the storage facilities, or is that part of the associated facilities definition?

The Hon. W.A. MATTHEW: As I understand it, the deputy leader is talking about the security of storage on the surface of petroleum product. That detail is to be covered in the regulations, and I understand that the deputy leader would have received a copy of the regulations, which have been circularised. If she has not, I am surprised, because they have been publicly circularised. I will ensure that the deputy leader receives a copy of those regulations, which I believe satisfy the deputy leader's concerns.

Ms HURLEY: It is fairly important, and the potential for damage is obviously quite high. I wonder why storage facilities have not been included in this bill along with pipelines, processing plants, camps and commercial or recreational facilities.

The Hon. W.A. MATTHEW: I am not sure of the point being made. If the deputy leader has a concern about that which is regulated against that which is legislated, clearly regulation provides greater flexibility to make change on demand without needing to come before the parliament.

Ms Hurley: That's what I'm worried about.

The Hon. W.A. MATTHEW: Well, one of the beauties of regulation with something of this nature is that, if better, safer methods of storage come into being, they can be implemented very quickly through regulation change. I am comfortable with these being in regulation. As the deputy leader knows, she also has the capacity as a member of parliament, as do her colleagues, to object to any inappropriate regulation. I will ensure that the deputy leader obtains a copy of the regulations—they are a public document and are even on the agency web site—so that she can satisfy herself that the conditions are appropriate. After seeing them, if the deputy leader has any concerns I will be very pleased to receive representation from her or any of her colleagues to make the conditions more stringent if she feels they are not so.

Ms HURLEY: The minister says the opposition has a chance to comment on regulations that come before this House. I must say that the opposition is very unhappy with anything that goes into regulation these days, because there have been so many examples of where regulations have been refused passage in this House and the government has immediately—the next day—put the regulation back in place to have interim effect, and this has happened serially. So, I must say that, on the basis of government misuse of the procedures of regulations, the opposition is extremely suspicious of anything that does go into regulation, because that has been our experience in the past.

The Hon. W.A. MATTHEW: Before we go past that, the deputy leader is also well aware that nothing can proceed without the statement of environmental objectives and an environmental impact report, anyway. Any chemical storage has to be part of that report, so you also have a further checking mechanism there. I think the honourable member is being more than a little unduly harsh and uncharitable with the government in her claim that the government has regulated, and then ignored opposition concerns about regulation after the regulations have been disallowed and introduced them again. I doubt very much that the opposition would have a different set of concerns about the storage of petroleum product from that of government. I think the deputy leader would have to concede that this is one of those areas where we would probably be at one.

I put this to the deputy leader: if, after looking at the regulations and comparing them with the current and previous bills, she still feels uncomfortable, she is more than welcome to have her colleagues in another place put forward an amendment to have them included in the act. I do not believe this is an issue that is cause for concern but, if it makes the deputy leader more comfortable, she is more than welcome to do that and the government will have no great objection to proceeding down that path. I do not believe it is an issue that warrants undue concern, because I am confident that the mechanism we have put in place is sufficient to answer her concerns which, I reiterate, probably exactly mirror the government's.

Clause passed.

Clauses 56 and 57 passed.

Clause 58.

Ms HURLEY: Clause 58 is still on the associated facilities licence, and subclause (3) deals with deals with the associated facilities licence for an area covered by another licence and certain things to which the minister must have regard before granting that licence. I am particularly interested in subclause (3)*(a)*(iv), which relates to the operational and technical requirements for the safe, efficient and reliable conduct of operations under both licences. What mechanisms are in place for monitoring whether those operations continue to be safe, efficient and reliable? Indeed, this is a question I have about a number of aspects of the bill, including the monitoring requirements. There are requirements beforehand for companies to state what plans they have regarding environmental safety and a whole lot of other issues, and that is just fine. There are also statements relating to the penalties that are imposed and removal of a licence if those conditions are not filled. As a general question, what proposals does the minister have in place to ensure that these conditions, whether environmental or concerning safety, are adequately monitored and are reported back to the minister?

The Hon. W.A. MATTHEW: The deputy leader raises a very good point, and it is certainly an important one that has occupied a considerable amount of government time and resources in ensuring that we cover all concerns in relation to this area. I mentioned previously fitness for purpose statements, which are presently required to be lodged each five years in respect of a pipeline. Through this bill and its accompanying regulations, that same requirement will also apply to other facilities. So, effectively we are taking the advantageous aspects from the existing system relating to pipelines and bringing them into play for all facilities. The

requirements to be pursued in completing the fitness for purpose statement are again detailed in the regulations.

In relation to penalties that can be invoked, I refer the honourable member to clause 85 of this bill, which provides for activities that must be carried out with due care and in accordance with good industry practice and which details that the licensee must carry out regulated activities with due care for, first, the health and safety of persons who may be affected by these activities; secondly, the environment; and, thirdly, where relevant, security of natural gas supply; and, in accordance with good practices recognised in the relevant industry. The maximum penalties in the bill are extensive, up to $120 000 for failure to comply.

Ms HURLEY: As I said, I have no real problem with the requirements to provide information about safeguards or the penalties afterwards. Five years is quite a long time. Will the government have any inspectors going out and looking at facilities to ensure that the companies comply with the safeguards that they said they would have in place?

The Hon. W.A. MATTHEW: Yes. The department will and does have officers regularly inspecting these facilities. Every few months, at worst, officers are inspecting such facilities and will continue to do so and with greater authority through the new act and regulations.

Clause passed.

Clauses 59 to 75 passed.

Clause 76.

The Hon. W.A. MATTHEW: I move:

Page 32, after line 15—Insert:

(2) If a licensee fails to pay a fee in accordance with subsection (1)—

(a) the amount in arrears will, unless the minister determines otherwise, be increased by penalty interest at the prescribed rate; and

(b) the minister may impose on the licensee a fine of an amount fixed by the minister up to a limit of $1 000 or 10 per cent of the outstanding fee, whichever is the greater.

(3) The minister may for any proper reason remit penalty interest of a fine imposed under subsection (2) wholly or in part.

(4) A fee (and any penalty interest or fine imposed by the minister under this section) may be recovered as a debt due to the Crown.

Amendment carried; clause as amended passed.

Clauses 77 to 82 passed.

Clause 83.

Ms HURLEY: Clause 83 refers to the reporting of certain incidents and gives a definition of 'serious incident', which is described in some detail. I am aware that the minister in fact has an amendment that tightens up some aspects of security, which does improve the security considerably, but what about these definitions of 'serious incident' where we talk about an imminent risk to public health or safety or 'serious' environmental damage as opposed to minor environmental damage, I guess, where they must be reported to the minister? What constitutes an imminent risk or a serious environmental damage or a prejudice to security of natural gas supply? It just seems to me that from my reading of the bill it is left up to the company to decide when an incident is serious enough that it has to be reported.

The Hon. W.A. MATTHEW: The statement of environmental objectives certainly also provides further definition opportunity in relation to what constitutes a serious incident. Certainly, the industry has a good understanding as to what it does, but if the deputy leader feels that industry needs further guidance in that direction I am more than happy for a set of guidelines to be drafted to allow the industry to follow on. I am not aware of it being a problem for them, but I am very comfortable with drafting a set of guidelines to assist them in understanding what it is they should be treating as a serious incident.

Ms HURLEY: Given that the company, according to its environmental guidelines, decides what is a 'serious' risk or an 'imminent' risk or 'serious environmental damage' and reports it to the minister, there does not seem to be any action following from that. The report goes to the minister, but there is no requirement in this bill for any action by the minister or any mechanism by which the minister can demand that the company fix it or take certain steps. There is no referring to agencies: it is just a reporting incident, and nothing seems to happen beyond that.

The Hon. W.A. MATTHEW: I may not have made myself clear enough, but effectively a serious incident can be thought of as a non-compliance with statement of environmental objectives. The statement of environmental objectives must be approved by the minister. If the deputy leader is looking for the checking mechanism to ensure that industry is not endeavouring to hide incidents that she would regard as serious, there is a sufficient checking mechanism in place to ensure that does not occur.

Ms HURLEY: I am not worried about the checking mechanisms at this stage: I am worried about what happens afterwards when the incident is reported to the minister. There seems to be nothing in this bill to require the minister to take any action after that incident has been reported.

The Hon. W.A. MATTHEW: It comes back again to the statement of environmental objectives, because under the statement of environmental objectives a serious incident must be rectified.

Clause passed.

Clause 84.

Ms HURLEY: I am straddling two camps in a way here. Obviously I am very concerned about safety and risk to the public and so on and am encouraging in the previous clause a degree of reporting and action. Clause 84 deals with the information to be provided by the licensee. I am also concerned on behalf of mining companies that they are not overburdened with reporting and with paperwork. As I indicated to the minister previously, I have not seen regulations associated with this bill, so I am not certain what is in there. I can certainly understand the reasons that the minister might require information. Is the wording not fairly open? Might it be perhaps better to have some definition of, say, 'reasonable, relevant and material' information that is to be required if the companies are not to be inundated with requests for all sorts of information.

The Hon. W.A. MATTHEW: I share the deputy leader's concern that I, too, would not wish to see industry overburdened with a plethora of bureaucratic government reporting requirements. I welcome this new image being portrayed by a member of the Labor Party, because Labor governments of the past have tended to flood the private sector with regulatory reporting requirements.

Ms Hurley interjecting:

The Hon. W.A. MATTHEW: A myth circularised by the Department of Minerals? The deputy leader may well claim that, but companies through bitter experience through the devastating Labor years of 1982 to 1989 would beg to differ otherwise.

Ms Hurley interjecting:

The Hon. W.A. MATTHEW: Indeed, as the deputy leader points out, it was not just the paperwork that was a problem: there was an issue involving a bank, a Myer Remm

Centre and a few other things. The regulations provide for the reporting requirements. I am satisfied that the regulations provide an appropriate mechanism to ensure that companies do not get weighed down by bureaucratic reporting requirements but at the same time are required to appropriately report. Again, it means that if, after a period of reporting against the regulations, companies are of the view that there are more efficient ways of reporting, the flexibility of regulations enables easier modification to that than if they came before the parliament.

The Hon. W.A. MATTHEW: So, I am a great believer in the use of regulations to enforce legislation in such instances. The deputy leader also highlights yet another catch-all clause that we have inserted in the bill to provide the minister with flexibility to so demand other reporting requirements should the need arise, and any direction to a licensee is also appealable under the act, so they have the opportunity to object to such a requirement, regardless.

Clause passed.

Clause 85.

The Hon. W.A. MATTHEW: I move:

Page 36, line 10—Leave out subparagraph (iii) and substitute the following subparagraph:

(iii) Where relevant—the need to ensure, in a case where interruption of natural gas supply could cause significant social disruption, that facilities for processing and transporting natural gas are designed, constructed, managed and operated on a prudential basis so as to provide a reliable and adequate supply of natural gas; and

In an earlier reply to the deputy leader I referred to that clause and read it out as it stands presently, and in so doing I talked about the security of natural gas supply. This amendment, which substitutes subclause 85(iii), details a better definition, more in line with what the deputy leader seemed to be seeking with her line of questioning.

Ms HURLEY: The amendment does give some teeth to the claim in the second reading explanation that this bill deals with aspects of security and safety raised by the Longford incident in Victoria. I am far happier with this wording. It gives some comfort that the bill will provide some remedy against the interruption of natural gas supply. It seems a curious wording. I refer to 'the need to ensure, in a case where interruption of natural gas supply could cause significant social disruption' and so on. I wondered about the use of the word 'social' and whether it would encompass industrial disruption or other sorts of disruption that would flow from a serious shutdown of supplies, as was occasioned at the Longford plant.

The Hon. W.A. MATTHEW: Because the words 'social disruption' are wide ranging by their nature, they encompass industrial disruption and all other things the deputy leader referred to as occurring in Longford. The social disruption caused in Victoria was extensive, and for that reason we have used very broad wording so as to cover everything we think at this time needs to be covered.

Ms HURLEY: My next question is of more serious concern. Given that the incident at Longford caused millions of dollars in penalties in Victoria to small businesses, households and industry, is the maximum penalty of $120 000 specified in this clause really sufficient penalty in the case of an operation not conforming with best industry practice and where there was significant disruption to natural gas supply?

The Hon. W.A. MATTHEW: The deputy leader is not necessarily asking a direct question with suggested replacement. I am not sure whether she is suggesting a specific higher amount that needs to be placed in there. The $120 000 fine is a consistent theme of penalty and consistent with that in other legislatures. I am not sure that if it were made $1 million instead, or an amount greater or lesser than that, it has any significant change in impact other than the fact that it is a significant penalty. If the deputy leader can suggest a varied amount and provide just reason, I am happy to hear it. Alternatively the deputy leader may wish to allow greater time to examine that amount and allow the clause to pass through this House and consider amending it in another place. If there are other examples of where a higher fine might encourage more stringent attention to such incidents not occurring, we could examine that.

However, in her line of questioning she indicated that many millions of dollars of lost business and damage to the community occurred from Longford and those things are usually settled through the court processes, which are established and well tested in our state. It is probably more appropriate that those losses be pursued in that manner through individual or class action rather than simply through penalty in this Act. I am flexible on any approach from the opposition for a different penalty rate if it can demonstrate that it is consistent with another jurisdiction and if there is sufficient demonstration that it will provide better protection. At this stage I am not so convinced, but I am happy to keep an open mind on it.

Ms HURLEY: There is obviously the possibility of court action if something goes wrong, but this is an expensive process and can be very time consuming. If the penalty were there it would be easier for the government to recover any money via the mechanism of a penalty. The opposition is short on research staff to go off looking at other jurisdictions and other forms of penalties, but we will look at that maximum penalty of $120 000 between the passage of this bill through this place and its consideration in another place.

The Hon. W.A. MATTHEW: One last matter is that the biggest penalty of all in Longford was the penalty to the company concerned through lost production and lost revenue. Clearly there is also the opportunity to pursue the company through its contract as well as the class action I mentioned earlier. Whatever amount we come up with in this section, the greatest penalty will be that of lost production and revenue to the company. I am not sure of the exact figure that finished up in Longford, but I would not be surprised if it did not go into the multimillions, and I understand there is an enormous amount of litigation to work through. I do not believe that anything we do will avoid litigation, God forbid should such an incident occur here in our own jurisdiction. I am satisfied that what we have there is appropriate, but the government is open on this matter. If the deputy leader wishes to bring back an alternative suggestion we will be pleased to seriously consider such.

Mr MEIER: I have great concerns about the penalty of $120 000 and I note that the figure appears in quite a few sections. It has been brought to my attention that mining companies at present are being encouraged to mine in South Africa and South America and that Australia, particularly South Australia, is looking less attractive because of the restrictions and penalties that are to apply. I hope that through this and other penalties we will not see much less mining occur in this state because people are saying, 'Blow South Australia: we will go to another country where they welcome us with open arms.'

The Hon. W.A. MATTHEW: I acknowledge the concern expressed by the member for Goyder in relation to South

Australia's, and indeed Australia's, prospectivity compared to that of other nations. As we know, mining and petroleum are worldwide industries, and we are competing with other jurisdictions within Australia and overseas for exploration and production dollars. However, I do not believe that penalties are a deterrent to such activity. Rather, it relates to some of the many dilemmas in relation to native title with which the industry is presently having to grapple, and also some of the many difficulties in relation to approval processes in non-native title areas.

The honourable member has probably heard similar examples to those that I have heard, in that to drill a small exploration area for perhaps $6 000 in a non-native title area can often result in an expenditure of $25 000 or more to gain Aboriginal heritage clearances through the ALRM. The dilemma being faced by Australian companies is such that in expending that sort of money they consider that, for a sum of $25 000 or thereabouts, they could put a geologist on a business class flight to South Africa, put that geologist up for two weeks, have him drill the exploration hole there and, if they were successful in a find, they could go into production in South Africa without having to work through some of the Aboriginal-related issues.

So, I understand the member for Goyder's concern, and he is quite correct in identifying the difficulty in attracting exploration and production dollars to Australia and to South Australia, but I doubt that the maximum penalties which we have in this bill would be the deterrent; it is those other factors that I have noted.

Amendment carried; clause as amended passed.

Clauses 86 to 93 passed.

Clause 94.

The Hon. W.A. MATTHEW: I move:

Page 39, lines 12-19—Leave out the clause and substitute new clause as follows:

Requirement for statement of environmental objectives

94. A licensee must not carry out regulated activities unless a statement of environmental objectives is in force for the relevant activities under this part.

Maximum penalty: $120 000.

Amendment carried; new clause inserted.

Clause 95 passed.

Clause 96.

Ms HURLEY: This clause, which relates to the classification of regulated activities, provides that the minister must classify the activities to which the report relates as low impact, medium impact or high impact. It states the basis for that classification and then provides:

The minister—

Must, by notice in the *Gazette*, establish criteria for the assessment of the environmental impact of regulated activities.

After the notice is published in the *Gazette*, is there any opportunity for people in the industry or in the environmental movement, for example, to comment on those criteria, and what is the mechanism by which that public comment might be taken into account?

The Hon. W.A. MATTHEW: A quite extensive process has already been commenced. A workshop was held in February last year involving stakeholders, and the environmental stakeholders referred to by the deputy leader have had the opportunity to participate in that workshop, which has resulted in the preparation of guidelines in draft form. Prior to their gazettal they will go out again for consultation, and I will ensure that, unlike the regulations, they are provided to the deputy leader so that she, too, has an opportunity to comment on them.

After that process of consultation, as indicated, they will be gazetted. They are actually available on the departmental web page at this time. I know that the deputy leader is one of the more computer proficient members of the Labor Party, so she already has the opportunity to look at those.

Clause passed.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Clause 97.

The Hon. W.A. MATTHEW: I move:

Page 40, lines 21 to 28—Leave out the clause and substitute new clause as follows:

Preparation of statement of environmental objectives

97. (1) A statement of environmental objectives for regulated activities is to be prepared in accordance with the requirements of the regulations—

(a) for low impact or medium impact activities—on the basis of an environmental impact report; or
(b) for high impact activities—on the basis of environmental impact assessment under Part 8 of the Development Act 1993.

(2) If the minister decides that an approved statement of environmental objectives should be revised, a revised statement of environmental objectives is to be prepared in accordance with the requirements of the regulations—

(a) if the approved statement relates to low impact or medium impact activities—on the basis of an environmental impact report; or
(b) if the approved statement relates to high impact activities—on the basis of an environmental impact assessment under Part 8 of the Development Act 1993.

Ms HURLEY: This is the clause in division 4 which brings in statements of environmental objectives to which the minister has referred extensively in answers to questions. I gather these are the objectives which will set out the activities of mining companies and which will be the framework for monitoring and regulation. The current act has regulation via a development application whereas this bill provides for a statement of environmental objectives for low impact or medium impact activities. The high impact activities go back to the Development Act for assessment. It does seem to me a reasonable way of managing the environmental objectives, but why was it decided not to continue dealing with it through the Development Act but rather to bring the environmental objectives into the Petroleum Act?

The Hon. W.A. MATTHEW: If I follow the deputy leader correctly, she is concerned as to what we will do with the outcome.

Ms HURLEY: The high impact activities will be covered under the Development Act. In the current Petroleum Act everything is dealt with via an application under the Development Act. Why has it changed for low and medium impact activities?

The Hon. W.A. MATTHEW: Previously the deputy leader was concerned about over regulation and bogging down the industry with regulation and bureaucratic red tape. She would be well aware that there have been occasions where low and medium impact activities under the existing regime have come under part 8 of the Development Act and that that has resulted in an unnecessarily over rigorous approach. By having high impact activities only go through this process, effectively the outcome of that Development Act process is then included in the statement of environmental objectives. Essentially, we are providing a far more rigorous

process for high impact activities and ensuring that maximum effort is thereby concentrated, I believe, where those with environmental concerns would expect it to be concentrated, that is, in the high impact area where the maximum amount of concern is presently occurring. As the member knows, particularly as we are talking about petroleum activity, many areas of petroleum activity have very low, if any, impact on the environment and it has been inappropriate, cumbersome and inefficient to subject them to the full throes of the Development Act.

On taking further advice, it has been pointed out to me that this also ensures it goes through an EIS process. If a big pipeline is to be installed somewhere it ensures that it is covered by this process. As the deputy leader acknowledges, it is important that we capture that in this process. I am sure our mutual friends in the conservation and environment arena would be pleased to know of that fact.

Amendment carried; new clause inserted.

Clause 98.

Ms HURLEY: I have a question about clause 98(3)(a), 'a statement of environmental objectives may be generally applicable throughout the state'. I take it that is a minimum series and that there may be specific areas where it may be medium or high impact.

The Hon. W.A. MATTHEW: Essentially, a statement of environmental objectives may be limited to a specific activity in a designated part of the state, a specific location or, as in the clause to which the deputy leader referred, it may be generally applicable throughout the state. One is simply a statewide location; the other is specific location, if that makes it clearer for the deputy leader.

Ms HURLEY: I do not know that it does. A statement of environmental objectives for regulated activities may be generally applicable throughout the state. Is the minister saying that, if there are specific requirements in specific parts of the state, then it may be that the environmental objective applies to everything else but the specific?

The Hon. W.A. MATTHEW: Yes.

Clause passed.

Clause 99 negatived.

New clause 99.

The Hon. W.A. MATTHEW: I move:

Insert new clause as follows:

Approval of statement of environmental objectives for low impact activities

99. (1) If, after consulting with government agencies as required under the regulations, the minister is satisfied with a statement of environmental objectives for low impact activities, the minister may approve the statement.

(2) If, after consulting with the government agencies as required under the regulations, the minister is not satisfied with a statement of environmental objectives for low impact activities, the minister may—

(a) amend the statement and approve it in the amended form; or

(b) require the preparation of a fresh statement of environmental objectives.

New clause inserted.

Clause 100.

The Hon. W.A. MATTHEW: I move:

Page 41, line 27—After 'the public on' insert:

the environmental impact report and on

Page 42, after line 8—Insert:

and

(c) if appropriate, may amend the environmental impact report.

Amendments carried; clause as amended passed.

New clause 100A.

The Hon. W.A. MATTHEW: I move:

Page 42, after clause 100, insert new clause as follows:

Statement of environmental objectives for high impact activities

100A. If the Minister is satisfied that a statement (or revised statement) of environmental objectives for high impact activities properly reflects the relevant environmental impact assessment under Part 8 of the Development Act 1993, the Minister may approve the statement (or revised statement).

New clause inserted.

Clause 101 negatived.

New clause 101.

The Hon. W.A. MATTHEW: I move:

After clause 100A, insert new clause as follows:

Commencement of statement of environmental objectives

101. (1) When the Minister approves a statement (or a revised statement) of environmental objectives, the Minister must have notice of the approval published in the *Gazette*.

(2) The statement (or revised statement) of environmental objectives comes into force when notice of its approval is published in the *Gazette* or on a later date stated in the notice of approval.

(3) When a revised statement of environmental objectives comes into force it supersedes the previous statement of environmental objectives for the relevant regulated activities.

New clause inserted.

Clause 102.

The Hon. W.A. MATTHEW: While I am satisfied with clause 102(1), I move:

Page 42, after line 18—Insert:

(1a) However, a breach of the condition cannot be a ground for suspending or cancelling the licence or imposing any penalty on the licensee if—

(a) it is not a serious incident within the meaning of section 83; and

(b) the licensee immediately after becoming aware of the breach takes all reasonable steps to remedy the situation.

Amendment carried; clause as amended passed.

Clause 103.

The Hon. W.A. MATTHEW: While most of the insertions and deletions of clauses have been moved without explanation, in this instance I believe it is necessary for me to advise the committee why the government will now be opposing the insertion of clause 103, relating to high impact activities. It is simply that the new clauses 97 and 100A that have now been inserted in the bill cover the provisions that were previously intended by clause 103, making that clause therefore no longer necessary.

The CHAIRMAN: I understand that the minister is also moving that the heading to page 42, line 25, be deleted?

The Hon. W.A. MATTHEW: Yes, that is correct.

The CHAIRMAN: And the minister is also proposing that clause 103 be deleted?

The Hon. W.A. MATTHEW: Yes.

Clause negatived.

Clauses 104 to 121 passed.

Clause 122.

The Hon. W.A. MATTHEW: I move:

Page 49, after line 15—Insert:

(i) the imposition of penalty interest or a fine on account of a failure to pay royalty or an annual licence fee under this Act.

Amendment carried; clause as amended passed.

Clause 123 passed.

Clause 124.

Ms HURLEY: This provision, relating to reconsideration and appeal, allows for a repeal against certain reviewable administrative acts. On appeal, the minister would constitute an advisory committee to review that appeal. In the current act, that advisory committee is stipulated as three persons and the current act excludes anyone with an interest in any licence granted. Those provisions are not in this bill, and I wonder why that is not the case.

The Hon. W.A. MATTHEW: I acknowledge that the deputy leader makes a good point in relation to this. I thank her for highlighting this to the committee. If the deputy leader wishes to move an amendment to this clause, the government will happily agree to such an amendment.

Ms HURLEY: I do not have an amendment prepared at this time, so I am quite prepared to allow the bill to pass at this stage and for this matter to be considered in another place.

The Hon. W.A. MATTHEW: I thank the deputy leader for her sense of wishing to proceed with the bill efficiently. I will make sure that my officers have such an amendment drafted so that it can be presented and that provision inserted.

Ms HURLEY: It did arise in a later clause, but perhaps I might get the minister's comment on it here as well. The current act also specifies powers of the advisory committee and allows it to require production of papers and entry to land, etc. That is also something that is not included in the current bill.

The Hon. W.A. MATTHEW: I am advised that the authorised officer under this act has the powers that are necessary to undertake the enforcement activity of which the deputy leader is so approving under the existing act. As I speak that information is being made available to me so that I can share the relevant clause of the bill with the committee. I refer the deputy leader to clause 117 of the bill, which details under 'Investigation and Enforcement' the authorised investigation, powers of entry and inspection and power to gather information, that I believe provide the same powers and indeed, to an extent, perhaps greater ones than those being sought by the deputy leader.

Clause passed.

Clauses 125 to 135 passed.

Clause 136.

The Hon. W.A. MATTHEW: I move:

Page 53, line 12—After 'fees' insert:

in respect of the administration or operation of this act.

Amendment carried; clause as amended passed.

Schedule.

The Hon. W.A. MATTHEW: I move:

Clause 2, page 54, lines 10 and 11—Leave out subclause (2).

Clause 3, page 54, line 17—After 'this act' insert:

and subject to any modifications that may be prescribed by the regulations

New clause, page 54, after line 20—Insert:

Limitation on certain rights

3A.(1) The rights of the holder of a transitional licence are not to be more extensive than if the repealed act had continued in force.

(2) A transitional licence cannot be converted into a retention licence under section 41(1)(a).

(3) A transitional licence is —

(a) a licence under the repealed act continued in force under this act (see section 2); or

(b) a licence granted under this act pursuant to an application made under the repealed act (see section 3).

These amendments are designed to clarify the rights of the holder of a transitional licence and to ensure that existing holders of petroleum production licences granted under the existing act are not given more extensive rights under that act in relation to the granting of retention licences provided for under the bill.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

DISTRICT COURT (ADMINISTRATIVE AND DISCIPLINARY DIVISION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

MINING (ROYALTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 547.)

Ms HURLEY (Deputy Leader of the Opposition): This is another important bill, the main purpose of which is to clarify the calculation of royalties and that the value of the minerals production will be assessed at the mine gate. It also allows that the assessed value does not include any costs associated with the delivering of the minerals to the purchaser. The bill also allows the minister by gazettal to vary the rate of royalty down from a cap of 2.5 per cent (which is the existing rate) to a base of 1.5 per cent. The reason given for this is to encourage value adding, possibly on mine sites, by protecting the company from increased royalty payments based on the value of the mine gate.

I agree that the current act is not clear on these issues and I support this bill. The only query I have is that I understand that the royalty cap of 2.5 per cent, which can be varied down to 1.5 per cent, was originally proposed to be 4.5 per cent. Why was that royalty rate left at the existing rate of 2.5 per cent rather than being increased to 4.5 per cent?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I was glancing behind me to ensure that none of my colleagues wished to speak on what the deputy leader has described as a very important bill. As the deputy leader points out, these amendments will result in a fairer means of assessing the royalty on value added products and indeed a more equitable assessment of royalty by not including in the royalty calculation the cost of handling and transportation of minerals to the point of sale.

As I indicated to the deputy leader in the debate on another bill in this place, effectively a royalty is a payment for the privilege of being able to extract product owned by South Australians and to financially benefit from that product. The deputy leader has again raised the spectre of higher royalty and, if I understand the deputy leader, she has queried why the royalty should not be set at a higher rate of 4.5 per cent and has alluded to the fact that that figure was contained in a consultation draft of the bill.

As I indicated to the deputy leader in response to the answer to a question on an earlier bill, the business of mining is a competitive business, both among Australian jurisdictions and also between Australia and overseas jurisdictions. In South Australia we are very conscious of the need to increase our exploration and production activity within the mining industry and, for that reason, while we certainly seek just recompense for South Australians from mining companies for the privilege they have in extracting and making a profit from product that is owned by South Australians, at the same time we do not wish to scare away those companies by charging royalties that are comparatively excessive. My advice is that the royalty fee figure of 2.5 per cent is indeed commensurate with that of other jurisdictions and gives our state the competitive foothold that we seek in encouraging rather than discouraging that exploration activity.

I hope that that explanation satisfies the deputy leader. If not, she is perfectly free—and I am sure she would avail

herself of the opportunity—to further question me if she decides to take the bill to the committee stage. I take the opportunity to thank her and the opposition for their support of this piece of legislation.

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

ADJOURNMENT

At 5.32 p.m. the House adjourned until Tuesday 4 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 28 March 2000

QUESTIONS ON NOTICE

HOSPITAL TRANSFERS

13. **Ms RANKINE:** What was the total number and cost of country to city hospital transfers in 1997-98 and 1998-99 and of these, how many were by air, road ambulance and private vehicle, respectively, and what were their associated costs?

The Hon. DEAN BROWN: For 1997-98, there were 1,663 transfers by air at a cost of $1,519,220, and 2,505 transfers by road at a cost of $1,189,330.

For 1998-99, there were 1,664 transfers by air at a cost of $1,623,480, and 2,537 transfers by road at a cost of $1,573,340.

There are no records kept of those people who may have moved to a metropolitan hospital utilising private means of transport.

Guidelines by the Department of Human Services require patients who require treatment that cannot be provided at the initial hospital, and who need ambulance transport for medical reasons, to be transferred to the nearest public hospital that can provide that treatment, at hospital expense.

NATIVE BIRD TASK GROUP

16. **Mr HILL:** Did the Pest Native Bird Task Group recommend the invocation of section 51A of the National Parks and Wildlife Act 1972 in relation to certain species of native birds and if so why did the RSPCA representative on the group claim that this matter was not discussed and no recommendation made?

The Hon. I.F. EVANS: In February 1998, I requested the Wildlife Advisory Committee, an advisory committee to the South Australian National Parks and Wildlife Council, to investigate all aspects of the current methods of bird control and to develop any other options as alternatives. In order to gather the expertise to undertake my request, the Wildlife Advisory Committee formed the Pest Native Bird Task Group to assist in developing a set of recommendations for the Committee's consideration before the Committee reported to me.

Records of discussions held by the Pest Native Bird Task Group note that the RSPCA representative was opposed to any moves that altered the protected status of native birds. After considering these discussions, the final report prepared on behalf of the Wildlife Advisory Committee included a recommendation to invoke the sue of section 51A of the *National Parks and Wildlife Act 1972* that allows for the taking of some protected species causing damage to crops or property under clearly defined circumstances.

While most of the issues discussed by the Task Group were resolved unanimously, some were not. The use of section 51A provisions to partially remove protected status was one that was supported by the majority, but not all of the Task Group. The RSPCA representative was not involved in drafting the final report that was submitted by the Wildlife Advisory Committee after its consideration of the discussions held by the Task Group.

The Wildlife Advisory Committee subsequently recommended to me that the section 51A exemption to be invoked for some prescribed parrot species in a number of areas where commercial orchards and vineyards experienced chronic problems and where destruction permits were traditionally issued as a matter of course. The recommendation was endorsed by the South Australian National Parks and Wildlife Council.

This action does not represent an open season approach and I am advised that it will not noticeably impact on bird populations. The taking, without a destruction permit, of other protected bird species is still illegal and people doing so will be subject to prosecution.

This action will be reviewed after its expiration in May 2000. In the meantime, it will allow us to trial a possibly improved solution to managing native bird impacts on commercial orchards and vineyards and allow us to direct resources to protect those birds that require protection.

COMPOSTING DEPOT

22. **Mr HILL:** What action has the Minister taken to address the concerns of residents in the Hartley electorate regarding the proposed composting depot at Section 297 in the Hundred of Freeling?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

- The application is being assessed under the development control process required by the Development Act.
- By virtue of Schedule 10 of the Development Regulations 1993, the Development Assessment Commission (DAC) is the relevant planning authority as this form of development is considered to constitute a waste disposal facility. The District Council of Alexandrina has been invited to comment on the proposal.
- DAC is required to assess the application against the provisions of the appropriate Development Plan which in this instance is the Strathalbyn (D.C.) Development Plan.
- In determining the application, DAC will have regard to and be directed by the advice of the Environment Protection Authority (EPA). Advice from other commenting agencies and public representations will also be considered by DAC.
- DAC is likely to determine the application before the end of the year, pending the submission of further information from the applicant. Public representors and the proponent will be invited to attend the DAC meeting to further explain their views.
- The representors and the applicant will have appeal rights against the decision of DAC.
- As the proposal is being assessed by the independent DAC, with advice from the independent EPA, the Minister for Transport and Urban Planning has no role in the matter.

ETHNIC YOUTH DEVELOPMENT OFFICERS

39. **Ms KEY:** Why have the appointments of ethnic youth development officers in local councils not been made and when will the first appointment be made?

The Hon. J.W. OLSEN: The Minister for Youth has provided the following information:

Refer to the Question Without Notice response printed in Hansard on November 9, 1999.

CRIME PREVENTION UNITS

41. **Ms RANKINE:** How many Crime Prevention Units were operational throughout South Australia during 1998-99 and how many have been funded for 1999-2000?

The Hon. R.L. BROKENSHIRE: The Attorney-General has provided the following information:

The Crime Prevention Unit provides funds to local government through the Local Crime Prevention Committee Program. During 1998-99, 14 Local Crime Prevention Committees were funded through the Attorney-General's Department Crime Prevention Unit. Two committees are managed jointly by two councils, and hence the committees cover 16 Councils.

Funding is provided directly to councils. Each council has a three year agreement (1998-2001), with annual funding provided following receipt of reports. Annual reporting requirements include the work undertaken throughout the past 12 months, and financial statements.

Each committee will undertake a range of crime prevention programs each year. Their annual work plan is considered following an assessment of relevant data and consultation, and the identification of agreed strategies for agreed issues. Work can include graffiti prevention; vandalism and property damage; theft (retail, vehicle etc); domestic violence; break and enter; assault (particularly related to the consumption of alcohol); 'social disorder' (eg street harassment, anti-social behaviour, territorial behaviour etc); drug offences and/or drug related offences.

In addition to the Local Crime Prevention Committee Program, two officers are employed in the Crime Prevention Unit to work with other councils to assist them to develop crime prevention initiatives.

SMOKE ALARMS

43. **Ms RANKINE:** How much has been allocated in the 1999-2000 budget to assist the frail, aged and disabled without hearing impairments and who do not live in Housing Trust homes, with the installation of smoke alarms by 1 January 2000?

The Hon. DEAN BROWN: The State Liberal Government has decided that assistance with the installation of smoke alarms will be directed to frail, aged and people with profound hearing loss.

$300,000 has been allocated for this purpose in the 1999-2000 Budget.

TAB, GREYHOUND RACING

49. **Mr WRIGHT:**

1. What criteria does the TAB use for allocating TAB meetings and what dates have been allocated to the Port Pirie and Districts Greyhound Racing Club?
2. What is the breakdown of turnover for all TAB greyhound meetings held in the previous twelve months?
3. How much has been expended on consultancies preparing for the TAB's privatisation?

Attached is a suggested response for your consideration.

The Hon. M.H. ARMITAGE:

1. TAB uses a range of criteria in selecting the race meetings it will provide betting coverage for. The criteria have been developed and adopted to ensure TAB maximises the highest turnover potential.

The criteria include:

· the estimated turnover that the meeting will achieve;
· whether the meeting will be covered by Sky Channel;
· is the meeting a SuperTAB covered meeting;
· the quality of the field;
· the number of races for the meeting; and
· the number of meetings already covered on the day.

Two meeting dates were allocated for the Port Pirie and Districts Greyhound Racing Club in 1999. The dates were Tuesday 30 November 1999 and Tuesday 28 December 1999. TAB contacted SAGRA to confirm these dates but at that time was notified by SAGRA that the two meetings were cancelled.

A meeting was also requested by SAGRA and accepted by TAB on Friday 3 September 1999. The TAB turnover for that meeting was poor ($8,949.50) and, as a result, when a later request was made for another meeting on 5 November 1999, TAB notified SAGRA that it would not provide coverage.

2. Total TAB turnover on all greyhound meetings covered during 1998-99 was $81,039,386. A breakdown of turnover by venue for 1998-99 is provided below.

Summary of Turnover by Track
1998-1999

Venue	Turnover
ALBION PARK	$6,109,833.00
ANGLE PARK	$9,852,424.00
BALLARAT	$2,665,341.00
BEENLEIGH	$1,052,081.00
BENDIGO	$1,869,464.00
BULLI	$950,383.00
CASINO	$653,110.00
CESSNOCK	$800,312.00
CRANBOURNE	$2,146,154.00
DAPTO	$4,177,978.00
DEVONPORT	$132,120.00
GAWLER	$1,378,297.00
GEELONG	$3,707,718.00
GOLD COAST	$1,151,028.00
GOSFORD	$1,850,680.00
HOBART	$2,787,149.00
HORSHAM	$50,172.00
IPSWICH	$2,296,923.00
LAUNCESTON	$1,891,072.00
LISMORE	$1,677,510.00
MAITLAND	$893,406.00
NOWRA	$1,035,210.00
PARKLANDS	$1,169,212.00
PORT PIRIE	$302,550.00
RICHMOND	$2,897,803.00
SALE	$46,274.00
SANDOWN PARK	$9,057,924.00
SHEPPARTON	$1,837,798.00
SINGLETON	$405,125.00
STRATHALBYN	$336,006.00
THE MEADOWS	$1,700,649.00
TOOWOOMBA	$1,168,171.00
TRARALGON	$1,765,853.00
WARRAGUL	$2,659,882.00
WARRNAMBOOL	$26,920.00
WENTWORTH PARK	$8,536,841.00

3. While the Government cannot disclose specific consultancy conditions due to commercial confidentiality, consistent with the Government's reporting requirements, consultancy costs associated with the TAB and LCSA reviews for the financial year have been advised in the Department for Administrative and Information Services' (DAIS) Annual Report.

Consultancy Costs associated with the TAB and SA Lotteries Commission reviews as disclosed in the DAIS Annual Report for 1997-98 and 1998-99 totalled $1,527,487.

GREENHILL COMMUNITY ASSOCIATION

51. **Ms HURLEY:** Will the Minister meet with the Greenhill Community Association to consider a project between the Government and residents, where the residents provide the bulk of the funding towards supplying and distributing a reliable water supply to homes in Greenhill; particularly during the bushfire season?

The Hon. R.G. KERIN: I am pleased to be able to report to the deputy leader of the Opposition that agreement has been reached between the Greenhill Community Association, representing the residents of Greenhill, and the Government for the establishment of a community owned and operated reticulated water supply system to Greenhill. In addition the Adelaide Hills Council has indicated to the Greenhill Community Association their willingness to support the project through drilling and equipping of a bore to supply water to the scheme.

It should be noted that this support is conditional on a suitable water source being identified.

Agreement on this issue was reached following a meeting between representatives of the Greenhill Community Association and officers of SA Water Corporation and Primary Industries and Resources SA.

THE PARKS AGENDA

53. **Mr HILL:** On what basis was the 1997 claim in The Parks Agenda made that the State's parks and wildlife attract $500 million in tourism revenue?

The Hon. I.F. EVANS: The Parks Agenda was launched in June 1997 by the Premier, Hon. John Olsen, M.P. and is a program to revitalise the management of parks and wildlife in South Australia and to promote parks as assets which can make a significant regional economic development contribution to South Australia.

One of the key platforms of the Parks Agenda is to encourage a greater community involvement and support for our parks and wildlife programs. This included the business sector, specifically through partnerships with the tourism industry to assist in the provision of quality experiences for visitors to South Australia.

Many of South Australia's parks and wildlife are internationally renowned and attract a large number of overseas visitors. It was on this basis that the indicative figure of a $500 million annual contribution to the State's economy was derived for the Parks Agenda. This figure was calculated on the basis of national estimates for the expenditure by international travellers on visits to national parks.

Recent work by the South Australian Centre for Economic Studies indicates that the total value of all tourism to South Australia is approximately $2.4 billion. Given that the nature-based, or parks and wildlife tourism, constitutes a major component of the State's tourism industry (more than 20 per cent of the State is conserved in the park estate) an estimate of the value of parks and wildlife related tourism of $500 million (just under ¼ of the total value) would seem reasonable. I understand that the Kangaroo Island tourism industry alone, which is almost entirely nature-based with a strong focus on parks and wildlife, is estimated to be work more than $60 million.

MOUNT BARKER PRODUCTS

55. **Mr HILL:** What action has the South Australian Health Commission taken to assess the health of Mount Barker residents who have been identified as having chromosome damage and can the Commission rule out the cause as being the Mount Barker Products foundry?

The Hon. DEAN BROWN: Mount Barker residents who were tested for chromosome damage had done so as part of a consultation with their general practitioners. Due to the confidentiality of patient/doctor information, the Health Commission has not been able to determine which Mt Barker residents were tested. To date, none

of these residents have come forward for any assessment by Health Commission staff. The results of the chromosome testing have been called into question by Professor Grant Sutherland, a cytogenetics expert at the Women's and Children's Hospital.

Until an accepted degree of confidence can be placed in the data, it is premature to talk of causes. However, if such confidence in the data is forthcoming, then the Health Commission will examine the range of possible causes.

SELLICKS HILL QUARRY CAVE

57. **Mr HILL:** When will the Government respond to the recommendations of the Eighteenth Report of the Environment, Resources and Development Committee on the Sellicks Hill Quarry Cave?

The Hon. R.G. KERIN: The Environment Resources and Development Committee (the Committee) inquired into an implosion of a cave at the Sellicks Hill quarry. The outcome of the inquiry was a report with some strong remarks about the then Department of Mines and Energy and included some 38 recommendations, with which the government disagrees.

The 38 recommendations of the Committee are considered to be overly prescriptive in that they try to chart all future operational details without appreciating the consequences. The recommendations generally relate to two fundamental issues and these are legislative reform and procedural matters.

The government is of the view that the procedural matters could not be dealt with until the legislative reform occurred and has therefore commenced reviewing the relevant legislation. The reform will involve making changes to the fundamental concepts in existing mining legislation, and as will be appreciated, this is a long and delicate process. We have completed the first stage of refocussing the existing legislation to make it more inclusive of stakeholders in the decision-making process. This has resulted in amendment to the Private Mines part of the Mining Act 1971. These amendments, when debated in the Parliament received full support of all parties. Further amendments to other parts of the Mining Act 1971 are being considered.

WHYALLA EDUCATION REVIEW COMMITTEE

62. **Ms BREUER:** With respect to the findings of the Whyalla Education Review Committee—

(a) Will the committee be consulted on any changes to and implementation of these findings prior to release of this information to the media;

(b) Does the government intend retaining and maintaining any surplus buildings for local community use in the first instance and if not, will any of the sale proceeds be directed to Whyalla schools and kindergartens or the Whyalla Education Trust Fund;

(c) Will the expected savings resulting from restructuring be made available to Whyalla schools and kindergartens for a negotiated period of time;

(d) Will a registered Memorandurn of Agreement be drawn up between the Minister and appropriate unions which ensures the existing rights and arrangements of personnel effected by the restructuring are protected under any new arrangement; and

(e) Does the government support the formation of any new non-government school or major redevelopment of any existing non-government school in Whyalla?

The Hon. M.R. BUCKBY:

(a) There is scope to consult over review findings. This can occur by involving relevant departmental officers in the discussions and by forwarding potential recommendations through the District Superintendent to ensure they are supported through existing policies, agreements and practices. This will assist in ensuring that the final recommendations and possible implementation strategies are consistent with government policies and practices.

The Whyalla Education Review Committee will be advised continuously throughout the consultative process, of any decisions. An official statement will be made on the same day as the release of the decision to the Review Committee.

The Education Act determines the process for the release of the information.

(b) If there are surplus buildings as a result of any restructuring, the Department of Education, Training and Employment is prepared to consider a joint use/tenancy agreement. If a site is to be vacated, the standard process of referring management of the site to DEHAA will continue.

Funds from the sale of surplus sites are, in general, used in the Department's capital works program. This program often includes the upgrading of sites. It will not be possible for funds to be provided for a Whyalla Education Trust Fund.

(c) There may be scope for negotiation dependent on the extent of any savings as a result of any restructure.

(d) Current policy and practice already protect the rights of individual employees. These industrial arrangements will be maintained throughout any restructuring.

(e) A policy currently exists for the planning of new non-government schools. The Planning Committee for Non-Government Schools will assess any application to establish a non-government school against the criteria in the policy.

Redevelopment of an existing non-government school is a matter for that school but will need to address existing legislative requirements as set down in the Building Code of Australia, local government planning procedures etc.

MASON & COX FOUNDRY

67. **Mr KOUTSANTONIS:** How many complaints has the Environment Protection Agency received regarding the Mason & Cox Foundry at Torrensville since 1 January 1999?

The Hon. D.C. KOTZ: The Environment Protection Agency (EPA) has recorded 52 complaints since 1 January 1999. Residents of the suburb of Flinders Park have complained of noise and air emissions from the Mason & Cox, now Hensley Industries, foundry for many years. As a consequence both the EPA and the Health Commission have carried out extensive investigations of the environmental and health impact of the foundry and at all times the company have been found to comply fully with the requirements of the relevant legislation.

COUNCIL RATES

68. **Mr KOUTSANTONIS:** What council rate concession do pensioners currently receive, how is it determined, when was the last increase and is the concession likely to increase in the near future and if not, why not?

The Hon. D.C. KOTZ: The Minister for Human Services has provided the following information:

The Rates Remission Scheme was introduced in July 1973, providing remissions on council, water and sewerage rates to pensioners and persons who, at the time the rates are due, are able to demonstrate exceptional circumstances of hardship.

The Department of Human Services administers the remission of some rates on behalf of the State Government (under the Rates and Land Tax Remission Act 1986).

SA Water administers remissions for water, sewer and council rates for pensioners and State Concession Card holders.

Assistance is available equivalent to 3/5ths (60 per cent) of the Council Rates for all accounts up to $250, in respect of the principal place of residence. For accounts in excess of $250 a maximum remission of $150 per year is payable.

(i) Eligible people are those entitled to use (any one of the following)
- Pensioner Concession Card
- State Concession Card
- Confirmation of Entitlement to a Concession Card
- TPI Veteran Affairs Card

and

(ii) are the owner or part owner of the property in which they live; and are responsible for paying the rates and taxes on that property.

Council rates remission last increased in 1978, from a maximum of $100 to $150.

There are no current plans to review the level of the council rate concession. Although the value of the concession has not been increased for some time, the cost of the concession has increased and is expected to increase substantially in the future due to the increased number of recipients (ageing population).

Local Government Rates Concessions administered in the financial year (from Annual Report figures) are:
- 1987-88 $12.1 m (105,800 applications);
- 1997-98 $22 m (145,000 applications).

This represents an 82 per cent dollar increase and a 37 per cent application increase.

Any increase in the value of the concession would be costly and needs to be considered in the context of other government spending priorities (eg public hospital and other essential services).

DEPARTMENTAL SERVICES

70. **Ms BEDFORD:**

1. What is the extent of departmental services made available to children requiring occupational therapy and speech therapy, respectively?

2. What resources are made available for hearing impaired children?

3. What services are there for identifying vision problems as a source of learning difficulty and what services are provided thereafter?

4. How many children are severely deaf and blind and what services are available to them?

5. What are the guidelines for assistance to children with physical or behavioural impairments?

The Hon. M.R. BUCKBY:

1. Occupational therapy services are not available through the Department of Education, Training and Employment, but may be accessed through public hospitals, community health centres, specialist disability agencies and private providers.

The department currently employs 63.9 full time equivalent speech pathology staff in preschools and schools. Current staffing levels are nearly double the number of full time equivalent staff employed in 1993. Children enrolled in schools, preschools, child care and other departmental services are able to access this service.

2. The department provides a home based early intervention program, two specialist preschool programs, five primary centres for hearing impaired children and three secondary centres. The majority of students are educated at their local school. Consultancy services are provided to the school to support the educational access to, and participation in, the mainstream curriculum.

The department has a number of specialist positions to support children and students who are deaf and hearing impaired including a statewide audiologist, consultant guidance officer and project officer Auslan and bilingual education.

3. Teachers and parents play an important role in first observing symptoms which may indicate the presence of vision difficulties eg. complaints of sore eyes; headaches; rubbing of eyes or holding print materials close to eyes.

Child and Youth Health, Behavioural Optometrists or Ophthalmologists provide medical assessment. For children with multiple impairments, teachers may work with Ophthalmologists at the Women's and Children's Hospital's Vision Clinic.

For children with significant vision impairments, support is provided through a non-government early intervention program (Townsend House) and through Departmental Visiting Consultants who assess visual functioning in the classroom, recommend and provide special aids and resources, and assist in devising program adaptations.

The educational needs of students with significant vision impairments can be met either at their local school with a salary allocation, or in a special educational setting such as Townsend School or in one of two secondary units at Seaview High and Charles Campbell Secondary School. Multi-handicapped children may be enrolled at Kilparrin, Riverdale Primary School, Nuriootpa High, Regency Park or Units at Kidman Park, Devitt Avenue, and Salisbury Park Primary Schools.

A Guidance Officer Consultant is available to assist with assessment, placement and curriculum planning. A psychological service is also available to help clarify if other factors (eg intellectual ability) are impacting on learning.

Non-departmental services can also meet specific needs. Service centres include the Low Vision Centre, Guide Dogs, Royal Society for the Blind and Townsend House.

4. There are nine students who are severely vision impaired and have some degree of hearing loss. They attend their local school, use speech as a communication mode and are supported primarily by the Departmental Visiting Consultants from Townsend School.

There are ten students who have severe hearing losses and some vision impairment who are primarily supported by Hearing Impairment Services.

There is one student with dual impairment at TAFE and one at Flinders University.

Non-departmental services are also provided by the Department of Human Services.

5. The support needs of children with physical disabilities are identified during the Negotiated Curriculum Process. Children with physical impairments are referred to health professionals as appropriate.

Children enrolled in preschools and child care services can be referred to departmental support services for additional assistance with challenging behaviours. Staff and families may receive consultancy advice and support in implementing a behaviour program. Families are referred to other agencies (eg CAMHS) where a family-based approach is required.

School principals can refer students with behavioural support needs to individual support services, who liaise with a range of government and non-government personnel as appropriate.

The Department of Education, Training, and Employment provides a range of services for school students with behavioural difficulties including:

- The Interagency Referral Process that is available for students presenting with the most extreme social, emotional and behavioural needs.
- Behaviour Support Teams who work in schools with principals, parents and students to address the social and behavioural needs of students by identifying behavioural and learning issues, and developing strategies to support these needs.
- Learning Centres that provide short term alternative programs for students experiencing behavioural, social and emotional difficulties.

PUBLICATION COSTS

71. **Mr CLARKE:** How many copies of the 'Review of the Children Services Act (1985) and Education Act (1972)' have been printed and distributed, at what cost and have any responses to the publication been received and if so, from whom?

The Hon. M.R. BUCKBY: The Member for Ross Smith's question relates to the review of the two Acts, the Children's Services Act, and the Education Act, which includes three other separate, but related reviews (teacher registration, non government school registration and children's services) to meet the requirements of the National Competition Principles Agreement.

The competition reviews meet the specific guidelines imposed under the national agreement. The outcome of the three competition reviews will have direct, and immediate implications for the reviews of the two Acts. All four reviews were therefore conducted concurrently and each required extensive public consultation.

As all reviews were interrelated and over-lapping, the Government, in the public interest, provided detailed information to the community so it may be properly, openly and concurrently informed of all the issues likely to impinge on a new single Act for education and children's services. Proper consultation with the community firstly demands easy access by the community to quality information.

Because of the centrality of education and children in the lives of all South Australians, the Government adopted an approach that every individual, group, organisation or business that had views on education and children's services had a right to be informed of the issues and to comment on them.

Four comprehensive discussion papers were prepared for this purpose.

Discussion Paper 1 School Education and Pre-Schools

- 26000 copies produced and multiple copies to all government and non-government schools and their respective school councils (averaging 15 copies per school), pre-schools, professional organisations, parent groups, ethnic associations, community groups, relevant unions and all Members of Parliament for use with constituents. Individuals requested copies as a result of public advertisements.
- 521 written submissions, majority representing schools, school councils, teachers, pre-school management committees, education authorities, professional associations and many individuals.
- Over 600 people attended public meetings based on the discussion paper and written records of these forums will contribute to the development of the new Act.
- 1000 submissions were received from students based on issues raised in Discussion Paper 1.
- 3000 persons petitioned on a key issue in Discussion Paper 1.

Cost of production: $39,000

Discussion Paper 2 Children's Services (Incorporating Competition Principles Review)

· 13,500 copies produced and multiple copies distributed to all schools, pre-schools, child care centres, professional associations, industry associations, play groups, out of school hours care, nanny businesses, baby sitting firms, businesses who provide creches, every family day care provider, ethnic associations, training associations, universities, relevant unions, 1000 individual parents, and all Members of Parliament for use with constituents. To assist public understanding of the complexities of Discussion paper 2 a supplementary brochure was prepared (26,000 copies) at a cost of $11,000.
· Submissions close 17 December 1999. To date, 11 public forums have been held across the State and in addition, intensive consultations have occurred with 14 special interest groups. All consultations used Discussion Paper 2 as the focus.

Cost of production: $58 722

Discussion Paper 3 Teacher Registration (Incorporating Competition Principles Review)

· 26,000 copies were produced and multiple copies distributed to all schools (government and non-government), all pre-schools, relevant government agencies, teacher associations, teacher training institutions, relevant unions, school councils, parent associations, education authorities including Independent Schools Board, The Commission for Catholic Schools and the Department of Education, Training and Employment, and all Members of Parliament for use with constituents.
· 110 submissions have been received representing the views of key organisations and their members with some individual responses.
· 10 intensive consultations have been held with special interest groups. Consultation focussed on Discussion paper 3.

Cost of production: $64,555

Discussion Paper 4 Non-Government Schools Registration (Incorporating Competition Principles Review)

· 8000 copies were produced and multiple copies provided to all non-government schools, non-government school authorities, relevant unions, professional associations and all Members of Parliament for use with constituents.
· 32 submissions have been received from the key non-government education authorities, non-government school parent groups, teacher groups, relevant unions and some individuals.
· 10 consultations have been held with special interest groups. Consultations focussed on Discussion Paper 4.

Cost of production: $26,584

Total distribution costs for all discussion papers: $21,528.81

DEPARTMENTAL PUBLICATIONS

72. **Mr CLARKE:**

1. Has the minister or any staff member issued an instruction that the minister's photograph is to appear on all departmental publications and if so, how many departmental publications have been printed since the minister's appointment and how many of these have not included the minister's photograph?

2. Has the minister or any staff member issued an instruction to affix a photograph of the minister to departmental publications that contained photographs of the previous minister and if so, how many photographs were printed and at what cost?

The Hon. D.C. KOTZ:

1. No. Of a total of 453 publications printed since the minister's appointment, 366 have not included the minister's photograph.

2. One document as a necessary update had a replacement photograph affixed to it at a cost of $350.

INSURANCE CLAIMS

74. **Mr HANNA:** Which Motor Accident Commission's staff are responsible for assessing the Commission's legal costs incurred as a result of motorists' personal injury claims and what are the accountability mechanisms in place which ensure there is no overcharging by legal firms in respect of these costs?

The Hon. M.H. ARMITAGE: The Treasurer has provided the following information:

The Motor Accident Commission (MAC) is the State's Compulsory Third Party (CTP) insurer but contracts the management of claims to SGIC General Insurance Ltd (SGIC).

In the process of managing claims, SGIC is required to appoint legal firms from time-to-time to represent the Commission. These firms subsequently submit a charge for their services to SGIC.

It is the responsibility of SGIC staff to assess and, if required, challenge the legal costs on behalf of the Commission. SGIC provides formal training to its staff in the assessment of costs and obtains the services of an independent expert in the field.

To ensure there is no overcharging an audit has been performed by an independent legal costing expert twice a year for the past ten years.

Instructions and guidelines have been issued to the legal firms in relation to:

· the appropriate court scale of costs to be applied;
· the manner in which tasks are recorded to ensure that a meaningful assessment or audit may be performed;
· a consistent format in submitting claims for costs to allow for ease of assessment or audit; and
· the interpretation of costing rules to avoid inconsistencies.

This helps to minimise the opportunity for overcharging and facilitates the process of assessing costs by SGIC staff and the audit performed by the independent expert.

The reports provided by the auditor have been complimentary of the assessment of costs by SGIC staff and the charging practises by the legal firms appointed to represent MAC.

The Motor Accident Commission 1998-99 Annual Report shows that in 1994-95 MAC paid 6.9 per cent of gross payments to its solicitors. By 1998-99 this had reduced to 4.7 per cent.

SCHOOL CARD

77. **Ms THOMPSON:** What proportion of students received School Card during 1988, 1998 and 1999 at each of the following schools—Coorara Primary, Morphett Vale East Primary, Pimpala Primary, Southern Vales Christian, Sunrise Christian, Wirranda High and Woodcroft College?

The Hon. M.R. BUCKBY: The earliest year that could be provided which would include data on all of the schools was 1989. Information on the proportion of students receiving School Card is therefore provided for 1989, 1998 and 1999.

	1989			1998			1999		
	school card Nos	enrolment	%	school card Nos	enrolment	%	school card No.s	enrolment	%
Coorara Primary School	59	488	12	214	521	41	178	438	41
Morphett Vale East Primary	73	358	20	162	371	43	127	339	37
Pimpala Primary School	48	266	18	113	252	44	102	226	45
Southern Vales Christian	90	520	17	338	604	55	286	579	50
Sunrise Christian School	52	269	19	283	579	48	273	575	47
Wirreanda High School	233	1,218	19	403	1,081	37	367	1145	32
Woodcroft College	2	66	3	209	1,157	18	236	1324	18

TAB, TURNOVER

80. **Mr WRIGHT:**

1. Do any staff or employees of the TAB have any of their salary or wage based on turnover and if so, what are the details?

2. How much did the TAB pay for racing to be on Pay TV?

3. How long has the TAB been paying a Negative Settlement Fee to TABCorp?

4. What has been the increase in Super Tab connection fee?

5. What was the TAB commission from Fortune 8 and how much was spent on advertising until the first dividend was paid?
6. How much is the TAB paying for the TABFORM and form guides in the *Advertiser*?

The Hon. M.H. ARMITAGE:
1. No.
2. TAB has advised that the fee paid by TAB is subject to commercial-in-confidence arrangements between TAB and Sky Channel.
3. Since January 1998.
4. TAB has advised that the information requested is subject to commercial-in-confidence arrangements with TABCorp.
5. Fortune 8 was first offered on 19 June 1998. Commission received by the TAB was $474,634 until the first dividend was paid on 19 June 1999. The total Advertising/Promotions/Sponsorship cost until the first dividend was paid was $568,370. This includes concept development and launch costs which were not expected to be recovered immediately.
6. TAB has advised that the information requested regarding TABFORM and form guides are subject to commercial-in-confidence arrangements with the *Advertiser*.

MOTOR VEHICLE ACCIDENTS

81. **Ms THOMPSON:**

1. How many vehicle accidents, injuries and fatalities, respectively, have occurred at the following intersections during each of the last five years—

Gamay Drive and Muscatel Circuit;
Gamay Drive and Devonshire Crescent;
Beach Road and Majorca Road;
O'Sullivan Beach Road and Broadie Road;
Main South Road, Beach Road and Doctors Road;
Main South Road, Flaxmill Road and Wheatsheaf Road;
Main South Road, O'Sullivan Beach Road and Bains Road; and
Main South Road, Pimpala Road and Sheriffs Road?

2. What are the corresponding statistics for O'Sullivan Beach Road between Brodie Road and Main South Road?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

The responses are based on the requirement to report vehicle collisions where there has been a fatality, or a treated injury or property damage is $1,000 or above. In 1998, the value of property damage was raised from $600 to the current level of $1,000. Statistics for 1999 are year-to-date as at 31 August and statistics are provided for 1994 to give five complete years.

1. (a) Gamay Drive and Muscatel Circuit

	1994	1995	1996	1997	1998	1999
Reported Crashes	Nil	Nil	Nil	Nil	Nil	Nil
Casualties	Nil	Nil	Nil	Nil	Nil	Nil
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(b) Gamay Drive and Devonshire Crescent

	1994	1995	1996	1997	1998	1999
Reported Crashes	1	Nil	1	Nil	1	Nil
Casualties	Nil	Nil	Nil	Nil	Nil	Nil
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(c) Beach Road and Majorca Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	2	3	5	1	2	2
Casualties	1	3	Nil	Nil	2	Nil
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(d) O'Sullivan Beach Road and Brodie Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	3	5	5	6	5	2
Casualties	Nil	Nil	Nil	2	1	Nil
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(e) Main South Road, Beach Road and Doctors Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	17	10	17	16	16	18
Casualties	5	1	5	Nil	5	4
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(f) Main South Road, Flaxmill Road and Wheatsheaf Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	24	27	32	29	40	5
Casualties	10	3	21	4	11	15
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(g) Main South Road, O'Sullivan Beach Road and Bains Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	24	23	35	29	24	2
Casualties	6	3	4	5	9	4
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

(h) Main South Road, Pimpala Road and Sheriffs Road

	1994	1995	1996	1997	1998	1999
Reported Crashes	26	18	30	16	20	21
Casualties	7	5	3	Nil	8	8
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

2.

	1994	1995	1996	1997	1998	1999
Reported Crashes	10	15	9	12	6	9
Casualties	1	1	2	8	2	3
Fatalities	Nil	Nil	Nil	Nil	Nil	Nil

CONSUMER PROTECTION BREACHES

82. **Ms THOMPSON:** How many prosecutions for consumer protection breaches have been initiated by or on behalf of the Commissioner for Consumer Affairs during each of the last ten years, how many were successful and how many are still pending?

The Hon. I.F. EVANS: I have been advised as follows:

The Minister for Consumer Affairs has provided the following information:

During the last ten years, the Commissioner for Consumer Affairs has maintained a pro-active role regarding breaches of Acts in the consumer affairs portfolio.

Along with prosecutions, the Commissioner has initiated disciplinary actions against persons licensed under various occupational licensing Acts as well as seeking assurances and issuing warnings.

The *Fair Trading Act 1987* gives the Commissioner for Consumer Affairs broad powers to assist in the protection of consumers from unscrupulous traders.

In addition, the Commissioner is responsible for monitoring *Trade Measurement Act* requirements, which includes checking on the price, quantity and weight of pre-packaged goods, as well as monitoring safety and information standards under the *Trade Standards Act* of such things as children's toys, cots, and carrying seats for bicycles.

The policy of the Commissioner for Consumer Affairs regarding breaches of consumer affairs provisions has undergone a change in the past four years since the creation of the Office of Consumer and Business Affairs from the former Department of Public and Consumer Affairs. Soon after the creation of the Office of Consumer and Business Affairs, the former Commercial Tribunal was abolished and matters previously heard in that jurisdiction were transferred to the Magistrates Court and the Administrative and Disciplinary Division of the District Court.

The Commissioner attempts to keep minor matters out of the courts and free the resources previously allocated to that area to increased surveillance of consumer protection in the marketplace.

As can be seen from the table of prosecutions, disciplinary actions and assurances which include miscellaneous offences, there has been a move towards dealing with minor breaches administratively rather that initiating a prosecution or disciplinary action in the first instance.

The Commissioner has sought to engage traders in accepting their responsibilities and in acknowledging their degree of misconduct or breach under a particular provision. This policy relates only to minor breaches and in no way seeks to diminish the seriousness of any offence against any provision enacted for the protection of consumers.

The seeking of assurances by the Commissioner allows a trader to cease their current conduct and to move to operate totally within the requirements of the jurisdiction under which they are licensed or regulated.

This policy does not absolve the trader of blame because the terms of the assurance allow the Commissioner to initiate further action if the assurance is not strictly adhered to. The seeking of assurances also brings the conduct of the trader under notice that any subsequent breach will cause a prosecution or provide grounds for disciplinary action.

A complete breakdown of matters initiated by the Commissioner for Consumer affairs is detailed in the attached table.

	Prosecutions	Disciplinary Actions	Assurances
1990	26		
1991	48	35	107
1992	63	86	104
1993	31	69	44
1994	20	29	27
1995	1	5	26
1996		6	13
1997	8	5	7
1998	6	17	25
1999	4	21	9