HOUSE OF ASSEMBLY

Thursday 6 July 2000

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

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

Ms BEDFORD (Florey) obtained leave and introduced a bill for an act to amend the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990, the Southern State Superannuation Act 1994 and the Superannuation Act 1988. Read a first time.

Ms BEDFORD: I move:

That this bill be now read a second time.

This bill seeks to amend the provisions of the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990, the Southern State Superannuation Act 1994 and the Superannuation Act 1988 to remove discrimination that is unwarranted and unfair.

Specifically, in each instance, the bill seeks to insert a clause extending the scope of the definition of putative spouse to include persons in a same sex relationship. This bill is a simple matter of justice. It is about ensuring that we do not entrench legislative loopholes that would perpetuate discrimination on the basis of sexual preference against South Australian workers who want to provide for their loved ones.

On 3 May I spoke in this place about the need to move forward on this issue. Discrimination on the basis of sexuality has no place in modern Australia. The time has come for it to be removed from our statute books. The amendments sought in this bill are essentially technical and should be given expeditious treatment by this parliament. The provisions it seeks to amend are not controversial and were never intended to prevent the surviving partner in a same sex relationship from receiving the same benefits as a surviving partner in an opposite sex relationship.

The sections in question: section 5(1) of the Parliamentary Superannuation Act, section 4(1) of the Police Superannuation Act, section 3(1) of the Southern State Superannuation Act and section 4(1) of the Superannuation Act define 'spouse' to include 'putative spouse'. The term 'putative spouse' is defined under section 11 of the Family Relationships Act 1975 as follows:

> A person is, on a certain date, the putative spouse of another if he is, on that date, cohabiting with that person as the husband or wife de facto of that other person and-
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> (a) he—
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> (i) has so cohabited with that other person continuously for the period of five years immediately preceding that date; or
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> (ii) has during the period of six years immediately preceding that date so cohabited with that other person for periods aggregating not less than five years; or
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> (b) a child, of which he and that other person are the parents, has been born (whether or not the child is still living at the date referred to above).

Discrimination against same sex couples arises as a result of this definition. The use of the term 'husband or wife de facto of that person' is construed to exclude same sex partners. On 3 May, I said:

> Under section 62 of the federal Superannuation Industry (Supervision) Act 1993 the trustees of a super fund are required to maintain the fund solely for certain purposes. Among other things these purposes include the provision of benefits in respect of each member of the fund on or after the member's death if the benefits are provided to the member's legal personal representative or any or all of the member's dependants or to both (section 2).
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> A dependant is defined as a spouse who is 'another person who, although not legally married to the person, lives with the person on a genuine domestic basis as the husband or wife of that person' (section 10). According to the senate committee, the phrase 'husband or wife of the person' is viewed by trustees as being gender specific and, therefore, effectively excludes a partner of the same sex (paragraph 2.5).

These comments—which relate to federal superannuation legislation—are equally applicable to the state legislation. The federal provisions, the wording of which is mirrored in the state acts, have been the subject of legal action before the Federal Administrative Appeals Tribunal in Brown v. The Commissioner for Superannuation 1995 volume 38, Administrative Law Decisions 344. In that case the applicant, Mr Gregory Brown, who for 11 years was the same sex partner of the deceased Mr Robert Corva, an employee of the commonwealth, urged that the terms 'husband' and 'wife' should be interpreted to include same sex relationships. The tribunal found against Mr Brown, acknowledging that 'There is no doubt that the applicant and Mr Corva had a close marriage-like relationship and 'conformed' to the requirements of the act 'in all respects except their gender'. This decision, which starkly highlights the inadequacies of the current legislation and is equally applicable to the state legislation, has been reinforced by subsequent Federal Court decisions.

The amendments contained in this bill will insert a definition of 'putative spouse' encompassing the provisions of the Family Relationships Act (in so far as they are applicable to same sex relationships) to the four superannuation acts in question, as provided for in section 11(3) of the Family Relationships Act. The following subsection will be inserted to the definition sections of each act:

> For the purposes of this act, a person is, on a certain date, the putative spouse of another person of the same sex if he or she is, on that date, cohabiting with the other person in a relationship that has the distinguishing characteristics of a relationship between a married couple (except for the characteristics of different sex and legally recognised marriage and other characteristics arising from either of those characteristics) and he or she—
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> (a) has so cohabited with that other person continuously for the period of five years immediately preceding that date; or
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> (b) has during the period of six years immediately preceding that date so cohabited with that other person for periods aggregating not less than five years.

Effectively, this new subsection would place same sex couples on the same footing as opposite sex couples in relation to state superannuation. It would remove a law from the statute books that discriminates against South Australians on the basis of their sexual preference. This is a simple issue of justice. People in same sex relationships should not face discrimination. They are required by law to make contributions to their superannuation fund and they should be entitled to the same opportunity to provide for their loved ones as everyone else.

I would like to use this opportunity to allay the legitimate concerns that some members may have about the potential impact of this bill. I believe that when members are fully apprised of the facts they will understand that there is nothing to be concerned about. As I have already stated, this bill is essentially technical. The amendments do not initiate any major change—all they do is make minor amendment to the four superannuation acts.

Some concerns may be expressed about what is called the 'moral message' of this kind of legislation. This is a position that I appreciate and respect but cannot agree with. Prejudice and legal discrimination on the basis of race, sex, social origin, language, religion, political or other opinion, property, birth, class or sexuality is widely disapproved of in modern Australia. Our egalitarian ethos does not tolerate official discrimination on any of these grounds and cannot tolerate continued loopholes in the law that perpetuate discrimination.

This is not a question of morals: it is simply about removing discrimination that is unwarranted and unfair. It is a question of justice. It is also a question of human rights, as is emphasised in the report of the federal Human Rights and Equal Opportunity Commission (HREOC) in commonwealth superannuation legislation handed down in April 1999. Although the report deals with the provisions of federal legislation, its comments are relevant to the debate in this House. The point is made in the report that the sections of the federal Superannuation Act 1976 which allow de facto partners to make claims for benefits on the death of their partner were inserted 'to remove discrimination between legally married and de facto relationships'. It is worth quoting the HREOC report which, at page 7, states:

> The minister emphasised in his second reading speech that the key criterion 'was the existence of a permanent and bona fide relationship'. The sex of those in the relationship was not specified as a key criterion. Around the same time, the commonwealth, as respondent in the Toonen case, informed the Human Rights Committee that 'there is now a general Australian acceptance that no individual should be disadvantaged on the basis of his or her sexual orientation'. Commonwealth, state and territory anti-discrimination and employment relations legislation reflect this by prohibiting discrimination on the grounds of sexual preference.
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> These important policy statements refute any argument that the superannuation enactments serve a reasonable and legitimate purpose in excluding the surviving spouse of a same-sex couple who, but for his or her sexual preference, meets all the criteria of a 'marital relationship'. These are not enactments which are specifically aimed at supporting and protecting the institution of marriage but enactments to provide for the surviving member of a bona fide domestic relationship.

These points, which relate to commonwealth public service superannuation legislation, have equal relevance to this debate. The sections in the Parliamentary Superannuation Act, the Police Superannuation Act, the Southern State Superannuation Act and the Superannuation Act that this bill would affect are designed to ensure provision is made for the surviving member of any bona fide domestic relationship. The fact that these sections have been constructed in such a way as to exclude persons in a same-sex relationship can scarcely be characterised as a deliberate act of policy. It is an oversight and one that this parliament should correct as a simple matter of courtesy. Allowing de facto opposite sex partners to claim entitlements under superannuation represents a commonsense appreciation of the reality of modern relationships, just as this bill does. It is a simple matter of justice.

Another concern which I expect will be raised during debate on this bill is the increase in costs and burdens on this state that change in the definition of putative spouse could have. I again refer to the report of the HREOC into commonwealth superannuation legislation. While the authors acknowledge that the inclusion of same sex partners could increase costs and burdens on the commonwealth to meet entitlements, they make the following points which are relevant to the debate in this place. The report, at pages 7 and 8, states:

> [Both schemes [the Commonwealth Public Service Superannuation Scheme and the Defence Force Superannuation Scheme] are closed and the members and their beneficiaries would be an identifiable class of persons. Further, when sections 8A and 8B [the provisions allowing for de facto partner benefits] were introduced, the minister noted that the costs to funds arising from their inclusion of de facto partners could not be significant. The proportion of members in same-sex relationships would be relatively low and accordingly unlikely to impose a significant cost burden.

These comments are equally applicable to state superannuation. Although there are no reliable figures available, it is clear that the overall increased cost to the state would be minimal and would reflect the experience of other jurisdictions where this type of reform has been enacted. Moreover, as pointed out in the HREOC report, changes to superannuation legislation allowing de facto opposite sex partners access to superannuation benefits were ratified by the legislature in the knowledge that the financial burden on the state would be increased. Those changes were made, despite the resultant increasing costs, because they were seen to be the only fair and just course forward. They were made because parliament perceived that denying de facto partners access to superannuation entitlements was unjust and discriminatory.

Circumstances are the same for same-sex de facto partners. In this day and age we cannot tolerate this kind of discrimination persisting in our statutes. It is a simple matter of justice. We have an obligation to remove legislative discrimination against same-sex couples from our statute books. It is a question of human rights; it is a question of acceptance and diversity; it is a question of justice. It is a reform that has the support of the community. The senate received 1 212 items of correspondence in favour of the federal bill. This is an overwhelming indication that the community wants and expects changes to ensure all Australians have the same rights.

In closing I would like to turn the thoughts of this House to the human side of this debate, because this is a debate about people, their lives and their right to be acknowledged and not to be the subject of prejudice and discrimination. The decision this House takes will affect in a very tangible way the lives of South Australians in the same situation as that of Gregory Brown when he appealed to the Administrative Appeals Tribunal. It will mean that they do not have to go to the courts, the HREOC or the media to have their rights accepted and acknowledged. It will mean that they will not have to make extraordinary arrangements to ensure that their loved ones are provided for in the event of their death. Surely, that is the basic right of every Australian and a right that this House should acknowledge, respect and protect.

While it is a minor change technically, it is a major step forward for human rights and social justice. This is not to confuse it with legally recognised partnerships, another related but essentially different issue. One might argue that superannuation benefits should be able to be nominated to anyone the employee wants, regardless of whether or not they are in a relationship. In fact, superannuation benefits are not at the state's costs but are held in trust after individuals contribute. They are an investment in the future, not a cost. I commend the bill to the House.

Mr MEIER secured the adjournment of the debate.

SELECT COMMITTEE ON THE MURRAY RIVER

The Hon. D.C. WOTTON (Heysen): I bring up the interim report, together with minutes of the proceedings and evidence of the committee, and move:

That the report be received.

Motion carried.

The Hon. D.C. WOTTON: I move:

That the report be noted.

It is with considerable pleasure that I now table the interim report of the Select Committee on the Murray River. The interim report presents a succinct overview of the evidence that has been provided for the committee's consideration. The report draws no conclusions, nor does it make any recommendations. The ecologically sustainable development of the state's water resources is vital to South Australia's future prosperity. Nowhere is achieving this outcome more important than in the Murray-Darling Basin. The Murray River is arguably the most important natural resource in South Australia: it provides water to urban and industrial users throughout the state, water for the horticultural and dairy industries adjacent to the river, and the basic resources for tourism and a variety of recreational activities along the entire river.

Members will recall that the impetus to establish the select committee followed the release of the Murray-Darling Basin Ministerial Council's report entitled 'The salinity audit of the Murray-Darling Basin: a 100 year perspective, 1999'. Among other findings this salinity audit highlighted that the average salinity of the lower Murray River monitored at Morgan will exceed the 800 EC threshold for desirable drinking water quality in the next 50 to 100 years, with a 50 per cent probability that 800 EC will be exceeded by 2050. The findings also highlighted that the major salt discharges to the river will shift from irrigation induced sources to dry land catchment sources and also that, of the projected increase in Murray River salinity at Morgan in 2050, approximately 50 per cent will come from the Mallee dry land zone and pre-1988 irrigation development within South Australia.

There is no denying that these findings are very sobering and have significant implications for all South Australians. However, it is important that members recognise that these findings are based on a business as usual approach to the management of the natural resources in the Murray-Darling Basin. Clearly, this is not an option. We need to put in place all necessary measures to combat the threat that salinity poses to the health of the Murray River catchment and our quality of life.

The scope of the select committee's terms of reference are very wide ranging. Since commencing this inquiry the select committee has heard from a wide cross-section of organisations and individuals and gathered evidence on various natural resource issues at both the basin-wide and state-wide level. Key issues include salinity, the cap, institutional arrangements, water use, environmental flows, wetland and fisheries management, community involvement and land use change and investment. Through this evidence the select committee has gained an understanding of natural resource issues within the Murray-Darling Basin and an appreciation of the complexities associated with their management.

What is also clear to the select committee is that there are no quick fixes to the land and water degradation issues within the Murray-Darling Basin. A sustained commitment of resources over an extended period of time by state and federal governments and the wider community will be required to address the various environmental and natural resource issues confronting the Murray-Darling Basin and the basin community. Furthermore, South Australia as the downstream state must continue to work in partnership with other basin states if significant changes in the health of the Murray River are to be achieved.

The select committee recognises that, despite the large volume of evidence gathered to date, its investigations are incomplete and therefore believes it would be premature to make any definitive recommendations at this stage. The tabling of this interim report does not signify the end of the select committee's work. On the contrary, the select committee is conscious that its investigations are far from complete and that there is still a large amount of work to be done. The select committee is particularly keen to consult the community and key stakeholders on a number of issues that have been identified and believes that the tabling of this report is an important part of that process. To facilitate that, the report is open for a period of public comment, with written submissions requested by 8 September 2000. Copies of the interim report will be distributed to a large number of organisations and individuals and will be made available via the internet. I point out to members that this is an absolute first, and the availability of this material through the internet can only enhance opportunities for the committee to come up with appropriate solutions.

In conclusion, I acknowledge the spirit of bipartisanship with which the committee's affairs have been conducted. As the member for Kaurna rightly pointed out in his motion to establish the select committee, the Murray River is too important to our state, and the total commitment of all members of this parliament is therefore required. I note that only two members of the select committee are in the chamber at the present time, because the others are all involved I believe with the Qualco-Sunlands select committee that is currently in session.

I take this opportunity to formally acknowledge those organisations and individuals who have provided evidence to the select committee or given of their own time to appear as witnesses before the committee. I certainly encourage all members to read this interim report and familiarise themselves with its contents. I also take this opportunity to thank Mark Faulkner, who comes to us from the Department of Water Resources and who is our research officer, and also David Pegram, who is the secretary to this committee. It is important that this committee bring down an interim report as requested by the parliament on this day, and an enormous amount of effort has gone into ensuring that that has occurred. Again, I commend the interim report to all members and I look forward to further debate and some constructive outcomes when the final report is brought down before this parliament.

Mr HANNA secured the adjournment of the debate.

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

That the time for bringing up the final report of the committee be extended until Thursday 30 November.

Motion carried.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 1358.)

Ms WHITE (Taylor): On behalf of the opposition, I wish to make a few brief comments on this fairly straightforward bill which repeals the Netherby Kindergarten Act 1997. I will outline a little of the history of this situation. Since 1945, the Netherby Kindergarten has resided on part of the Peter Waite Trust land, a portion of land that was entrusted to the state in 1914, I believe.

The establishment of the kindergarten in 1945 was a fairly informal arrangement. The kindergarten was situated there virtually without title. In 1997, an act of parliament was passed by both houses of this place to formalise the standing of the Netherby Kindergarten on that portion of the Waite Trust land.

Thereafter, the kindergarten required some renovation, and quite a community debate ensued about the appropriateness of what was being planned. The kindergarten is alongside the arboretum in the Waite Trust land and, in order to carry out those renovations, it would have required some cutting down of trees and some further encroachment onto that land.

It is now the case that the kindergarten is relocating. The money has been allocated in the budget for that relocation, so that certainly seems to be going ahead. The land on which the kindergarten will now be situated is not subject to the Waite Trust land, hence the motivation for this private member's bill to repeal that act. The repealed bill removes the 1997 act and restores the Waite Trust to the condition in which it was immediately prior to the Netherby Kindergarten Act being passed. It also contains a clause which provides for a waiver of any liability at law for breach of the trust between 1997 and the present for anything that was done under the act that is now being repealed.

The opposition supports this bill. It is quite straightforward, and I look forward to the member who introduced it answering some very brief questions in the committee stage.

The Hon. D.C. WOTTON (Heysen): At the outset, I want to commend the member for Waite on bringing down this legislation. I regret (and it certainly has not been as a result of the member for Waite's eagerness to get on with this issue) that it has taken as long as it has for this legislation to come before the parliament. But here it is, and I am delighted to be able to support it.

The member for Waite has gone into a considerable amount of detail, and that has been added to by the member for Taylor. But the bill is simple and concise, reflecting, as it does, as the member for Waite has said, the need for communities and members of parliament, in particular, to listen to the views that are being expressed. That was certainly the case with respect to this matter.

The community was extremely divided. Two very large groups—well in excess of 1 000 people—were actively involved on each side of the debate. Both groups felt that they were correct. One group felt very strongly that the kindergarten should be rebuilt at its location on the Waite arboretum site. The other group argued equally as strongly that another site should be found. At one stage, there was even a call for the kindergarten not to be rebuilt at all.

The history is that the replacement of the original 1939 army hut was announced in the 1998-99 budget, at an estimated cost of some $500 000. The current site, however, was found unsuitable due to the existence of six mature sugar gum trees with a potential to drop large limbs. So, the site was vacated and in January 1999 the preschool was relocated to temporary accommodation at Unley High School. The 1939 hut was demolished in December 1999, and the land returned to the University of Adelaide for inclusion in the Waite arboretum at an estimated cost to the department of $20 000.

The University of Adelaide offered the land adjacent to the Waite Child-care Centre as an alternative site and, fortunately, that was approved by the minister on 27 May last year. Now, of course, we know that a new facility has been designed for this site to meet regulations under the Children's Services Act 1998 to cater for 40 four-year-old preschool children per session and complement the care provided by the Waite Child-care Centre.

As the members for Waite and Taylor have both said, it is a very pleasing outcome. It is a win-win outcome, which has been achieved as a result of much negotiation and heartfelt support from people in the community. Along with the member for Waite, I was certainly made aware of the concerns of those people who have considerable respect—and, I guess, I am one of those people—for the Waite property and the arboretum in particular. We are extremely fortunate to have that area. We are extremely fortunate to have the trees and the vegetation that is there for all of us to enjoy, and I believe it would have been totally inappropriate for that to have been interfered with.

At the same time we recognise the need for the child care centre and, as I say, I am delighted that an appropriate result has been achieved. The only aspect about which I want to refer is the way in which the Australian Democrats handled this situation. It was quite obvious from the start that they wanted to have it both ways. They were very keen and were out there supporting the 1997 bill. At that stage it appeared that the Democrats did not care at all about the arboretum and they were very vocal at that time in their support for the 1997 bill. When it became a more controversial issue they then changed tune and took up the other side of the argument.

Regrettably, I certainly find—and I know that other members are in the same situation—that the Democrats do tend to try to have a bob each way in so many of these issues, which does very little good as far as an outcome is concerned. Again, I do want to commend the member for Waite for the introduction of this legislation. I commend all of those people in the community who fought so hard to ensure that this outcome was achieved. I also thank the minister who has been able to facilitate this outcome and I, too, commend the legislation to the House.

Mr HAMILTON-SMITH (Waite): I thank the member for Taylor and the opposition for their support and cooperation in the repeal of the 1997 bill. I also thank my colleague the member for Heysen for his remarks. If both the government and the opposition had appreciated in 1997 the full impact that the Netherby Kindergarten Act would have, it may have conjured up more debate. Had it been known that the rebuilding of the kindergarten would require extensive earthworks, the removal of trees and a considerable impact on the aesthetic appearance and quality of life in and around the arboretum we may all have had a different view.

I particularly thank the Minister for Education for his support, his open door and for the enthusiastic way in which he communicated with the people of my electorate of Waite in reaching this decision not to rebuild the kindergarten on the arboretum site but to relocate it to another close-by location. I would hope that the parents, staff and supporters of the kindergarten are happy with the outcome, as they will receive the benefit of a brand new kindergarten at considerable

expense very close to the location of the old kindergarten, whilst at the same time seeing the arboretum preserved. As my colleagues have pointed out, this has been a win-win outcome for all involved.

That is a credit to this government and particularly to the minister. It is an example of how this government is prepared to listen to people and to rectify a wrong, and that is what this bill does. I join with my colleague the member for Heysen in re-enforcing that this was a very local issue. Two large groups in the community disagreed with one another, but we have worked through a process and achieved a good outcome. I also agree with the member for Heysen in regard to the Australian Democrats and their role in this. If there is one lesson I have learnt from this process, and which a lot of people in my electorate have learnt, is that if there is any opportunity the Australian Democrats will have a bet each way.

In 1997 they were more than happy to enthusiastically embrace the idea of bulldozing the arboretum site, chopping down the trees and building a new kindergarten on the land that had been passed to us by Peter Waite in trust. The Australian Democrats did not really care about the trees or the arboretum: the political buck and favour at that time was to go with the rebuilding of the kindergarten. As my colleague has pointed out, the minute public opposition arose in support of the trees and the arboretum, the Democrats swayed back with that zephyr of public opinion and were suddenly fully behind the effort to preserve the arboretum.

Herein lies the dichotomy in which the Australian Democrats so frequently find themselves. One can and does respect the ALP in opposition. It is a good opposition. Similarly, the Liberal Party is a good government and was a good opposition in the times when it was in opposition. Both the ALP and the Liberal Party understand that the sobering aspect of being in government is that you must be fair to everyone. You must be reasonable, you must consider all the issues and you must reach an outcome that is the right outcome for people—not just a populist outcome designed to curry a bit of support on the day to make yourself look good. The outcome must be fair and, in supporting this bill today, the ALP has expressed that view.

That is not the case with the Democrats. Throughout this whole exercise, the Democrats have demonstrated that they will simply go with whoever is calling the loudest for action at any particular time and that they will change horses just as quickly as they change their socks. I thank my colleagues in neighbouring hills face electorates. I also thank Minister Laidlaw, who has shown a dedication and commitment to the hills face, and Minister Evans, who has shown a dedication and commitment to our environment. The support I have received from all my Liberal Party colleagues has been immense. We are a party that enthusiastically embraces and supports our environment, the Waite arboretum, the hills face zone and all those areas that make the eastern suburbs so special.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Ms WHITE: For completeness and thoroughness with which the opposition always treats bills, I wish to ask the honourable member a couple of questions. Clause 2(2) deals with restoring the trust to the condition it was in immediately before the commencement of the repealed act, before 1997. This measure will restore the whole area that comes under the Peter Waite trust. Has there been any change in use of that land since the commencement of the act we are now repealing?

Mr HAMILTON-SMITH: It is my understanding that the 1997 act amended the trust in so far as it gave title to the department over a specific portion of the trust land. That act included a map, a lease arrangement and a clear direction as to which part of the trust was being amended by that act. Therefore, it is apparent that, by repealing the 1997 act, the trust will be restored to its condition prior to the passing of that act which varied only a portion of the trust—that being the portion over which the education department sought to have permanent hold. To be more specific, I would imagine that there have been certain changes to land use within the whole of the trust site. In its broadest context, if we bear in mind that a considerable portion of land is involved, there may have been some minor change of land use. Regarding that portion of the trust which was affected by the 1997 act, I understand there has been no change of land use there. It had been used as a kindergarten from 1997 until recently, and that kindergarten building has now been demolished. In fact, some weeks ago, I attended a tree planting with the community. It has now been changed to use as open space and natural arbor. The repealing of the act will simply restore that portion of the trust's land to what it was prior to the 1997 act.

Ms WHITE: I understand what the member is saying, and it restores that portion of the trust to the way it was before. However, it also affects the whole trust. Often when bills are passed their consequences could be wider than were intended. When such bills come through, it is always a good opportunity to look at those other issues that may be affected by the bill. Has the honourable member considered whether land uses after 1997 have changed in other portions of the trust as a result of restoring terms of the trust?

Mr HAMILTON-SMITH: That matter was the subject of some discussion involving the minister, the University of Adelaide and me. Some legal advice was sought from Crown Law about that concern. That advice was one of the reasons why this bill has been some time in coming forward; there was a desire on the part of the minister, the university, the community and me to ensure that in rectifying the situation and repealing the 1997 measure we did not create some other problem. Legal advice has been sought, and there has been considerable discussion between the minister, the university and me on this matter. The outcome of that was that the government was happy for the bill to proceed. There was nothing in the bill that was likely to bring about an unexpected consequence that would be of later concern.

Ms WHITE: Clause 2(3) provides that basically, concerning anything done on this section of land occupied by the kindergarten between the introduction of the Netherby Kindergarten Act in 1997 and the time when this act is repealed, no liability claims could be made at law. Why was this clause necessary? Was there some suggestion that action might be taken if it otherwise was not enacted?

Mr HAMILTON-SMITH: Subclause (3) concerns the possibility—however remote—that some party may seek compensation or seek to take some action—possibly many years from now—in regard to something that arose from the kindergarten's occupation of the site from the post-war period through until the time of its recent removal; for example, someone may have decided that during—

Ms White interjecting:

Mr HAMILTON-SMITH: The clause provides that no person is liable in law or in equity for breach of trust by

virtue of anything done under the repealed act or by virtue of the occupation by the kindergarten at any time of the relevant portion of the western half of section 268. The clause specifically mentions 'at any time'. That points to the fact that, in effect, the kindergarten was located at the site from the post-war period through until 1997 without title. It was popped at the site almost as an accident of history, as I pointed out in my second reading speech. It had no title. That was one of the concerns of the government—that, should it reinvest a substantial amount of money rebuilding the kindergarten without any effective title over the land, some party could take action and say, 'We want that removed, because you have no title', or at some time in the future the university could require the demolition of the buildings and their removal on the basis that there was no title.

Further, there could unexpectedly be some claim that the buildings had done some permanent damage to the soil or that there was some impact on the arboretum that required restitution—either financial or otherwise—by the government, and some case could be brought forward. The purpose of that part of clause 2 was to ensure that any opportunity to sue the government or to seek restitution by virtue of the kindergarten's impact on the site previously was removed. So, the taxpayer would be protected from any law suit that might unexpectedly transpire at some point in the future unexpectedly.

Clause passed.

Preamble and title passed.

Bill reported without amendment; committee's report adopted.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the sitting of the House be continued during the conference on the bill.

Motion carried.

SCHOOLS, PUBLIC

Adjourned debate on motion of Ms White:

That a select committee be established to inquire into the funding of public school operating costs and in particular—

(a) existing arrangements including the current regulation for compulsory fees, the existing levels of voluntary contributions and School Card allowances;
(b) the adequacy of government operating grants paid to public schools; and
(c) those cost items which should be met by government and those costs which should be met from other sources, including payments by parents.

(Continued from 29 June. Page 1538.)

Ms THOMPSON (Reynell): This is an extremely important topic. It is not just about education—it is really about the sort of society that we want in South Australia. Traditionally the education system in Australia, and particularly in South Australia, has been a major vehicle for social cohesion. It is here in the schools that it did not matter whether you were rich or poor—we played together. Sometimes there were divisions of religion, but basically richness and poorness did not matter. Children got pretty well the same education, no matter what their family backgrounds were.

Over the past 20 years, but particularly and tragically over the past 10 years, we have seen a real breakdown in this commitment to social cohesion through schooling in Australia. The greatest attacker on this has been the federal Liberal government, which quite blatantly transfers funds from the public education system to the private education system, and it is encouraging parents who have means to send their children to the private education system.

This means that we will not in 20 or 30 years time have the delights we have on talkback radio now, where you will hear a prominent surgeon in South Australia talking with fondness about the used car salesperson with whom he went to school. The future used car salespersons or people in whatever ordinary humble occupation we can name will not be going to school with the people who will be the surgeons or the designers of our society. They will have started off in a different education system. Even if they were in the public education system, what we are seeing now is the different ability of parents to contribute to that system, and this means that their children are getting a different sort of education.

In my area in Reynell the school fees are generally right down at the minimum. In other areas where families are more prosperous, school fees are much higher—up to three times as high. The children in those schools enjoy greater resources directly in the education they obtain. The children from families that are not overly rich but comfortably well to do often have more educational toys, more books and a greater range of music in their homes. They have had them from the day they were born. Where families are battling to make every cent in their wage packet or in their social support packet count, educational toys and books do not usually make it high on the agenda. So children come to school with a different readiness and ability to learn. We see in the education system at the moment that those differences continue, even in the public education system.

Education should be the vehicle for social cohesion and the vehicle for every child to get a fair go in life, no matter what their background or the ability of their parents to contribute to that education. It is high time that this state thought about the sort of society that it wants to be, the sort of society that is being developed by the current education system and the way we should be looking at resources going to children in our schools so that they can all have a fair chance in life.

I support the motion before us with all my heart, because I see education as being so critical to our society, so critical to fairness to children and so critical to the economic and social future that we will have. The abilities of every child must be developed and harnessed, and this must happen regardless of their parents' ability to pay. At the moment it is not. This motion calls for a thorough review of what should be the responsibilities of different parties in the development of our children and how the funds should be allocated. We need to look at providing extra funding to schools where children come with less preparation for school, less ability, and less skill development when they reach school, so that there can be some equity in our community.

Ms WHITE (Taylor): I thank all members for their considered contributions to this debate. Certainly last week when this item was debated a majority of opposition members spoke well about their passion for education and their need for this select committee inquiry into the funding of our public schools and the arrangements by which money is raised for schooling in this state.

The motion is aimed at setting up a select committee that would look at some fundamentally important issues at this time in our state's history in terms of education, the arrangements we have for the amounts of money gathered from parents, and the levels of voluntary contributions, compulsory contributions and School Card allowances—whether they are adequate, appropriate or the right mix.

It also would look into the adequacy of operating grants to schools. Schools have had an operating grants freeze over the past three years. That was budgeted for and announced by the government in 1998. At a time when the cost of technology and other schooling education costs have been spiralling, schools have been starved financially. It is time to look at the adequacy of those grants.

Importantly, this select committee was offered to the minister as a mechanism to sort out once and for all what it is fair to ask parents to pay for and what is really a government responsibility. The mode of operation of this Liberal government since its election to office has been to underfund our schools, but then to turn a blind eye to where they get the money that they ultimately need in order to service our children to any standard at all. That means for most schools they must raise those funds through school fees in order to fund that hole.

While some schools can fund raise and some schools have done okay with sponsorships, the majority (and certainly a lot of schools in areas that I and a lot of my colleagues represent) have no real capacity to fund raise. They can only go to one other source, namely, to parents. Parents are being squeezed, the government is putting less into schools and the education budget has been continuously shrinking. This year there was no new money for education—a cut in real terms, although the minister argues about that. Nobody believes that—everyone out there knows that education has been suffering under this government.

The Hon. W.A. Matthew: What absolute rubbish!

Ms WHITE: It is absolutely true. The health minister came out and admitted that his 1.7 per cent increase in actual spending this year was in real terms a cut to health, yet the 1.36 per cent difference between what the education minister spent last year and what he proposes to spend this year he tries to pass off as a real increase. Of course it is not, and everyone knows that it is not.

This is a mechanism by which we can come out of this in a bipartisan way with a fair system. The minister has chosen to ignore that. To give members some idea of the mess in relation to school fees and the fact that the government does not have a handle on what schools are having to creep into their materials and services charges, things such as upgrades for buildings, upgrades for equipment, upgrades for car parks and basic equipment that most people understand the government should be providing are paid for by the schools. This is not an argument against parents paying something at all: it is an argument against the government continuously shifting the cost of public education onto parents and underfunding our schools.

This is a mechanism to work out what is fair and just in a bipartisan way so that school fees and the funding of schools can be resolved finally. The GST has complicated this issue. While the minister has said that there will be no GST, he will get consultants to work out how not to charge GST on school fees next year. For the past six months it has been in a complete mess and that has not been resolved. Parents cannot wait for a Labor government: we need the select committee now.

The House divided on the motion:

AYES (17)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Rankine, J. M.
Rann, M. D.	Stevens, L.
Thompson, M. G.	White, P. L. (teller)
Wright, M. J.	

NOES (20)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J. (teller)	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Ciccarello, V.	Buckby, M. R.
Geraghty, R. K.	Kotz, D. C.
Koutsantonis, T.	Olsen, J. W.
Snelling, J. J.	Penfold, E. M.

Majority of 3 for the Noes.

Motion thus negatived.

SCHOOL CHARGES

Adjourned debate on motion of Ms White:

That the regulations under the Education Act 1972 relating to material and service charges, made on 4 May 2000 and laid on the table of this House on 31 May, be disallowed.

(Continued from 29 June. Page 1539.)

Ms WHITE (Taylor): We have had this debate in the House many times. In fact, this is fourth time that the government has introduced by regulations the move to introduce compulsory school fees into South Australia. It has used the same tactic for the past three years, that is, to gazette the regulations at a time when parliament will not have the opportunity for several months to disallow the regulations. This time is no different: they are almost identical regulations to those which have been knocked out three times now from this parliament. Clearly, it is a thwarting of parliament, but the government uses these tactics because it knows it would not get support should it try this measure on the parliament in the proper way, that is, through changes to the education act.

There is a lot of concern in not only this state but other states about what the government is doing in terms of school fees, which have been introduced against the wishes of most school principals and even against the wishes of the government's federal colleagues who repeatedly refer to the need for free education. Of course, we have not had free education in South Australia for quite some time. Again, the government is attempting to introduce this measure. The May 2000 report of the Human Rights and Equal Opportunity Commission into education in country and regional areas specifically recommends against this move by the South Australian government. The report mentions the move by the South Australian government to introduce compulsory school

fees and refers to the problems that that would cause for country and regional areas. So, there is a great amount of opposition to this proposal.

The minister alluded to the fact that SASO, the school councils representative body, and a number of school principals are calling for this measure. They are doing so out of desperation, because this government is starving our schools of funds. Over recent years, education in this state has been starved of funds. School principals have nowhere to turn to make up the shortfall other than to parents.

It is clear that the government is using this mechanism to avoid appropriately funding private schools. Members have spoken passionately on a number of occasions about these regulations and the mechanism used by this government. The parliament has spoken on three previous occasions. I expect that in the upper house where the government does not hold the numbers this issue will again be dealt with in the same way it has been dealt with on those three previous occasions. I urge members to support the opposition's motion to disallow these regulations.

Motion negatived.

WOODEND SHOPPING CENTRE

Adjourned debate on motion of Mr Hanna:

That the purchase of the Woodend shopping centre be referred to the Public Works Committee for investigation.

(Continued from 25 May. Page 1209.)

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I have read this motion and the contributions of members with interest. I think it is fair to say that this motion encapsulates everything that the public dislikes about the political process—it has a little bit of everything. It has locational interest in that the motion focuses around the Woodend Primary School. I might add that this school is very much a success which this government can claim. It is a school of which the government is very proud. It is a futuristic school, it has a vision of the future, because we recognise that in 15 or 20 years' time, or whatever the time frame may be, this school may not be required for educational purposes and can be converted to a nursing home and offices with space for community facilities.

This is one of only two such schools in the state, the other one being the Hallett Cove East school. I am proud of the fact that both these schools are situated in my electorate. I had a considerable amount to do with their establishment in the first instance. This area is growing rapidly, so expansion of the school is necessary. There is also a problem with the Woodend shopping centre, which perhaps should never have been built.

I met with the Hickinbotham Group, which built that shopping centre, before it was constructed, and I put to it the fact that I was concerned about the construction of this shopping centre because I believed it would never be viable. I made the analogy at that time with the Hallett Cove shopping centre on St Vincent Avenue, which has since been demolished. That shopping centre was inappropriately positioned, as was the Woodend shopping centre. At that time, the Hickinbotham Group accused me of being negative about its development. I assured it that it was my intention to be helpful but that I was concerned about the location of the shopping centre. It is fair to say that so was the Hickinbotham Group; it never wanted the shopping centre to be built on that location.

In its wisdom, if you can call it that, the City of Marion decided that the shopping centre had to be erected on that location rather than on the main road, which the Higginbotham Group preferred. But that is history. We were left with an empty shopping centre after, regrettably, a number of small business operators failed. We then had the odium of poker machines in a tavern. This issue focused the community in a reasonable way. I do not mind putting on the record that I drafted a petition against the construction of the tavern and the installation of poker machines. That petition was circularised freely in the community and presented to this place. I was pleased to see the way in which the community came together.

What has disappointed me and many residents about this process is that it was seized upon by the member for Mitchell as an opportunity. The electoral boundaries will change at the next election. Unfortunately, I will lose Sheidow Park and Trott Park in the Woodend subdivision. I would have liked to continue to represent those people, but after the next election I will not be able to because they will not be part of the seat of Bright.

The member for Mitchell is unhappy about this change, because he knows that the people voted at the Woodend booth for a Liberal member of parliament. This boundary change makes the member for Mitchell's seat the most marginal Labor held seat in this state—and he is not happy about that. He does not want these areas added to his electorate. He needed to get in there and try to get an identity. So, he thought this was an opportunity for him to get in there and cause as much mischief as possible. He wanted to focus the community on himself and, in so doing, ramp up the level of anxiety.

The member for Mitchell did not want the state government to buy this site. When I raised that as an option at the public meeting, he wanted to dismiss it as quickly as he could—and there were plenty of witnesses. The member for Mitchell did not want the government to buy that site. He wanted the full blow and battle. He wanted to go through the courts with his legal qualifications as the champion of the people fighting against insidious poker machines and the siting of a tavern next to a school. The member for Mitchell and I are at one in respect of that issue. My stance against poker machines is a matter of record in *Hansard*. I have consistently fought against poker machines—there is no dispute there. What concerns me is the way in which the member for Mitchell sought to ramp up the issue and be dismissive of a reasonable solution, not even being prepared to take part in it.

That reasonable solution came to be. I have already put on the record in this place that I had been putting this solution to the government for quite some time: that is, that it would be sensible to solve a number of problems with one result by using the empty shopping centre. The community finds this empty shopping centre embarrassing because it lowers the appearance of the area, attracts vandalism and has become a focus for gatherings which the people do not want in their very nice suburb. This would also provide an opportunity to expand the school to accommodate increasing student numbers.

I might add that this is a school which Labor refused to build. The former education minister, Susan Lenehan, at a meeting at the Sheidow Park school told the people that they did not need this school. Before the 1993 state election, Susan Lenehan said to many people at that public meeting that the Woodend Primary School was not necessary. History has

proven the Labor Party wrong yet again—and convincingly so. The school needs to be expanded. So, logically, I put forward the suggestion that it would be a sensible option for the shopping centre to be purchased by the government and converted to school facilities, thus giving the community a good result.

The member for Mitchell was not supportive of that direction, but it is has now come to pass, despite the opposition of the member for member for Mitchell to that solution, because he wanted to cause mischief in the liquor licensing and gaming courts as the champion lawyer of the people, to try to get his name up in the area and become the member for Mitchell after the next election. However, in doing that the member has now been disappointed. He does not like the result, so what has he chosen to do? He has tried to concoct some odium about it. He has publicly insulted the Hickinbotham group of companies, and it will probably take that matter into its own hands outside this place. He did it not only inside this place but also in an ABC radio news excerpt interview. The member for Mitchell has chosen to drag everyone into his nasty, odious little games. He has accused the Hickinbotham group of companies of being mates of the Liberal Party. He has accused us of being involved in a mates deal. The Hickinbotham group of companies donates to the Labor Party.

I have had my disputes with the Hickinbotham group of companies; I have had meetings with Alan and Michael Hickinbotham, and one thing I will say about that company is that, while they might disagree with a point of view (and they have often disagreed with my points of view), at the end of the day they respect an argument if it is put forward logically and sensibly, and they move on. However, in my disagreements with that company I have never sought inside or outside this place to abuse their good name because they are a good family builder, and that deserves to be put on the record.

I find the political games of the member for Mitchell abhorrent. They encapsulate everything about the political process that the public finds abhorrent. There is no need to further waste the time of the parliament and particularly its Public Works Committee in going through with the member for Mitchell's silly, childish little games. I put to the House that it should oppose this motion and put to an end to the childish pranks of the member for Mitchell.

Mr HANNA (Mitchell): Before going to the substance of the matter, I must say that the member for Bright has disgraced himself with the aspersions that he has cast against me in particular. He does no credit to himself and certainly does no credit to the argument by revelling in personal attacks. He does that for political reasons: to discredit me in the eyes of the people whom I will be asking to vote for me at the next election. It is as cynical and as simple as that.

This issue is not about the decision of the government to purchase the land for the Woodend Primary School, a decision about which I am very pleased: this motion is purely and simply about accountability. There is prima facie evidence that the government has not acted properly, so it is appropriate that the matter be closely scrutinised. Because taxpayers' money is being expended on a site which will be part of a public facility, it is entirely appropriate that the Public Works Committee investigate the matter. If the House is not with me on that, I will need to refer the matter to the Auditor-General, but I hope for the support of every member.

The committee divided on the motion:

AYES (18)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Hanna, K. (teller)
Hill, J. D.	Hurley, A. K.
Key, S. W.	Lewis, I. P.
Rankine, J. M.	Rann, M. D.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (20)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J. (teller)	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Ciccarello, V.	Buckby, M. R.
Geraghty, R. K.	Kotz, D. C.
Koutsantonis, T.	Olsen, J. W.
Snelling, J. J.	Penfold, E. M.

Majority of 2 for the Noes.

Motion thus negatived.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1079.)

Mr HILL (Kaurna): A couple of months ago, following a report in the *Advertiser* that indicated that I was opposed to the cap legislation (and, incidentally, which indicated that I was a Liberal), I was visited by a constituent who told me a very sad and tragic story about how gambling addiction affected his family and why I should review my position. My constituent's story, I gather, is a fairly familiar one for those involved in helping gamblers. My constituent's daughter-in-law had developed a habit over a period of time. She was losing all her pay, and more, to poker machines. The mortgage was unpaid, the children's school fees were unpaid, bills were piling up and money was owed to family and friends. Her husband eventually became aware of the problem, help was provided and a new start was promised.

Sadly, my constituent's daughter-in-law, despite all the promises, was quickly back in trouble. This time the problem seemed so great that the husband gave up and resorted to drug use to cope. In the end, he got caught up with a money dealing bikie gang to which he owed a large sum of money and which expected favours in return. Once again, due to the strong support of good family and the counselling provided by the Salvation Army, the family has been given another chance. They will not lose their home; their family will stay together. For many people this support is not there or it comes too late.

I highlight this story to acknowledge that gambling addiction is a very serious problem in our society and that the introduction of poker machines has increased the number of its victims. I ask the question: will the passing of this legislation help these people and stop others becoming

addicted? It is my view that this legislation will not help reduce gambling addiction in South Australia. The support of the Premier for this legislation is nothing more than a political stunt by a Premier whose government relies on $200 million a year in revenue from gaming machines in order to present a sympathetic face to that part of the community which is worried about gambling addiction. This is not just my analysis but it is recognised to be such by opponents of poker machines as well.

Poker machines now have pretty well reached saturation point in South Australia. I know that in my electorate each hotel has its full complement of 40 machines. What would a cap mean to my constituents? Nothing. A cap will do nothing for persons addicted in my area—and I note that the Productivity Commission makes its views known along those lines. This is not a reason, however, to oppose the legislation. But there are reasons to oppose it, which I will go through briefly.

First, talk of a cap has meant that some hotels that had either no, or only a few, machines have now rushed to install them. One pub just outside my electorate only recently installed machines, not because the publican wanted them but because his accountant advised him that failure to install them would devalue his business by a considerable sum of money if a cap came in. I understand that, since this legislation was talked up, there has been a rush for new machines. Secondly, a cap will mean that those hotels with machines will become more and more valuable. A pub in my electorate has just changed hands at a considerable premium, at least in part, I imagine, because of the possibility that this legislation will be passed. If it is passed, existing licences will become more and more valuable, making the current owners even more wealthy and making any future purchasers more and more desperate to receive a good return on their investment. This could well lead to less scrupulous behaviour by licensees. The third downside of capping will mean that new communities will be less likely to have hotels built in them. The stark economic reality is that, without poker machines, many hotels would have been closed down by now. It is highly unlikely that any new ones would be built. Certainly, in the new Seaford Rise area, where the local community was very keen for a hotel, no pub would have been constructed without poker machines. If the cap came in now, would local communities obtain the leisure facilities that they want?

Many members, including the Minister for Human Services, have a sincere opposition to poker machines and their support for the cap is consistent with that approach—although, in the case of the Minister for Human Services, his call for buying back the machines, if I understand him correctly, is rather fanciful and seems to me to be more about his putting heat on the Premier in their ongoing political competition. How much compensation, for example, would the state have to pay to the hotel industry? Would we, as a community, be prepared to pay the extra taxes involved? What about the $200 million a year in revenue—the equivalent to about 4 000 teachers or nurses: who will pay those wages, or will we cut those services? I think that those arguing for removal of poker machines need to spell out how they expect these things to happen, how they expect these things to be paid for.

Gambling addiction is a problem, and we do need to address it. Rather than promoting stunts like this capping legislation, the Premier should be showing some real leadership on this issue. I do not believe that capping or banning machines is the way to go. No-one other than the Christian temperance women says that alcohol should be banned because of addiction to alcohol, and there is more misery, death and disease caused by alcohol each year than there is by poker machines. While we might severely restrict the advertising of tobacco products, very few people talk about banning tobacco. But we all know that the negative impact of tobacco is far greater than the effects of gambling. In each of these cases, we talk about harm minimisation.

This is the position of the Heads of Christian Churches Task Force on gambling, and in its discussion paper, entitled 'A strategy to minimise the harm caused by gambling within our community,' it spells that out. I am pleased to say that I have had the opportunity to discuss this paper with its author, Mr Stephen Richards, an admirable gentleman who made great sense. As I understand the position of the churches, they do not call for the removal of poker machines but for their greater regulation. Some of their proposals I support; others I disagree with. But I believe that they have made an earnest attempt to achieve their goal of harm minimisation. The churches, of course, have no one position on poker machines and, indeed, in other states some of the churches run clubs which have poker machines in them, while some church people are, of course, abolitionists.

I have also had the opportunity of discussing the issue of poker machines with representatives of the AHA, especially Mr John Lewis, the executive director, who is also an admirable gentleman of goodwill. The AHA also supports harm minimisation. In fact, from the discussions that I have had with the licensees in my electorate, I know that they have concerns about problem gamblers and they try as best they can to help these people. So, if we have two groups of people on either side of the argument, both represented by people of goodwill arguing for harm minimisation, surely there must be common ground. I say to both these groups in here, as I have said to them in person, 'Get together and try to sort this out. Let us work for a win-win solution. I am sure that something that you came up with together would receive the support of the majority of this parliament.'

I am very pleased to announce that Mr Lewis and Mr Richards have met with me and a number of my colleagues and have agreed to work together to that end. They are seriously and sincerely going through the process of trying to work out some principles that they can agree on which will reduce harm caused by poker machines. I think that is a positive step. Rather than a political stunt—which is what the cap legislation is—we should be looking at ways to minimise harm, and that is what they are doing. We need action rather than words. I would suggest to Mr Richards and Mr Lewis that there are a number of issues that they might like to consider, and I will briefly go through them in the few minutes that I have.

First, there should be a greater understanding of addiction, its causes and remedies. This should be paid for by all gambling and, indeed, probably by the purveyors of all products which people become addicted to. Secondly, internet gambling really needs to be looked at. If possible, it should be banned, in my view, but I believe that that is not possible. I see no social benefits at all from this form of gambling. At least, in the case of poker machines, employment is created, taxes are paid and better pub facilities are provided. With respect to internet gambling, especially involving offshore companies, there are no social benefits and possibly huge social problems of isolated gamblers. People say that internet gambling cannot be stopped. If that is the case, capping poker machines, or even removing them, will just make internet gambling more attractive. Third, I say: why not give those

local communities currently without poker machines, particularly in the country, the right of a vote to say no? Currently we in here have a conscience vote: why should those local communities not have one also? I am sure that, in the case of my Seaford Rise residents, they would have voted to have poker machines in order to have a pub. But other communities may have a different approach: why not let them exercise that right?

Fourthly, let us look at introducing smartcard technology. Such technology could perhaps allow problem gamblers to self-limit and would alert hotels to potential problems. Perhaps we could have regulations in place to ensure a duty of care on licensees when customers spent more than a set amount. I note a report of the Senate which looked at the smartcard technology and made some suggestions along those lines. Fifthly, limit the number of hotel licences and therefore poker machine licences that can be owned by one company. I am particularly concerned that an interstate brewery is buying up licences all over the state and now holds more licences than any other owner in South Australia. I personally do not believe that is good for the industry or this state because of its effect on competition.

Sixthly, we need better public education programs regarding responsible gambling. I have some figures with me but I do not have the time to go through them but they relate to the decline in the use of tobacco and alcohol as a result of responsible public education programs. I list these ideas as suggestions to be added to the suggestions made by the heads of Christian churches and the AHA. Again, I say to them: work together to achieve a good outcome to minimise harm for the benefit of all South Australians.

The Hon. G.A. INGERSON (Bragg): I oppose this legislation because I believe that it is missing the point. Over a long period, right from the introduction of gaming machines, I have argued in this place that insufficient funds are made available to problem gamblers. A fund is the key to this whole problem and not capping the number of machines. I will give the House an example, and one which is on the public record, of the result of capping any industry. Five or six years ago the federal government made the decision to reduce the number of pharmacies. The way in which it intended to do that was not to remove licences but, in fact, to cap the industry. The effect of this proposal was that the value of pharmacies increased dramatically and, very slowly, the industry reduced its numbers. I suggest that any capping will do no more than that. Capping is not attacking the real issue of problem gamblers about which we ought to be doing something.

A lot of comment has been made by many people, particularly the Hon. Mr Xenophon in another place, about the Productivity Commission. The Productivity Commission has released an excellent presentation on gambling and it is important that both sides or, more importantly, all sides of the story are made public. It should be recognised that the commission's key findings cover not only the issue of problem gambling but the fact that 98 per cent of our community has absolutely no problem with gambling and, in particular, poker machines—98 out of every 100 persons. Graham Ingerson is not saying that: it is the commission's second key finding, which states:

> Around 130 000 Australians (about 1 per cent of the adult population) are estimated to have severe problems with gambling. A further 160 000 adults are estimated to have moderate problems, which may not require 'treatment' but warrant policy concern. Taken together, 'problem gamblers' represent just over 290 000 people, or 2.1 per cent of Australian adults.

We must look at the real issues identified by the Productivity Commission in terms of gaming and gambling and attack those specific issues, rather than imposing artificial limits, which will have absolutely no value in terms of the community's real concerns: it will only increase the wealth of those who currently happen to have licences. Whilst I do not have a real problem with that, I would have thought that this parliament ought to be attacking the real issues.

In my spare time (and I have had a lot more of that in recent days) I have read more of the Productivity Commission's submission. One of its very interesting comments which should not be overlooked—and this legislation runs directly in the face of the commission's recommendations—is that venue caps on gaming machines are preferable to statewide caps in helping moderate the accessibility drivers of problem gambling. The Productivity Commission is saying that we really should be regulating the number of machines per venue; that, in fact, the number of machines across the system has very little effect in terms of outcome. Graham Ingerson does not say that: the Productivity Commission says it. Importantly, the commission's findings further state:

> However, more targeted consumer protection measures—if implemented—have the potential to be much more effective, with less convenience to recreational gamblers.

Again, this issue has not been pushed publicly because it does not serve the argument of those who want to, purely and simply, impose a cap without thinking about the real issues of problem gambling. As I said earlier, it is an issue about which I have been concerned from day one. I made my view very clear in the party room a long time ago. Unfortunately, the then Treasurer did not believe the sort of sums that I recommended. As it has emerged today, more than that amount has been allocated and more needs to be allocated to properly fund this issue.

I also took the opportunity to spend some time with Anglicare, which made the effort to contact me. Anglicare has some issues that I believe we should be addressing. This issue ought to be about how we bring together the welfare groups, such as Anglicare, the Salvation Army and all the Catholic and Methodist groups, to put before the parliament the most appropriate welfare system for problem gamblers, and to ask them to manage and determine the sum of money which they believe needs to go towards funding. If we are really serious about this issue we ought to be worrying about the 2 per cent and let the 98 per cent get on with their life because, clearly, the Productivity Commission has said that putting a cap on the number of machines will not work.

It is the commission's view that if you are really serious about a cap you impose it on the venue and you do not worry about the expansion of numbers. Also, in one of its key findings the commission said that restrictions on competition have not reduced the accessibility of gambling other than for casino games. Here is the Productivity Commission, which I believe has done an absolutely fantastic job, for the first time undertaking a reasonable study into gambling issues around the country, saying that competition will not reduce the number of problem gamblers. Surely, that is what we ought to be concentrating on, not grandstanding and trying to control the 98 per cent who, in fact, do not have an issue with gambling.

I always thought that, other than those people who want to make this matter a political grandstanding issue, this

parliament was about majorities. In this instance, if we were talking about majorities, we would be talking about 98 per cent of the community, a most significant majority. They are not my figures: they are the Productivity Commission's. I want to reinforce that point because we have been getting belted from one day to the next by the Hon. Nick Xenophon in the other place about one issue: problem gambling. We never hear about the 98 per cent of people who do not have any problems. In this place we must look at both sides of the coin.

This legislation does create some issues, and I will briefly touch on them. As regards the greenfield site, some of the honourable member's amendments have picked that up; I thank him for that, as that is a major issue. We should not be imposing a cap and stopping all future development in this state. We have the Delfin development at Mawson Lakes and the development at Glenelg. We will have other future developments as cities and country towns expand, and they should not be stopped by an artificial cap, which will not do anything for problem gamblers. There are some questions about the transferability of machines, and an amendment has been drafted to deal with that. There are still some practical issues involving licence transfers.

My final point is that retrospectivity is the worst thing you can incorporate into any legislation. By way of example, since this legislation came in, there have been 21 new licences for 338 machines. Licences applications have been received from one club and 20 hotels, and the commissioner, in his own right, has granted four of those licences, and 53 existing groups have applied for 502 machines. This legislation has pushed forward applications that may not even be economically viable. We have encouraged an absolute nonsense.

Time expired.

Mr De LAINE secured the adjournment of the debate.

MOBILE PHONE FACILITIES

Ms CICCARELLO (Norwood): I move:

That this House calls on the Minister for Transport and Urban Planning to immediately review the Development Act 1993 and regulations to provide for greater control over the installation of mobile phone facilities in order to minimise the impact on local communities with due regard given to—

(a) consultations with local councils:
(b) appropriate guidelines for community consultation;
(c) setting minimum distances from sensitive areas, which includes schools, kindergartens and hospitals;
(d) opportunities for collocation;
(e) visual impact on the local amenity;
(f) clear definition of a transmitting station;
(g) the effect of the Telecommunications Act, particularly in relation to low impact mobile phone facilities; and
(h) the preparation of a ministerial PAR for mobile phone facilities to provide clarity in the development plan.

This issue is of great concern to my local community and, indeed, to the community of South Australia as a whole. It is reminiscent of a situation a number of years ago when we had what was a war in the suburbs and carriers were riding roughshod over our local communities in order to install their networks.

I have moved this motion after many approaches from people within my electorate. The catalyst for the motion was an application to install a mobile phone facility on the top of the Maylands Church of Christ, just 20 metres from the Trinity Gardens Primary School. Several hundred people—parents, friends from the Trinity Gardens Primary School, residents in that area and the local council—were concerned when an application was put forward. The local council, whilst it was hearing many concerns from the local community, had no opportunity of stopping the installation of this facility, because under the commonwealth act the carriers have exemptions that allow them to install what are defined as only 'low impact mobile phone stations'. The council is able to comment on the colour of the facility. It has no power to apply other conditions on the facility before it is installed.

This creates a very unfortunate state of affairs, because it is dividing our local community who are concerned about the consequences of radiation from the tower. I will not address the issue of health because, whilst I am looking for a change in the Development Act, health issues cannot be taken into consideration. However, obviously parents—and even many of the students—who attended a protest were frightened and concerned about the possible effects of radiation from the mobile phone tower, and one parent has already removed his child from the school.

Consternation was expressed by the church community, because the minister indicated that the facility was to be installed. However, at a protest on the Sunday morning, the church was invaded by the local community. We do not want to see that happening because, even though the community thought it was acting in an appropriate way, it obviously was not in keeping with what the rest of the community felt.

As I indicated, the federal legislation provides an exemption for the carriers. The federal government is selling bandwidths to telephone carriers to enable them to install their networks. This is bringing many billions of dollars to the federal government. The carriers have a deadline which they must respect in order to comply with competition policy. So, the federal government will certainly not do anything in this instance to impede the installation of the network.

We do not want to be seen as Luddites, because we all appreciate the installation of new technology. However, we do not want to see that done at the cost of local communities. The appropriate costs for the installation of these networks should be built into any licences that are approved by the federal government.

I allude again to the installation of the cable networks. When we in South Australia were objecting to the installation, we were told that the state government was powerless to take action against the federal government act. However, at that stage the then Minister for Planning (Hon. S.J. Baker) had indicated that he would look at an amendment to the Development Act in order to give local communities and councils the opportunity to make representations on these issues.

This is important, because local communities have been fighting for years to improve the amenities of their environment, and much money is being spent in planning and developing local plans in order to best represent the wishes of the community. Yet we have a federal government which is able to put in place policies that go against those development plans.

My motion seeks purely to address the issues that I have mentioned. I do not think I need to delve into the clauses in detail to see that something is done about the matter. Anyone who is familiar with the planning requirements of councils would know that most things that are to be erected in a council area require appropriate applications to and consulta-

tion with the council. This should certainly be a prerequisite, irrespective of what size the mobile phone towers might be.

Unfortunately under the current commonwealth act, if a facility is under four metres it does not require approval and this is how the carriers are using loopholes in the legislation in order to install their facilities in many places without needing the approval of the council. With regard to appropriate guidelines for community consultation, within planning requirements there are requirements for the local community at least to be consulted and those people who are in the immediate areas of where structures are to be put in place should be given notification and consulted and have the opportunity to make a comment on it.

The setting of minimum distances from sensitive areas, which includes schools, kindergartens and hospitals, is a requirement that we are seeing in other countries. Minimum distances of between 100 and 300 metres from these sensitive facilities are being put in place and therefore I see that these are appropriate within our areas. There should be opportunities for collocation and these requirements are within the commonwealth legislation, but again the federal government is not enforcing these opportunities for collocation. We are now seeing a proliferation of these mobile facilities within areas. I was shocked to see that within my electorate, which covers an area of just 13.1 square kilometres, already over 50 mobile phone towers have been installed in the area. Without doing the sums one can see that there is a heavy concentration. As more carriers are coming into the market and all trying to establish their networks, we will see an even greater proliferation of these towers.

Whilst not looking at the health impact of the radiation from these stations but in just looking at the social impact and the effect on the local amenity, we see that the impact is very significant. We should have within our own development plan a clear definition of a transmitting station. I learned just this morning (and have not had an opportunity to see the documentation myself) that the Marion council has taken this issue to the Supreme Court and has had a finding with regard to the transmitting stations. I look forward to seeing that finding and seeing whether the minister can include it within the act.

From the next clause it is evident that we should be able to have information about the impact of the Telecommunications Act on local communities. The final clause relates to the preparation of a ministerial PAR for mobile tower phone facilities to provide clarity in the development plan. I have indicated some issues which should give within a ministerial PAR the opportunity within various areas, whether they be complying, merit or non-complying categories, to indicate what are minimum distances within residential areas and historic conservation zones, where it would be non-complying. In complying areas we could look at setting minimum distances, whether it be a 1 000 metres between facilities. It should be set within the development plan and such towers should not be anywhere near those sensitive facilities. Where there are areas of merit we could look at industrial zones and commercial areas where there would be less impact on local communities.

It is an area of serious concern. Local communities should have a say in infrastructure going into their areas. There should be opportunities for minimising the impact on these communities. It is important to stress again that both federal and state governments have a great responsibility to local communities and when we enact to legislation we should be mindful of the impact that any legislation will have on our local communities. I hope the minister will look positively on this motion and initiate a ministerial PAR as soon as possible so that we can assure our communities that we are very concerned about this issue. I commend the motion to the House.

Mr HAMILTON-SMITH secured the adjournment of the debate.

DOMICILIARY CARE

Ms STEVENS (Elizabeth): I move:

That this House condemns the government for the stress being caused to elderly people by the introduction of charges for domiciliary care services and calls on the Minister for Disability Services and the Ageing to take immediate action and report upon—

(a) the lack of community consultation on the introduction of fees;

(b) the confusion caused by misleading public information, the complexity of pamphlets and ad hoc changes;

(c) the lack of clarity and difficulties in establishing eligibility for waivers;

(d) statements by elderly people that they are cancelling essential services and returning equipment because of the introduction of fees; and

(e) the compound financial implications for elderly people with the introduction of emergency services taxes, charges for dental services and charges for domiciliary care.

Last Thursday 29 June about 20 000 frail aged people and people with a disability—clients of domiciliary care services in the metropolitan area of Adelaide—received brochures explaining to them that as of 1 July, two days further on, they would be charged fees for services that had previously been provided to them at no charge. These fees were $5 per service for a concession holder, capped at $20 per month and $8 per service for a non-concession cardholder, capped at $50 per month. The brochures also explained that there would be charges for equipment and these were $2.50 per week for concession cardholders and $4 per week for non-concession cardholders. The brochures explained that people would be billed every three months and that that amount of money would be payable within 30 days. There was a separate brochure explaining that people could apply for a waiver and that in order to do this they would have to provide receipts about what they had spent on services. A list of services was provided for people. They were asked to provide receipts to prove that they were in a situation that would enable them to receive a waiver.

Finally, a 1800 number was given and people were asked to ring that number for further information and inquires. What followed was a wave of panic and distress, the extent of which I have not seen for quite some time. All members on this side in House of Assembly seats were inundated with calls of distress from people affected by those brochures and announcements. I am sure that members opposite must have experienced this also. We had people in tears over the phone. We had people confused about what the brochures meant, frightened about the fact that they would not be able to afford the charges, worried about how on earth a pensioner could pay out $60 at the end of three months for something when they already could not manage on their pensions at this point. We had people saying that they would return their equipment, for example, walking frames, wheelchairs, commodes and all those things we know are supplied to people who are frail-aged and have a disability to help them cope in their own

homes, something we are supposedly trying to promote to keep people out of hospitals and out of institutions.

I presume that, as a result of this overwhelming demonstration of stress and anxiety, the government realised it had obviously got this one wrong and that it needed to do a little fast foot work to correct the situation and to lessen the already very damaging impact on so many people. Yesterday, they all received another letter. It is on Department of Human Services Statewide Division letterhead; it is a very formal letter, which is signed by Jean O'Callaghan, Acting Executive Director of the Statewide Division, indicating a number of changes to the fees regime. First, she explains that, even though the fees were introduced on 1 July, they will not be charged until September. In addition, it has been decided that they will bill people on a monthly basis rather than on a three-monthly basis, as they previously said. I thought the last sentence was illuminating, and I quote:

> Please do not make any hasty decisions about altering the services or equipment you currently receive as there will be opportunities for you to discuss this with your case coordinator.

This has been an appalling, incompetent effort by this government. If it could not get this right then heads should roll. It could not organise how to manage this process without sending those thousands of people, some of the most vulnerable people in our community, into this dreadful panic, uncertainty and stress. Everyone must agree with this. Why was there such a rush; and why did it come to the department's announcing such a significant change to be implemented within two days. People must understand that when you do things such as this to people who are frail and aged, it is a big change. Change is threatening and difficult for anyone but people who have hardly any money are sent into a tail spin—and understandably so—when they are presented with things such as that.

Ms Rankine: It has such a big impact on the government that the minister has gone to sleep.

Ms STEVENS: Well, absolutely. So, why the rush? I noticed that, when he announced by press release a couple of weeks ago that this was going to happen, the minister referred to the commonwealth government's changes to home and community care funding. That is correct, but this happened in 1996. In the 1996 budget the federal government determined that future growth funding in the home and community care program, which largely funds these organisations, would assume a 20 per cent contribution from the users of these services through fees by the year 2000 and that it needed to be phased in over four years. The government has known about this for four years, but it told everyone two days before it was going to introduce it. How pathetic is that? It could not get its act together.

Every year since that decision was taken in 1996 by the federal government, I have asked questions in estimates about the introduction of fees; how it would be managed; how we were going to ensure that the people who could not afford these fees were catered for and still had their needs met; and how we were going to do it fairly. But the government decided that there would not be any overall coordination of this and that every agency would be left to do it themselves. Now we have this result. Interestingly enough, it is the government's agencies that have done it so badly. We have been talking about mistakes that this government has made over the past couple of weeks, in particular mistakes in relation to the ETSA contract. Let us look at this mistake that has had a direct and massively harmful effect on 20 000 of the most vulnerable citizens in our state. I think we ought equally to highlight this as a result of massive insensitivity and incompetence. The announcement has been made; the agencies are now trying to deal with what has happened. The domiciliary care agencies have known for about five weeks or so that this will occur, but they are now dealing with the people who are ringing the 1800 number and who are being referred to them; they are trying to sort through this mess with each of the people and trying to reassure people who cannot pay that they will not be made to pay.

I understand that domiciliary care agencies have no idea how much they will collect through this process; they have no idea what this will cost them to collect the fees: they just know that they will need to pick up the pieces and deal with the mess created by the government. It is interesting, too, that a number of issues still have not been worked through in relation to this hasty decision. I have heard of instances which highlight further inequities that have come about as a result of this decision. I have been told that the Department of Veterans' Affairs has an equipment scheme called the rehabilitation appliance program which is completely free to its clients. I understand that some clients are shared between the Department of Veterans' Affairs and domiciliary care. The people who are shared clients have to pay for their domiciliary care equipment, while the other people do not have to pay. So, there will be a whole group of people in the same circumstances, some of whom pay for equipment and some who do not pay for the very same equipment.

Equally, I understand that in the Northern Domiciliary Care Service, 1 200 people with a disability share the provision of equipment with Options Coordination. The people who get it from domiciliary care will have to pay: the people who get it from Options Coordination do not. So, we have another group of people with the same needs and the same equipment, some of whom pay and some of whom do not. These other issues that have not been thought through will face consumers and those agencies as they try to work their way through this mess.

Finally, what has been coming to me in my office and the offices of my colleagues on this side of the House is that older people, in particular, because they have been the mainstay of the initial concerns, are saying to us that they have had the emergency services tax; co-payments on dental services have just been announced, some of which are up to $97 dollars for pensioners; and now domiciliary care fees have been imposed. Both dental and domiciliary care fees started on 1 July. They say, 'We have got the GST. We got a 4 per cent increase in our pension yet it is gone already.'

People on a low fixed income are saying that they cannot cope, yet they are constantly being asked to pay more. They are asking, 'What sort of consideration did the government give to the combined effect of all those imposts?' I think that is a good question. As my colleagues behind me are saying, we do not think there was any consideration at all. One department after another just whacked it on and these people are copping the lot.

I would hope that the government does something to fix up this problem quickly and that it does something to ensure that people understand what is going on. I think the second letter is just as confusing as the first letter. There must be a move immediately to ensure that each one of those people fully understands what will happen—and it probably means for many of them that people must go out to explain to them in order to try to undo the confusion and stress that has been caused.

I ask members to support this motion. The government stands condemned for its incompetence in dealing with this

matter. There is no excuse for this. As I said before, the government has known about this for four years. It has had four years in which to deal with this in a coordinated way by consulting with the community to work out what was fair and putting in place something with which the people can live. Instead of that, we have the current situation. I ask members to support this motion on behalf of the 20 000 people who are the victims of this most incompetent, insensitive government.

Mr HAMILTON-SMITH secured the adjournment of the debate.

WHYALLA AIRLINES

Adjourned debate on motion of Ms Breuer:

That this House expresses its sympathy to the families and friends of those people killed in the Whyalla Airlines crash on 31 May and extends its gratitude to the police, emergency services and other services involved in the massive search following the crash.

(Continued from 29 June. Page 1542.)

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I know that I do not have much time to speak in support of the motion of the member for Giles. I wish we were not here in the parliament now having to talk to this motion, because all members—indeed, all South Australians—have had their hearts wrenched by what happened to Whyalla Airlines flight 904 last month and the horrendous impact that had on the special community of Whyalla and the West Coast.

The member for Giles articulately and carefully went through all the procedures surrounding this tragedy. She personally mentioned almost all the people who were directly involved in providing emergency services support. As Minister for Emergency Services, I support the honourable member's motion.

As my colleagues know, on the day after the accident I visited Whyalla with the Police Commissioner. Flying over the water approaching Whyalla, I experienced a feeling that I have not felt since my personal experience of Ash Wednesday. It was a partly cloudy day, and the water was calm but there was an eerie feeling as we flew through the air on the approach to the runway.

Having met with the police, representatives of the SES, the Sea Rescue Squadron, the Air Sea Rescue Squadron, the Surf Life Saving Club and the family of the pilot on that day, I could see that, sadly, this tragedy would leave a lasting impact on Whyalla and the community as a whole. On the other side, I saw such commitment, such a strong spirit and a desperate willingness to do whatever the community could, particularly the emergency services volunteers and paid staff, to find any survivors. Sadly, we now know that there were no survivors.

On behalf of all the emergency services that worked on this tragedy, I want to say a deep thank you to each and every one of them. It is not a good idea to single people out, but someone has to head up a search and rescue mission. Chief Inspector Terry Harbour, who was transferred from my electorate (I knew him personally as someone committed to policing in my electorate), was the right person for a very difficult job.

When I saw what Chief Inspector Terry Harbour was doing to coordinate the whole of the search and rescue operation, with Chief Inspector Bryan Fahey backing him up, I could see that the community of Whyalla and the victims were in the best hands. Of course, members would know that the police have the ultimate responsibility in these kinds of disasters. Also, watching the SES reinforced to me the reasons why we must train, equip and look after the SES, Surf Life Saving and Marine Rescue people.

The member for Giles referred to a disaster centre for Whyalla. Let us hope that Whyalla does not experience another of these disasters, but we must plan and be ready. The honourable member highlighted the fact that we need to look at spending some capital works funds in this area. We talked about that on the day I was there, and I kept in constant contact with the member for Giles in the week following this event.

Debate adjourned.

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

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Hon. M.K. BRINDAL (Minister for Water Resources): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

As to amendments Nos 1 to 5:

That the Legislative Council do not further insist on these amendments.

As to amendments Nos 6 to 9:

That the House of Assembly do not further insist on its disagreement thereto.

PROSTITUTION

Petitions signed by from 373 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, were presented by Messrs Foley, Hamilton-Smith, Meier and Venning.

Petitions received.

LIBRARY FUNDING

A petition signed by 2 318 residents of South Australia, requesting that the House ensure government funding of public libraries is maintained, was presented by Mr Foley.

Petition received.

PAPER TABLED

The following paper was laid on the table:

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

Third Party Premiums Committee—Determinations—Private and Business Passenger Vehicles and Lawn Care Machines.

QUESTION TIME

SITTINGS AND BUSINESS

Ms HURLEY (Deputy Leader of the Opposition): I direct my question to the Acting Premier. Given that the parliamentary Liberal Party has expelled the member for Hammond and that the Olsen government is again a minority government, what discussions has the Acting Premier had with the Independent members, and what assurances has the

government received from them that they will support the government on future confidence motions and legislation?

The Hon. R.G. KERIN (Acting Premier): Whatever discussions might be held between the government and the Independents is for the government and the Independents to know about, and that will stay as it is. The Independents have been very good at making up their own mind without guidance from the other side.

Members interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. R.G. KERIN: If I really want you to know what the contents of those talks are I will invite you to join in.

EDUCATION DEVELOPMENT CENTRE

Mr SCALZI (Hartley): Will the Minister for Education and Children's Services outline to the House the benefits that will flow to South Australian teachers and students from the new education development centre located at Hindmarsh, which I understand he opened on behalf of the government this morning?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Hartley for his question, because today I had the pleasure of opening a new and extremely exciting $13 million education development centre at Hindmarsh. This state of the art facility is totally funded by the state government and once again this puts South Australia in the forefront of the nation in the delivery of training for teachers and students. South Australia has a well earned reputation for providing world-class training for our teachers and students, and this government recognises the vital role, the dedication and the commitment of our teachers and staff in this delivery.

Teaching is a demanding profession, and we acknowledge that it is the enthusiasm and the energy of teachers that makes a difference to students and opens doors for those students and their future. It is imperative, therefore, that our teachers are able to access quality training opportunities which they can utilise to maximise learning benefits for their students, and this new Education Development Centre at Hindmarsh does just that. It will significantly increase the amount of training and development on offer to teachers, principals, deputy principals, school service officers, students and others involved in the delivery of public education. It provides a state-of-the-art conference and training venue: some 40 different conference rooms which can be brought together in various combinations to ensure that teachers can access that facility, whether the group be small or large. It provides headquarters for a number of our professional associations: the South Australian Centre for Leaders in Education; the Council of Education Associations of South Australia; the Australian Principals Professional Development Council; and the President of the Primary Principals Association.

This centre will become the largest provider of hands-on computer training for teachers in Australia bar none. Teachers throughout the state will be able to access training opportunities through video conferencing technologies, and within the next six months internet video also will be available within the centre. This Education Development Centre is at the forefront of research and development, of hardware and software development and for the use of schools and for linking in to schools and developing new international programs. The flexible design multiple meeting rooms and provision for adaptable work and discussion bases makes this a one stop shop for our teachers.

Senior students from around the state will be able to access this facility and use the state-of-the-art equipment and expertise that is probably not available at their own school, because this is leading edge technology. In fact, this morning when I opened this building I witnessed students using this technology, and one activity involved the development of animation. The same software package that producers and animators use to develop movies that we see on the screen in our theatres is being used by these students in the centre right now. It is just fantastic. At the same time, students from Woodville High School were there practising with their band and recording their music on digital recorders. One young fellow was playing a set of digital drums, and it is just an incredible sound production that comes out of those digital drums—and very good he was, too, I must admit. As well as that, students were converting designs into 3D by the use of CAD designed software—again, the same software that is being used by engineering companies right throughout South Australia.

This facility will be a window to classrooms of the future and will enable students and teachers to experience and investigate limitless opportunities for learning. The realisation of the Education Development Centre would not have been possible without the cooperation of the City of Charles Sturt, and I thank it for its vision and its cooperation in the concept of this digital precinct.

The opening of the Education Development Centre has given South Australian teachers a head start in training. It will enable them to remain ahead of changing teaching methodologies and to use their expertise to contribute to a global pool of education knowledge.

The opening of this centre signals a new era of training and development for our teachers. I know that teachers will come to regard this centre as their home. The benefits that will be derived from this centre will have ramifications right across this state. I encourage every member of this House to visit the Education Development Centre. It is state-of-the-art. I have seen nothing like it in the rest of Australia and it will have profound benefits for teachers and students in South Australia.

HAMMOND, MEMBER FOR

The Hon. M.D. RANN (Leader of the Opposition): My question is also directed to the Acting Premier. Given that the government ruled out establishing a trade office in Korea more than a year ago, on 24 June 1999, will the Acting Premier explain why the Premier's staff were telling media last night that it was the member for Hammond's failure to secure this $400 000 position that led to his public criticisms of the Premier earlier this week?

The Hon. R.G. KERIN (Acting Premier): Within his question, the leader stated that the Premier's staff told the media. I certainly do not know that, and I think that is a bit of an assumption—

Mr Foley: It was on the radio this morning.

The SPEAKER: Order!

An honourable member interjecting:

The Hon. R.G. KERIN: It was stated that it was not Chris Kenny on the radio this morning. Any person can

telephone radio stations and say that they are a member of the Premier's staff—

Members interjecting:

The Hon. R.G. KERIN: —including members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: Any person who understands the way in which radio works would understand that a whole range of people telephone radio stations misrepresenting themselves. If someone wanted to create that impression, well and good, but, as far as the Korean office—

An honourable member interjecting:

The Hon. R.G. KERIN: I am not aware that it was ruled out—

Members interjecting:

The SPEAKER: Order! The House will come back to order.

The Hon. R.G. KERIN: I am not aware that it was ruled out 12 months ago, and to assume that someone who telephones a radio station and claims—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Bragg and the member for Stuart will come to order. The Acting Premier will resume his seat. The chair is well aware that there could be fairly heated debate in this chamber this afternoon. I ask members to bear in mind standing orders and the consequences if they want to turn this into a circus.

The Hon. R.G. KERIN: The question is without factual basis and I will treat it as such.

MURRAY RIVER

The Hon. D.C. WOTTON (Heysen): Will the Minister for Water Resources outline to the House—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the leader.

The Hon. D.C. WOTTON: —the state government's response to the interim report of the Select Committee on the Murray River? Members would be aware—

Members interjecting:

The SPEAKER: Order! Has the member for Heysen concluded his question?

The Hon. D.C. WOTTON: No, sir. By way of explanation—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for distracting and disrupting the House.

The Hon. D.C. WOTTON: Will the Minister for Water Resources outline to the House the state government's response to the interim report of the Select Committee on the Murray River? Members would be aware that the interim report of the select committee—

The SPEAKER: Order! The member is now anticipating debate. The chair has ruled that the question is out of order on the ground that it is anticipating a debate. The member may wish to bring the question up to the table.

HAMMOND, MEMBER FOR

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Acting Premier. Does the government have confidence in the member for Hammond to continue his role as Chairman of the Public Works Committee?

Members interjecting:

The SPEAKER: Order! The chair has the option of leaving the chamber if members keep this up. I rule that question out of order, as well. The matter of appointments to the Public Works Committee is in the hands of the House and the House only. It is not a prerogative of the minister or the Deputy Premier in his capacity as Acting Premier.

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. I was asking whether the government had confidence in the chair of the Public Works Committee. That is the prerogative of the government—whether or not it has confidence.

Members interjecting:

The SPEAKER: Order! The minister has no responsibility to the House with regard to that question. The member for MacKillop.

RECREATION AND SPORT FUNDING

Mr WILLIAMS (MacKillop): Thank you, sir.

Members interjecting:

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

Mr WILLIAMS: Will the Minister for Recreation, Sport and Racing advise the House of the most recent funding allocations from the state government to assist South Australian sport and recreation organisations?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): The state government recognises the very important role that our community recreation and sport groups play within the general community of South Australia in the lives of South Australians in general. I am pleased to be able to advise the House today that this week the government has signed off on just under $6 million worth of grants to our recreation and sports groups throughout the state, through our management development program, which is administered through the Office of Recreation and Sport. This is an important program. The sum of $6 million is a lot of money to go into local community groups. When the groups apply for the money, the focus needs to be in certain criteria and certain areas. In particular, they need to focus on things such as increased training in the various community organisations; increased accreditation of their coaches at various levels, whether they be at the junior or elite level; and increasing mobility of the elderly so that they maintain their flexibility and capacity to move is also important. A wide range of programs are funded through a range of services provided by the many recreation and sports groups throughout the state.

About 130 organisations have received funding in this latest funding round, as I said, to the tune of just under $6 million. Also, I know that the Minister for Human Services has an interest in these grants, because a number of health outcomes are focused as part of these grants, whether that be the anti-smoking message, the 'Alcohol—go easy' message or in some circumstances, particularly swimming sports, things such as asthma programs, because swimming is such a great sport for asthma sufferers. They can run good asthma programs throughout their coaching and training. So asthma programs are part of the health outcomes that we look for. Also, there are things such as hot weather guidelines for the sporting organisations, particularly those in remote regional areas that might be summer sports. We have gone to some lengths to try to introduce some hot weather guide-

lines so that we do not get muscle melt-down and dehydration issues in relation to a lot of the sports and recreational groups involved in summer activities.

I know the member for MacKillop would be interested to know that a lot of the money now goes to regional areas. The money used to be focused purely on state associations, but slowly and surely as more flexibility has got into the system we have introduced more regional programs. From memory, bodies such as South Australian Country Basketball has received a grant to the tune of around $20 000; the Whyalla Cricket Association received a grant to the tune of about $6 000; and local councils such as the council in Port Lincoln received $20 000 to help develop recreational and sports programs for their regional communities.

Those members involved in the regions of South Australia might want to further promote this grant program to their organisations. It is no longer just restricted to the state associations—regional associations can also apply. There is a good opportunity here for the regional associations, whether they be football, netball, volleyball or whatever else may be involved. Recreational pursuits can apply—they do not have to be competitive sport. There is a good opportunity to pick up some money in next year's round. I am pleased to announce the allocation of $6 million to 130 sporting organisations. The letters are in the mail today.

HEALTH FUNDING

The Hon. M.D. RANN (Leader of the Opposition): Is the Minister for Human Services aware of, and does he agree with, a letter written to the Premier by Dr Rice, President of the Australian Medical Association, on 28 June which said that the South Australian community was suffering as a result of personality clashes in the government and expressed despair at the funding allocated for health, and has the Premier discussed this matter with the minister? The President of the AMA has today released a statement, headed 'Stop fighting and fix health', and stating that on 28 June Dr Rice wrote to the Premier saying that public perception is that petty bickering at the party room level is contributing to the growing waiting lists at our public hospitals. That is a quote from the head of the AMA.

Members interjecting:

The Hon. M.D. RANN: It is the President of the AMA saying it.

The SPEAKER: Order! The leader will get on with the explanation, or I will withdraw leave.

The Hon. M.D. RANN: The Minister for Water Resources seems somewhat overwrought. Dr Rice, the President of the AMA, told the Premier—and this is a direct quote:

> We are totally opposed to seeing the wider South Australian community suffering the trickle down effects of personality clashes at a political level.

He is talking about the situation within the government.

The Hon. DEAN BROWN (Minister for Human Services): I have seen the letter from the President of the AMA. In fact I discussed it with the Acting Premier yesterday. He raised it with me because I was not sent a copy of the letter; it was sent to the Premier and the Acting Premier received it on behalf of the Premier. I point out that the claim that there is party room bickering over health funding is not correct and never has been. As Minister for Human Services I have argued vehemently for the case of what is occurring with the increase in demand on health funding throughout the whole of Australia. It is a joint responsibility between the state and federal governments.

I have personally made sure that in this year's allocation to hospitals every last dollar is going into hospitals from our global budget, which has increased by 1.7 per cent. I have already indicated publicly that as a result of that we will increase funding under the casemix allocations to hospitals this year by $39 million. Those budgets have already been allocated out to the hospitals. The hospitals have seen the money and their budgets and would acknowledge that they have had a substantial increase; in fact, an increase of about 4 per cent compared with last year. In so doing we have made sure that within the broad portfolio health has the No.1 priority because we want to ensure that we treat the maximum number of people possible. We want to reduce the waiting lists if at all possible and to make sure that, as people go into a hospital, they get timely treatment. I have given that assurance. I have had a good working relationship with the AMA, and it has discussed the issues with me.

The Hon. M.D. Rann: They say you're being dudded.

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

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will remain silent.

The Hon. DEAN BROWN: I am able to indicate that in terms of the money allocated to hospital treatment this year under the casemix model there is an increase of about 4 per cent. That means that we will be able to treat at least as many people as we treated last year; in fact, we are expecting a small increase on the number of people we treated last year.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I understand what the honourable member is saying—she said that we will not be able to keep up with the growth. There is no state in Australia that is keeping up with the growth at present. As I have argued very strongly, therefore, the case for health funding means that it involves not just CPI or the medical cost index but, rather, there needs to be a substantial allocation of money above that—and I will continue to argue the case.

MURRAY RIVER

The Hon. D.C. WOTTON (Heysen): I ask the Minister for Water Resources to indicate to the House the developments that have been made in tackling the problems associated with salinity in the Murray River.

The Hon. M.K. BRINDAL (Minister for Water Resources): As the House knows, this is one of the most serious problems confronting this nation—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: Well, there we have an interesting occurrence. The most interesting question facing this House, facing this parliament—

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! I warn the member for Stuart.

The Hon. M.K. BRINDAL: In answering my question on how we tackle salinity, let us look at a few facts; let us quote the *Advertiser* from this morning. I did have a chuckle this morning to read that Mr Beazley has—

Mr Foley interjecting:

The Hon. M.K. BRINDAL: I chuckled over many pages, but Mr Beazley has suddenly discovered that water is an issue in South Australia. The South Australian public could have

told him that for many months, but Mr Beazley suddenly discovers it. Under the heading, 'Beazley pledges a clean river and two new subs', I thought to myself, 'Here we go: Kim has finally discovered the river.' But he has not quite got the point—not for South Australia—because it is about our survival, our future, our environment, our children and our grandchildren. It is not something like what a rather poor cook would lump together as the meat and two—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL:—vegetables and serve up to the people of South Australia. It is not something that you lump in with the submarines and a little statement on the end that 'we want to win the seats of Hindmarsh, Makin and Adelaide'. That is how much this profound problem means to Kim Beazley. What about our leader? What about the Leader of the Opposition? Where was he—

Mr FOLEY: I rise on a point of order, sir.

Members interjecting:

The SPEAKER: Order! Members on my right will remain silent so that I can hear the point of order.

Mr FOLEY: I know the government is struggling, but the minister is clearly debating the issue; he is debating the question, sir, and should not be allowed to continue.

The SPEAKER: Order! The minister is starting to introduce a political content to the question. I bring him back to the substance of the reply.

The Hon. M.K. BRINDAL: What this nation is going to do about its salinity is profoundly important. The federal Leader of the Opposition claimed this morning that for six months he has been addressing this issue in secret committees, taking into account the views of the CSIRO and the South Australian Labor Party. That is of moment to this House. Well, he probably consulted the Delphic oracle, as well, because the Delphic oracle has been dead for as many centuries as the South Australian Labor Party. That is how clever they are when it comes to policy debate.

The Hon. M.D. Rann: Is this something to do with a hollow log?

The Hon. M.K. BRINDAL: Well, I can't speak—

The Hon. M.D. Rann: You are sounding like one.

The Hon. M.K. BRINDAL: I cannot speak for the leader, but he might know more about those subjects than I do.

Members interjecting:

The SPEAKER: Order! I suggest that members return to the substance of questions and during question time get away from these extraneous irrelevancies that they are bringing into the chamber.

The Hon. M.D. Rann: Take a Bex and have a lie down, Mark.

The SPEAKER: Order! I ask the Leader to show some leadership in the House this afternoon.

Members interjecting:

The SPEAKER: Order! I do not need assistance from members on my right.

Mr Clarke interjecting:

The SPEAKER: Nor from the member for Ross Smith.

An honourable member interjecting:

The SPEAKER: If there are any more interjections, I will start naming people.

The Hon. M.K. BRINDAL: Salinity is the biggest question facing our river system. It was therefore disappointing to read in the newspaper this morning that the federal leader said that we must rule out the sale of Telstra. This problem with the system is several hundred years worth of problem and injecting $10 billion into the problem will not even bring about a quick fix. I hope every member of this House realises that injecting not $10 billion but $12 billion into this problem must be done so that the river and this city can survive for the next 30 years, not the next 100 years.

If Mr Beazley's prediction that this is a 100 year problem and if the federal government is not prepared to contribute to the $12 billion that is needed to remediate salinity—and do it now—there will be no future for the member for Hart's children, whom I think he values, and I think he would want them to have a place in this state. This is an immediate problem, and it needs an immediate fix. It is not for me or this House to tell the federal government where to get $10 billion, but we need to raise $10 billion to $12 billion between the states and the federal government—and we need it now! This problem will not wait for several hundred years.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: The member for Hart asks where it will come from. I do not run the federal budget; I am responsible to this state. I hope that every member of this House will join with me, because wherever the money comes from, however it must be found, whether it is from this community or from the Australian government, that money must be found.

Mr Koutsantonis interjecting:

The SPEAKER: Order! I warn The member for Peake.

The Hon. M.K. BRINDAL: It is for the federal government to find a source of funds and for us to find our share of those funds. However this money is found, it must be found because our future is more important than trite and petty politics. I call on the federal leader if he is genuine about this issue and if he is offering, as he says, bipartisan support, to affirm that his support is genuine and promulgated in the best interests of this nation's No. 1 resource. The opposition has promised much and delivered little. It sits there saying, 'We will assist.' I have yet—

Mr FOLEY: I rise on a point of order, Mr Speaker. Contrary to your earlier ruling, the minister is clearly debating the answer, and I ask that he be brought to order.

The SPEAKER: Order! Question time is for the analysis of policy. It is not improper for questions and answers to draw out policy and alternative policy. I do not have a problem with alternative policy, but I ask the minister to stick strictly to that type of guideline without straying into other debating issues, which are a temptation.

The Hon. M.K. BRINDAL: In the light of your ruling, sir, I publicly request an urgent meeting with the shadow minister for the environment, the Leader of the Opposition and whomsoever the opposition chooses to work with the government and tell me what their policy is, because at present all I can see over there is one member for leaks—and they are not leaks from the Murray; they are leaks from the IDC. All I have seen over there was an attempt to save one Murray—Murray De Laine—and that was a dismal failure.

DOMICILIARY CARE SERVICES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services, representing the Minister for Disability Services and the Ageing. What action will the government take to ensure that frail aged and disabled people are not forced to cancel essential domiciliary care services and return equipment such as wheelchairs and walking frames because they cannot pay the government's new charges for domiciliary care? The opposition has been contacted by aged and disabled people who say they will have to cancel services

and return equipment because of the introduction of new charges of up to $50 a month, including hire charges for walking frames, trolley tables, bed frames, wheelchairs and other special equipment. Mr Robert Taylor, a pensioner who uses a wheelchair, has told me that he may have to give up his voluntary work collecting for the Salvation Army two days a week at the Central Market because of the new charges.

The Hon. DEAN BROWN (Minister for Human Services): I will get a detailed response from the minister, but I would say from the outset that the honourable member's claim is wrong. The government has already said that anyone who cannot afford the co-payment will not be denied treatment. So, anyone, regardless of whether or not they can claim a co-payment, will receive the appropriate treatment. We would never deny anyone necessary medical treatment or domiciliary care simply because they cannot afford to pay. We have adopted that policy and it is included in the information that has gone out to people involved in domiciliary care services. I will get a detailed response for the honourable member, but it is very important indeed that this false accusation being made is clearly exposed—

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth has asked her question; she should sit in silence.

The Hon. DEAN BROWN: Everyone who needs treatment will receive treatment, even if they cannot afford the co-payment.

FORESTRY

Mr CONDOUS (Colton): Will the Minister for Government Enterprises tell the House what the government is doing to raise awareness of the importance of forestry in South Australia?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Colton for his question about a particularly important issue in which I know the members for MacKillop and Gordon in particular have a great deal of interest in this chamber. We all ought to have an interest in it, because of the fundamental importance of forestry in the South-East of South Australia in particular and elsewhere in general and also because of how well we do forestry matters in South Australia. In recent years the Australian community has taken a great interest in the management of forest resources around Australia. Much of the debate and discussion now has focused on native forest issues, particularly those in the eastern states, in Tasmania and in Western Australia. It is no secret that that coverage has been mainly negative, where people have been chaining themselves to trees, lying down in front of harvesters, etc.

This negative focus is particularly disappointing because, in South Australia, Forestry SA has been so successful in the development of forests that for many decades no native trees have been harvested for timber production at all. No native forests have been harvested; our entire log processing industry in South Australia is based on plantations. It is very important that the children of today continue to be aware of that fact in the face of the barrage of negative publicity that I mentioned previously. Through Forestry SA and with a broad input the government has developed an excellent teacher resource package titled 'Forestry matters: an educational resource for schools'. It will be distributed across the state and, in order to maximise its accessibility for other members of the community, 'Forestry matters' will also be available from Forestry SA's web site, either as a download or in CD ROM form. I would urge those members who are internet literate (and I hope that number is increasing on a daily basis) to visit Forestry SA's web site, the address of which is www.forestry.sa.au, and click on the 'Forestry matters' icon.

The forestry matters package incorporates a number of things. It contains six integrated teacher resource and activity units covering the early, primary and middle high school years, and it was developed, as I said, with great input from teachers, utilising a new method of teaching, and they are very excited about the opportunities of using this method in this program. It also contains 14 forestry information sheets, which cover a number of aspects of forestry in South Australia.

There are more than 60 images of contemporary and historical forestry practices. As an aside, in looking at the historical images it struck me, particularly with respect to the forestry industry—which, of course, is a major one—just how far our occupational health and safety practices have come, and I am sure that anyone who goes in and looks at those historical pictures will acknowledge that. There is also an extensive glossary of forestry terms and other web links, and so on, and a forestry matters poster.

The forestry matters package represents a significant achievement in increasing children's appreciation of forest values. Hopefully, the children who understand that will get to learn more about our forest industry in South Australia and how important it is, not only for South Australia but also for the environment. Hopefully, those children will then educate their parents and their relatives about the values that are inherent in forestry. We think that the accessibility of this package through schools, through print and through the internet will add to its undoubted success.

GOVERNMENT CHARGES

Ms STEVENS (Elizabeth): My question is directed to the Acting Premier. Did the government consider the combined effect that the introduction of the emergency services tax, new charges for dental treatment and new charges for domiciliary care would have on the elderly, frail aged and disabled, and can the Acting Premier guarantee that older people and the disabled are not being denied essential care because of the impact of these charges? In addition to introducing the emergency services tax and new charges of up to $97.50 for dental treatment for pensioners, the government has now introduced charges ranging up to $50 per four weeks for domiciliary care services and the hire of equipment. Opposition electorate officers have been inundated with complaints about all the new charges, with pensioners saying that they cannot afford to pay them.

The SPEAKER: Order! I have just had the opportunity of checking Notices of Motion: Other Motions No. 4 on the *Notice Paper*. I believe that the question anticipates the debate that is already on the *Notice Paper*, and I do not accept the question. I rule it out of order.

PETROLEUM EXPLORATION LICENCES

The Hon. G.M. GUNN (Stuart): Can the Minister for Minerals and Energy please advise the House of the outcome of the third round of petroleum exploration licences that have been issued?

An honourable member interjecting:

The Hon. G.M. GUNN: It will take more than the honourable member's activities to get rid of me. We're waiting for you. In explaining the question, will the minister also advise the House what sort of arrangements have been made to ensure that there are adequate facilities to enable the new licensees to operate their leases?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): As usual, the member is full of surprises in the questions that he asks in this chamber. Of course, it would come as no surprise to members to hear the member ask a question about this region of our state, because he has so ably represented the area in many of the 30 years that he has graced this chamber with his presence.

I am particularly pleased to be able to advise the House that the government has received a very positive response to the third round of bidding for the onshore Cooper Basin acreage release blocks. Quite clearly, this is a strong vote of confidence by the industry in the resources direction being taken by this government. I am pleased to advise the House that the government has received more than $40 million in work program bids through 11 bids for five blocks in and around the Cooper Basin in this third round.

The third round of bids closed last Thursday, 29 June, following a six month evaluation period. Bidding in round four for the remaining three blocks in the Cooper Basin release—and they are effectively located adjacent to current oil and gas producing fields in the southern Cooper Basin—will close on 28 September this year. In total, the eight blocks from rounds three and four cover an area of 12 735 square kilometres of our state. I expect to be in a position in the very near future, indeed perhaps over the next month or so, to announce the successful applicants from the third round of bidding.

Once those successful bidders have been announced they will then be in a position to undertake negotiations on native title issues and, once that process is complete, licences will be issued. All work programs that then occur will be subject to the usual strict environmental management controls. By way of background, I hope that the House would be interested to know that in the first two rounds of bids for 19 blocks, over the past 18 months 88 bids were received through 31 consortia comprising both national and international bidders. In those first two rounds more than $160 million in exploration expenditure is contained in the winning bids.

The latest round of bids was promoted at a major conference in Houston in early February, which was attended by 8 000 participants from the oil industry. Shortly thereafter, the Deputy Premier, when he was in that region a few weeks later, had the opportunity to follow up that conference with a presentation to invited petroleum industry guests. That presentation was favourably received and that is reflected in the results of the round three bidding. As the honourable member also indicated, matters are being negotiated in relation to access to property and opportunities for the successful bidders so that they will have access to all the resources they need to undertake their exploration activities.

Only last Friday I had the opportunity to visit Moomba. Representatives of Santos showed me over its plant and we discussed further the way in which these new bidders will be able to undertake actively their exploration and, ultimately, production activities in the region. I am very confident that the successful bidders will be able to work well in that region with the remaining issues which are being negotiated with Santos and which, hopefully, will be resolved in the very near future. The promotion of the Cooper Basin opportunities will continue in the second half of this year through key industry references, the internet and advertising and selected industry publications.

I look forward to having the total support of the House as we advance down the path of ensuring that we have competitive and active petroleum exploration and production in our state.

WHYALLA AIRLINES

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Acting Premier. As Minister for Regional Development, will the government negotiate to put in place charter flight arrangements to assist Eyre Peninsula residents who are disadvantaged by the ongoing grounding of Whyalla Airlines? The member for Giles has suggested to me that residents in Eyre Peninsula communities, such as Cleve and Wudinna, are being disadvantaged by the lack of flight connections to Adelaide they need for family, business and medical reasons by the grounding of Whyalla Airlines. Whyalla, however, is being well served by Kendell Airlines and other operators that are filling the gap.

The Hon. R.G. KERIN (Acting Premier): I thank the leader for that question because, as time passes, it is becoming a more important question. Certainly, the members for Giles, Stuart and Flinders and the Hon. Caroline Schaefer from the other place all have a great interest in this matter. We will certainly consider that idea. One problem is that no-one is sure for how long Whyalla Airlines will be grounded. The situation is well and truly dragging on, which is causing isolation problems for those communities, particularly those people who have travelled in the past out of Cleve and Wudinna. Certainly the Streaky Bay residents are also expressing their concerns.

No-one is happy about CASA's delaying the process but political interference in that type of process is extremely difficult without knowing all the facts. I am very happy to speak with the relevant people and to undertake some investigation quickly on which companies have the capacity to service those areas—whether that is a link with Whyalla or direct with Adelaide—and meet with whomever it might be in an effort to get services moving again. Hopefully we will find pretty quickly that Whyalla Airlines may be back in the air, and we may not need to take action. I agree with the honourable member and the leader: it is dragging on. If CASA does not do something quickly, there will be a need to implement alternative arrangements.

EMERGENCY SERVICES FACILITIES

The Hon. R.B. SUCH (Fisher): Will the Minister for Emergency Services provide details of an upgrade of emergency services facilities in the south coast area?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question, knowing that the honourable member has a real commitment to volunteers and emergency services across the whole of the Fleurieu Peninsula; in fact, he often asks me questions about the Sturt SES and the Happy Valley CFS in his own electorate, and speaks highly about the work he sees the Happy Valley CFS doing in Fisher. The announcement I made just over a week ago is part of a strategic plan to better support and manage emergency services not only on the south coast but across the whole state. Sadly, for decades now we have had an emergency

services system which has been under funded and under supported and which has not had strategic management and planning such as that which we are about to see. The great part about the South Coast Emergency Services Centre is that it is a state-of-the-art centre that will provide the best possible support to that rapidly growing area on the south coast of the Fleurieu Peninsula. Only a week ago I had the privilege of opening an eight bay collocated CFS and SES emergency services centre.

An honourable member: Eight bays!

The Hon. R.L. BROKENSHIRE: Yes, eight bays, which is huge. It is huge, though, because of the workload there. Sadly, in 1998-99 on the Fleurieu Peninsula alone there were 19 fatalities. This period has been better, with five fatalities. However, five fatalities is still an horrendous level of road carnage in anyone's imagination. I refer to the workload of the SES alone. A total of 77 taskings were taken by the Port Elliot and South Coast SES just in the past 11 months, and the CFS in that area has had 34 taskings.

The Hon. G.A. INGERSON: I rise on a point of order, Mr Speaker. During question time I thought we had in place a standard procedure that television cameras filmed only those answering or asking questions.

The SPEAKER: Order!

The Hon. G.A. INGERSON: It is sensitive. They are the rules of the game.

The SPEAKER: Order! No standing order has any control over television cameras and their filming. However, the managers of the television stations entered into an agreement that they will film only members on their feet. I remind cameramen and reporters of the obligations entered into by their station managers.

The Hon. R.L. BROKENSHIRE: As I said, in the past 11 months, the SES undertook 77 taskings on the south coast and the CFS 34 taskings. That service centre I opened last Monday week with the member for Finniss was also good news for the south coast and an example of what I hope we will continue to see in the future when it comes to goodwill support between local government and the state government with the new emergency services fund. I would like to acknowledge and place on the record the support of the Alexandrina and Victor Harbor councils in connection with this matter. All members would know that, when councils have paid for their real estate and mobile property on the fund, it will net $13 million in savings. We have asked for transparency from those councils. Some of them have been brilliant when it comes to transparency, and others have been less than brilliant, to say the least.

The Alexandrina and Victor Harbor councils have demonstrated with this centre not only their commitment with the government to the protection of the residents at the southern end of the Fleurieu Peninsula but also their commitment in respect of the burgeoning industry on the Fleurieu Peninsula. With more and more people travelling down through the area, the Alexandrina and Victor Harbor councils have recognised the importance of emergency services and, therefore, provided $50 000, in addition to the land on which we built this $650 000 centre.

The other thing I would like to highlight to the member for Fisher and others in the House is not only the centre but also, more importantly, the people who do the work. I am talking of the volunteers. We had the privilege of being able to present certificates and medals to a large number of SES and CFS volunteers for periods of long service. When you have the privilege of presenting 21 year and 25 year certificates for people who have been available 24 hours a day, 365 days a year to look after their community, it is something that the whole community should support.

On top of this in the Fleurieu Peninsula region alone (and the member for Fisher would be particularly interested in this as I think he is getting one of these vehicles in his area), we are purchasing seven new 3-4 fire units at a cost of $200 000 each. So, we are looking at a $1.4 million injection there as well. There is also the emergency services grant program. I am pleased to see that in the last round Inman Valley, McLaren Vale, Ashbourne, Woodchester and Yankalilla were among the recipients of that. There are niche services and opportunities in those regions that are better able to be funded.

The interesting thing is that the Leader of the Opposition, who had an opportunity to fund emergency services properly, absolutely ignored that for the 11 years he was in a position as a minister to argue for better support for emergency services. Today we see his sort of antics.

The bottom line not only for the Fleurieu Peninsula but for the whole of South Australia is that now emergency services are being funded properly. What we saw last Sunday week at Port Elliot is only the start of a lot more to come for emergency services, whereby we will see $37 million spent on capital works in a two year period as against the three years prior to that when a total of only about $23.5 million was spent on capital works across all emergency services.

GLENSIDE HOSPITAL

Ms BEDFORD (Florey): Will the Minister for Human Services advise what procedures are in place to ensure that food and provisions budgeted, ordered and paid for by Glenside Hospital are actually received as invoiced and used exclusively for inpatients at that facility, and have concerns been raised about lack of accountability or quality of nutrition and diet for the inpatients?

The Hon. DEAN BROWN (Minister for Human Services): I guess the honourable member in asking this question has had someone raise with her the issue as to whether there is some misappropriation of food; otherwise, I cannot see any point in asking the question. If the honourable member has such evidence, I ask her to bring it to me immediately because, of course, we would take immediate action. There have been one or two other cases where such a case might exist. We have taken action, and in one case staff were dismissed accordingly. If the honourable member has any evidence at all, I ask her to bring it to me immediately after question time today.

The other issue is that, yes, we place a great deal of importance on the quality of the food and the nature of the dietary food served because nutrition is a very important part of health care. Therefore, if again the honourable member has any issues that she wishes to raise with me on that matter, I would be only too happy to follow them up.

TOURISM DEVELOPMENT AND PROMOTION

Mr VENNING (Schubert): Will the Minister for Tourism advise the House whether the government's investments in tourism marketing, event development and infrastructure, such as the Adelaide Convention Centre or the National Wine Centre, are generating increased private sector investment in Adelaide, particularly in the accommodation sector?

The Hon. J. HALL (Minister for Tourism): I thank the member for Schubert for his question because, indeed, his electorate is one of the recipients of some very substantial investment in accommodation, and my understanding is that some of the spin-offs and benefits taking place in the Barossa Valley are certainly greatly appreciated by a number of other operators of B&Bs and other accommodation outlets. One of the important things that is happening in South Australia in the tourism industry at the moment, which we know is booming, is that we are developing a very significant diversity of accommodation, which is extremely important for our continued growth and development in the industry itself.

The reasons that this is taking place include the great success of the *Secrets* marketing campaign nationally; the growing numbers of international visitors who are visiting South Australia; and the very substantial success we are having with the major events strategy and what that is doing for tourism. There is another aspect of tourism development in our state at the moment which is very important, that is, the great value for money that people are getting when they come to South Australia. This, of course, is having a significant effect on developers and investors who are looking seriously at the tourism industry and the economic benefits that it is generating.

Some of the projections of accommodation needs in South Australia are actually quite interesting. I am sure the House would be very interested to know that, apart from the diversity that we already have, the projections for our state to the year 2003 are enabling investors and developers to have a very serious look at us as a location. If we maintain our current growth in four star hotels, for example, which is currently running at five star, by the year 2003 we will have a shortfall of 433 rooms; and if we increase that projected figure to 7 per cent, which is our target, by 2003 we will have a projected shortfall of 638 rooms.

If one looks at the very significant impact that serviced apartments are now having in our state—and they are particularly important because at the moment we are still running a little short with five star and deluxe accommodation in the city; and certainly we need more diverse accommodation in our regions—if you look at all the requirements, at our current rate of growth we are still 539 rooms short by 2003. But if one looks at our projected rate, which is what we are aiming for, we are going to be 865 rooms short. The opportunities for private investment are very significant, and they are particularly significant and being taken up in regions across the state. The diversity is something of which we should be very proud because it is not only eco developments but also very significant development which is taking place on the river.

Earlier this week I launched the B&B program for 2000-01. The association is very optimistic and confident at the results it has achieved thus far and reminded me that it is now contributing $12 million to the state's economy. Its members also reminded me that the investment in their industry is well over $28 million. As we know, the B&B industry is now extremely professional and very successful with very high occupancy rates; they are predominantly very successful, optimistic small business people.

GRIEVANCE DEBATE

Mr WRIGHT (Lee): In the past 24 hours we have seen the government do one of the greatest injustices to one of its own members, the member for Hammond. The government has chosen to sack the member for Hammond and one only needs to think back to what has happened over the past couple of weeks to ask whether this has been because of a few sobering comments made by the member for Hammond or whether it is because of the government's performance over the past couple of weeks.

We had the charade last week of the government having to acknowledge that it had botched up the privatisation of ETSA, that despite spending $90 million on consultancies it simply could not get it right. This week, the government had to withdraw its bills on the privatisation of the Lotteries Commission, the Ports Corporation and the TAB. Hot on the heels of that, 24 hours ago, because the member for Hammond made a few sobering comments about one of his ministerial colleagues and the Premier, we see this knee-jerk reaction by the government. At a meeting at 6.30 last night the Liberal Party held a kangaroo court and sacked the member for Hammond because of his remarks about the Treasurer and the Premier telling pork pies.

If that is not enough, let us briefly analyse the philosophy of the Liberal Party. This once great so-called Liberal Party has as its ethos that its members can speak openly and freely. That can never be said again because, if ever we have seen an example of Liberal Party members not being able to speak openly, freely and honestly about their colleagues or government policy, we saw that yesterday when this government, which is on the ropes, sacked one of its own parliamentary members because he made a few sobering comments about the Treasurer and the Premier telling pork pies.

They went beyond that. They not only went against their so-called philosophy, but they did it in a kangaroo court last night at 6.30 when they knew full well that the member for Hammond would be attending an important trade function at which members of the government and the opposition were in attendance. At 6.30 last night, this government went ahead without even allowing the member for Hammond an opportunity to attend that meeting and put forward his points of view. What an absolute disgrace!

Mr Condous interjecting:

The SPEAKER: Order! The member for Colton will remain silent.

Mr WRIGHT: This government not only went against its own philosophy with respect to its own members being able to speak openly and freely: it went beyond that by not giving the member for Hammond the opportunity to attend the meeting and put forward his points of view. This government is a disgrace, and one must wonder what is going on here while the Premier is overseas. Is this the Minister for Human Services, the Brown forces, getting too close to the Premier for the next leadership challenge? It is only a matter of time before another leadership challenge takes place on the government benches, because this government is on the ropes; it is doomed, it cannot even keep its word to one of its own parliamentary colleagues—

Time expired.

The Hon. M.K. BRINDAL (Minister for Water Resources): The facts need to be put straight in this House. The speech of the member for Wright was too cute by half. He has exposed, if not the hypocrisy of his party, his own

personal hypocrisy. The fact is that the Liberal Party of South Australia believes, and will continue always to believe, in free speech. Nobody in this place; nobody on these—

Members interjecting:

The SPEAKER: Order! The member for Lee has made his contribution.

The Hon. M.K. BRINDAL: Nobody on these benches will deny to the member for Hammond or any other member of this place the right to stand and say what they passionately believe and the right to vote as they wish. That is and remains our party philosophy. Our party philosophy is equally that we believe in freedom of association. That is why we are anti-compulsory trade unionism—something which I point out members opposite are not; they are right within the ambit of coercing everyone, regardless of what they want, to join the union and be part of the mob. Well, this party stands for freedom of association.

While everyone might regret on human grounds what the party decided last night, we exercised our right as a party to determine those with whom we wish to associate. It is unfortunate that the overwhelming number of members of our party believe that the comments of the member for Hammond put him in a position where we no longer felt we could associate ourselves with him. Before members are too cute, I point them to some of those comments. I know—

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. M.K. BRINDAL: I wonder what would happen if the member for Hammond offered himself (and I am sure he will not do so, because he stands by his principles) for membership of the ALP. The ALP is hardly squeaky clean when it comes to—

Members interjecting:

The SPEAKER: Order! Stop the clock. If this is intended to disrupt the minister and delay his time, it will not work. The clock has been stopped. I remind members of the obligation at least to allow members to be heard in this place instead of this constant barrage of interjections.

Mr FOLEY: I rise on a point of order, sir.

The SPEAKER: Stop the clock.

Mr FOLEY: Under what standing order of this House have you just ruled that the clock should be stopped? Not in my time in this place has that clock been stopped during the grievance debate.

The SPEAKER: Order! The Standing Orders Committee brought a recommendation to the House which was accepted and which we have used before: that during the five minute grievance debates, so that members do not have their time disrupted and cut back because of interjections across the chamber—

Members interjecting:

The SPEAKER: Order! You have asked for the explanation, and you are getting it. For the record, it is for the very reason that members will persist in interjecting across the chamber to disrupt members' speeches so that they cannot get their point across in the five minutes; for that reason, the House saw fit to bring in that standing order. I suggest that members acquaint themselves with the standing orders before they get up in the House and start calling for points of order. Start the clock.

The Hon. M.K. BRINDAL: The fact is that, if the Labor Party had a member who spoke out, as the member for Hammond has freely done on a number of occasions in this chamber and elsewhere, that member would have been turfed out of his party long ago.

An honourable member interjecting:

The Hon. M.K. BRINDAL: So, you see, sir: they have different rules. The way they operate is absolutely anti-free speech and absolutely against the processes of this place, but they preach to us. They said, 'Well, we have rules; we don't have to apply the same rules that you have to.' I suggest that before they start preaching to the Liberal Party they understand our rules. I do not believe you will get one member to stand up—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: I remind the member for Hammond that I came into this place last night and extended to him the courtesy of listening to his explanation in silence.

An honourable member interjecting:

The Hon. M.K. BRINDAL: I will finish, sir; the member interjects that we did not notify the member for Hammond of the meeting. That is wrong. The member for Hammond was notified of the meeting; every member of the Liberal Party was notified of the meeting. If the shadow minister wants to take that up I suggest he take it up.

In summary, I think there is nothing worse in this world than people who look at faults in others when they fail to perceive their own faults. That is a fact. Labor members are sitting there looking very cocky, trying to tell the Liberal Party what its failings are but are failing to see their own. They are failing to see what they have done to the honourable Murray De Laine, Ralph Clarke and Norm Foster.

Members interjecting:

The SPEAKER: Order! The member for Peake will resume his seat. Before calling the member, I remind members once again of the need to refer to members opposite by their electorates; and let us not degenerate to calling people by their Christian names or surnames across the chamber.

Mr KOUTSANTONIS (Peake): What is disloyalty—to the leader or the party? What is the difference? When the member for Unley plotted and schemed behind the former Premier's back to depose him and install the current Premier, was that not disloyalty to the leader? Why was he not expelled? Last night when the Minister for Tourism brought out the knitting needles again, why was she not expelled when she plotted behind the back of a former Premier to have him deposed? Why was she not expelled?

When the Minister for Industry and Trade (the member for Davenport) plotted behind the back of the Minister for Human Services, why was he not expelled? Unlike the current members whom I have mentioned and who did that all behind the back and in the corridors, the member for Hammond came out publicly and said, 'In the interests of the Liberal Party, and in the interests of loyalty and stability, this Premier must go for us to win the election.' That is not disloyalty: it is honesty. He did not come out and call for the election of a Rann Labor government: he called for the re-election of a Liberal government. That is not disloyalty. Disloyalty is deposing a Premier who won 37 seats in the 1993 election. That is disloyalty.

Mr Condous interjecting:

The SPEAKER: Order! I call the member for Colton to order.

Mr KOUTSANTONIS: If you want to talk about loyalty in this House, I find it a bit rich, when the Minister for Tourism brought out the knitting needles again last night, and the member for Unley was running around the corridors

looking to cut the throat of the member for Hammond behind his back; that is disloyalty to the party. I do not remember the member for Hammond once coming out publicly and deriding the Liberal Party or its beliefs and philosophy. He came out and attacked an individual. He exercised his freedom of speech, as he knew it to be when he joined the Liberal Party, and attacked a Premier who no longer had his support. That is not disloyalty to a party.

I suggest to the member for Unley that if the member for Hammond took this matter to court he might have a better day in court than some other members of this House. I will touch briefly on members in this House. We have a procedure; we know the rules and, when we join this political party, we know what the rules are. We are told in advance; we know where we stand. Rules are not made up on the run.

The member for Hammond organised a meeting of members of the ethnic community and business leaders for yesterday months in advance. So, what did they do? In the same way they deposed Dean Brown and knifed him in the back—

The SPEAKER: Order! I have warned members about the use of names.

Mr KOUTSANTONIS: I notice that the clock has not been stopped again, Mr Speaker.

The SPEAKER: Order! I caution the member for reflecting on the chair.

Mr KOUTSANTONIS: When the former Premier was deposed—

Mr Foley interjecting:

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

Mr KOUTSANTONIS: When the former Premier was deposed, white-anted and leaked against, that was disloyalty to a party, but no-one was expelled. The front page of the *Advertiser* today lists a series of complaints of Liberal members against the member for Hammond about all these things that he has been saying since 1983 to the present time. Not once did they move to expel him when he made these remarks—when he made remarks about viruses to kill cats; when he claimed that he killed a mate in Thailand; when he opposed giving drug addicts syringes and said that they could contract AIDS. There were no moves to expel him. But when he attacks the Emperor, when he attacks the Premier, they expel him. It is policy on the run, just like the way members opposite run their government. They are hypocrites. This government has lost the faith of one of its most loyal members.

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order! The Minister for Water Resources will remain silent.

Mr KOUTSANTONIS: I find it amazing that they consider disloyalty to the former Premier to be all right but disloyalty to the current Premier to be a form of high treason, and they expel him in the dead of night.

Members interjecting:

Mr KOUTSANTONIS: They all would have been gone. But there is one set of rules for the Olsen supporters and another set of rules for the Minister for Human Services' supporters. They are hypocrites.

The electorate will see through this. The member for Hammond will win his seat as an Independent, but I dare say that some of the plotters opposite who move around in the dead of the night with daggers in their hands will not be here after the next election, because they will be seen for what they are: treacherous, deceitful, underhanded members of parliament.

Mr HAMILTON-SMITH (Waite): I rise to speak on a matter relevant to the hills face zone. On Monday evening I attended a public gathering at Unley High School, which was attended by about 150 to 170 people, to discuss the future of the hills face not only in the Mitcham area but along its entire length, which is very considerable. The meeting was attended by people from the local community, the Conservation Council, the National Trust and a whole range of other people, all of whom were there with one intent: to ensure that the hills face zone suffered no further destruction at the hands of development. I was very pleased to be there, because this is the hills face in which I grew up, of which I and my constituents are very proud, and which we want to see retained.

By way of background, a recent decision by the Environment, Resources and Development Court enabled an olive tree plantation to be constructed in the hills face zone and, in fact, defined horticulture as being part of agriculture, therefore enabling that sort of development (that being olive trees) to comply. It stunned everyone that this decision was made, and something clearly needed to be done to ensure that we did not see the springing up of a stack of olive tree and vineyard developments in the hills face.

Councils approached the Minister for Transport and Urban Planning in another place and asked her to take action. One of those councils was my own council, Mitcham council, and a representative of the council wrote a letter on the day of the court decision and specifically asked the minister to take action to protect the hills face, particularly with regard to amending development controls and by defining horticulture and agriculture so that there could be no confusion. One of the proposals put by Mitcham council was that the development regulations be amended to include a definition for agriculture and that such a definition exclude horticulture. I congratulate Mayor Ivan Brooks and CEO Ron Malcolm for taking this initiative to ensure that the gap was plugged and that any possible damage to the hills face as a consequence of the court decision was defended. I note and bring to the attention of the House that Mitcham council is appealing that court decision to a higher court in an effort to have the matter resolved in that way.

Having been approached by councils all along the hills face, the minister in another place recognised the need to listen and to take action, and she did so by promulgating a draft PAR (planning amendment report), which is now out for around two months of consultation. There will be public meetings and, ultimately, that PAR will be developed into a new set of guidelines for the hills face. It has been given immediate effect to stop anyone in an opportunistic way throwing up vines and olive trees in the hills face. In fact, this interim effect precludes olive tree development.

What has disappointed me so far is that the minister is now being attacked by the Australian Democrats in another place for taking the very action that the councils sought that she take. It is just confounding that, having had all the councils coming to her saying that she needs to do something (and they do not all agree: some of them feel that vines should be a decision which councils make rather than state governments), when the minister finally did something, the Australian Democrats, as usual, following the whim of public opinion, are saying that she has done something wrong by even promulgating some sort of temporary arrangements

when, in fact, the minister is simply trying to respond, to listen to people and to do the right thing.

There is a process in place, I look forward to being part of that process. I am sure that it will lead to a better set of regulations and guidelines for the hills face. I ask the Democrats to stop being irresponsible, to participate in the process that the minister has commenced and let us get an outcome for people.

Ms BREUER (Giles): Last week I spoke of the flight 904 Whyalla Airlines crash and the ensuing search. Today I want to speak of a number of issues which were identified in the search process. I was very pleased today to have the FAYS manager in Whyalla, Mr Alan Morris, join me for lunch here to discuss some of the after-effects of the search and to show him what really happens here. The FAYS team played a great part in this search and certainly helped very much, with respect to those people who were involved in it, to get through this process, including the searchers, the families of the victims and many other people in the community of Whyalla—and certainly me as well. It is incredible when something like this happens how much the amount of work they do is needed. I was not aware of it before but I am certainly very aware of it now, and I was very pleased that they were there and able to help out so well, particularly Alan Morris, who led that team.

As I said last week, the search effort was an incredible effort by all concerned, and it revealed to me the strength of our emergency services personnel. I cannot speak too highly of the police and the emergency services organisations and the efforts and abilities of these organisations. I also became very aware that their job could become so much easier with additional very basic resources. The government certainly is benefiting from the ESL, and I would ask the minister to consider a special allocation to provide some of these resources to the Whyalla region. We have launch facilities there, we have infrastructure, we have deep water channels and we have an airport. Whyalla proved itself to be capable of mounting a systematic, effective, skilled search process, and it is ideally suited to mount similar searches in the Spencer Gulf area, including the inland region. With our experience, I would like to see this become the headquarters of the future if, God help us, a similar experience was to occur.

However, the minister would be very aware, from his visit to Whyalla on the day following the crash, of the limitations of the Air and Sea Rescue Squadron's facilities at Whyalla. It conducted a massive exercise in a room not much bigger than a motel room. At times there were 10 to 15 police, ambulance and emergency services personnel in that room, and it was very difficult for them. I know that new facilities have been requested. They already have been designed, and land has been allocated in a better location at the marina. It is an essential process—everyone agreed about that—and I would ask the minister to consider funding this facility with priority.

If a new facility was provided, I would request that it be well fitted out. At present, there is no computer and there is no up-to-date support technology, which is absolutely essential in a process such as this. Items such as dedicated phone lines are essential, because staff were very much hampered by the press and members of the public continually ringing and wanting to know information about the search process.

Better plotting facilities are essential with appropriate tables and charts, as well as a sophisticated plotter. I believe that something called a Phoenix is essential, which is a GPS moving plotter. Parallel rulers and dividers, etc., were all lacking. Carpet and a dust-proof area is required. A separate radio room for the operators is essential because the noise levels are incredible for these people. It is also important that a number of people, particularly the police, be given training as plotters. Sergeant Phil Hart—who is likely to win the next snapper fishing competition, I believe, because he has found some new snapper reefs—was very good because of his local knowledge. However, training is essential for these people.

I spend a lot of time with the SES and it needs mobile and satellite telephones which, unbelievably, it does not have. The SES also needs a new operations bus. The existing bus is an excellent facility but it is out-dated and slow and there is a limit to how far it can travel. The SES needs a new bus to be able to facilitate these operations. I also believe that the SES needs a full-time Commander. The present Commander, Rick Santucci—who presently works on a volunteer basis—would be ideal. He was calm, he was wonderful and he was well organised. The problem is that he does not belong to the Public Service but I would like to see consideration of that aspect in the future.

Human resources is certainly a problem. The Whyalla police were able to conduct the search very efficiently but they all worked double time and extra shifts. I am pleased to see that new police have been allocated but my concern is that country police stations need to have their full allocation and extra resources to be able to handle emergencies such as this. I hope that these requests will be looked at very carefully.

Time expired.

The Hon. D.C. WOTTON (Heysen): I want to bring to the attention of the Minister for Transport issues within my electorate involving the major transport corridors into the city. First, of course, is the new highway between Crafers and Cross Road. At the outset I want to say again what a delight it is to travel on that stretch of road, and I commend all those people who have had any part to play in its development. I am concerned about a couple of issues. One relates to an incident which occurred early last week and which received a fair bit of coverage in the media. It was, I guess, more an act of God than anything else, but some serious accidents and injuries occurred as a result of the ice on the highway near the Crafers exit.

The reason I raise this matter is that I hope that some investigations are being carried out into this matter. I have been driving up and down through the hills for the past 57 years and I do not ever recall having a situation like that on any one of the roads, certainly not on the Old Mount Barker Road. I believe that there needs to be an investigation into that situation. I do not know what the causes might be—whether it is the actual placement of the highway itself—but those matters need to be investigated; indeed, I would be very concerned if we were not able to look into that situation.

I was concerned at the lack of police presence when the accident first occurred. I have received a significant amount of representation on this issue. A number of people came to me soon after the accident and said that they were very concerned because there was no police presence and people were trying to slow down traffic on a three-lane highway. I hope that some investigation will take place and, in future, I hope that there are improved opportunities to warn people if

we are again to experience conditions such as that. I continue to be concerned about vehicles passing in the tunnels, and I have raised this matter previously. None of the tunnels I have travelled in overseas allow motorists to pass from lane to lane while they are in the tunnel. That is not the case here and, day after day, I witness cars changing from lane to lane within the tunnel and I have some real concerns about that.

The other issue to which I refer is one that I have raised previously in reference to the proximity of the Crafers exit, where the three lanes revert to two. I understand from my personal assistant that the minister has responded on this matter in a letter received by my office today. I am anxious to see what will happen but it is a very dangerous situation. My other concern relates to the Greenhill Road. Just recently on that road we had a horrendous accident where part of the cliff face collapsed onto a car and a man was seriously injured. There is considerable concern on the part of the local community that Transport SA has not fixed the dangerous area to the satisfaction of the people concerned. I will be taking up this concern formally with the minister but I hope that the minister will ensure that some investigations are carried out in regard to that matter and that appropriate action is taken to repair that area of the cliff face so that we can be sure that we do not experience similar accidents again.

Time expired.

APPROPRIATION BILL

The Legislative Council agreed to the Bill without any amendment

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

Consideration in committee of the recommendations of the conference.

The Hon. M.K. BRINDAL: I move:

That the recommendations of the conference be agreed to.

I acknowledge the bona fides of the Australian Democrats' amendments, which they sought to make to this Bill in another place. However, as I have stated in this chamber, it is my intention to review the complex relationship between land and water use and to consult with the stakeholders to develop legislative provisions to deal appropriately with this issue. I will then present to cabinet and the Liberal Party room meeting during the spring parliamentary sitting a policy with a view for introduction of the bill into the parliament in that sitting.

As the Minister for Water Resources, the power that enables me to issue water licences is circumscribed under the Water Resources Act 1997. I believe that the complex inter-relationship between the resource and land use is a consideration for which I have an arguable responsibility under the objects of the act. I therefore propose that, until this matter is considered by this House, and, indeed, by another place, so far as is possible within my legal powers, no transfers will be granted without a careful analysis of the consequences for the resource. With those few words, I commend to the House that the recommendations of the conference be agreed to.

Mr HILL: I want to say a few words about the conference and the statement made by the minister. The two Houses differed over the words to be included in the original bill and, of course, that led to the conference. The Democrats in the other place, supported by us, agreed to an amendment which would ensure that forestry was included in allocation of water. This is a complex and very contentious matter. The opposition supported the Democrat proposal, not because we necessarily agreed with the form of words the Democrats had introduced in the other place but because we felt that their principle deserved further attention.

Unfortunately, the minister was not able or did not have sufficient time to resolve the matter at that time. He said to us, 'I'll go away and spent some time on the matter and come back in spring with the matter resolved.' Those of us in the conference will have to take the minister at his word on this. The minister well knows that his credibility is on the line over this issue because, if he does not come back in the spring session with a satisfactory solution to this matter, it may well be that this House again has to establish a select committee to look at this issue, causing the whole thing to drag on forever.

I make this point because I want to send a clear message not to the minister so much, because he understands the issue and is genuine in his desire to fix it, but to some of the members of the Liberal party. Members on the government's backbenches have different views about this matter and will fight all the way against this set of propositions. I want to say to them that this House will take up this matter again and, if the numbers are as they were in the other House, an amendment may well get through. That will not be the best solution, but it will be a solution to this problem. I say to the Liberal Party backbenchers and Liberal party members generally: support the minister in coming up with a reasonable solution for this. If he is able to do this in the spring session, this side of the House will support him. Hopefully, the matter will hopefully be resolved in the South-East once and for all, because all of us agree that the issue of water in the South-East needs to resolved so that people in that community can get on with their lives and the resource can be protected for the future.

Motion carried.

HISTORY TRUST OF SOUTH AUSTRALIA (OLD PARLIAMENT HOUSE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1583.)

The Hon. M.D. RANN (Leader of the Opposition): Surprisingly, this is an important piece of legislation, and I know the shadow Attorney agrees with me on that, because the past of the History Trust in South Australia—particularly in relation to Old Parliament House—has been what can only be described somewhat as a chequered one. I was an adviser to a government that with great pride set up the Old Parliament House, which was then the Constitutional Museum. In my view, the Constitutional Museum was probably one of the best in the world in terms of explaining the history of the state with regard to its formation, and its political and constitutional development.

I have a profound view that in Australia so many our young people are unaware of the institutions of politics that basically make decisions affecting their lives. A lack of awareness and lack of education about the institutions of politics in Australia helps contribute to a sense of a lack of empowerment in terms of young people who are feeling disaffected by or alienated from the political process.

What happened to Don Dunstan's dream of a constitutional museum was a great pity. The name was not a good one. Old Parliament House was a better name, because the name

Constitutional Museum perhaps did not encourage people to go there, as they might have thought it would be about documents and legalities. In fact, it was very much a living museum. Young people and school groups could come into the Old Parliament House chamber and not only participate in debates themselves but also hear voices of the past, with actors reading lines from the debate over women's suffrage. Old Parliament House, with its Speakers' Corner, was controversial. It had a number of exhibits. One was the—

An honourable member: League of Rights.

The Hon. M.D. RANN: Yes, which caused national controversy. However, over the years it had a series of exhibits, displays and speeches that were designed to encourage interest in the political process. It was a gravely sad move when we saw Old Parliament House closed down and turned into office space. Certainly, there needed to be some improvements.

In 1979 or 1980, when David Tonkin opened Don Dunstan's dream (that is, Old Parliament House), the cinematic, multi-visual/multi-media spectacle that told the history of the state, set to music, was cutting edge. I remember personally bringing the Rt Hon. James Callaghan, former Prime Minster—

Mr Atkinson: Or Sunny Jim.

The Hon. M.D. RANN: —or Sunny Jim, as he was known—to Old Parliament House after he stepped down from the leadership of the British Labour Party. That was when he was visiting us in 1980, and he was greatly impressed by what he saw and thought that the House of Commons and the House of Lords should have a similar constitutional museum to explain the processes and history of the Mother of Parliaments to young British people and also to tourists.

I was disappointed when the Hon. Diana Laidlaw (Minister for Arts, Transport and Urban Planning) moved to close Old Parliament House and turn it into office space. As a Minister for the Arts, we cannot have any pride in presiding over the destruction of a piece of our heritage and part of the History Trust network.

I want to take this opportunity to pay tribute to Peter Cahalan, who has been the head of the History Trust over the years. I had some dealings with him in the time of John Bannon's day. In fact, the other day I found a memo that I wrote in December 1982, proposing the establishment of a maritime museum in this state. One day in the future, I look forward perhaps to unveiling a plaque there. I can also reveal today for the first time suggesting the establishment of a wine museum in South Australia. That may come back to haunt me.

In terms of the future of the premises, first, it was turned into fairly shabby temporary office space, and it is now part of the parliament structure. It is interesting to note that, in introducing this legislation, the Hon. Diana Laidlaw said that she understood there were still some financial issues to be satisfied between the Treasurer, President and the Speaker on behalf of all members of parliament in terms of maintenance costs. She said that she was able to advise that those discussions had been resolved amicably and not only that funds would be transferred between the History Trust and the parliament but also that some additional funds would be provided to the parliament for ongoing maintenance purposes. With the resolution of those financial matters, she believed back on 28 June that she would be able to advance this bill further in the Upper House.

A number of constitutional issues need to be worked out; for example, if this is an annexe of the parliament, who is responsible for it? Very ancient traditions relating to parliamentary privilege need to apply in terms of committees, rooms, and so on, and whether Old Parliament House is under the jurisdiction of a minister or the parliament itself is not a matter that should be taken lightly.

I was impressed with the arguments being put forward about how that could be managed. During the debate, the Hon. Carolyn Pickles raised a number of issues in her second reading speech. She said that the opposition supported the bill, because the intention of the legislation was to transfer the care, control and maintenance of old Parliament house from the History Trust to the crown through the Minister for Government Enterprises. She did point out that the Speaker and President would have day-to-day responsibility for the management of Old Parliament House and she said that the History Trust was supportive of this move. She also pointed out that, while the bill did not debate the closure of the Constitutional Museum, she thought it was a bad decision at the time on the part of the government and said that looking back she believed that many South Australians also felt the same way.

The opposition supports this bill, more in sorrow than with enthusiasm. In a sense it is finally putting the lid on the coffin of the Old Parliament House as being a part of the arts infrastructure here in South Australia. All of us regret the decision in 1995 the government made to close Old Parliament House Museum and move the State History Centre to Edmund Wright House and relocate parliamentary officers from the Riverside Building to Old Parliament House.

I am pleased that parts of Old Parliament House remain open to the public and primarily for educational purposes. I recently attended a function there—I think a wedding reception—which I thought was excellent. I understand there have only been two weddings held at Old Parliament House in its 115 year history. One wedding involved relatives of Stephanie Key and the other was my own wedding, which was the first wedding to take place in the Old Parliament House chamber in 1982.

I take this opportunity in supporting the bill to pay tribute to Peter Cahalan. There would be no better director of a history trust anywhere in Australia than Peter Cahalan. The whole museum infrastructure of this state owes so much to this one individual and I hope the government recognises that. I remember his coming to see me when I was Minister for Tourism and in the most articulate way convincing me to part with $1 million that afternoon to extend the motor museum in the hills. I was delighted to go to the opening ceremony to see Peter Cahalan's good work. He managed to get $1 million out of me and $1 million out of others and a commitment for the car industry which showed how entrepreneurial he has been in terms of the development of the museum infrastructure. The opposition is pleased to support this bill.

Mr LEWIS (Hammond): I could wade through the sentimental perceptions that I too have about the Old Parliament House. To do it in fairly explicit terms expedientlly, I simply say that I commend what was achieved through the efforts of Peter Cahalan during the years in which David Tonkin was Premier of this state in establishing the Constitutional Museum, which used the premises of Old Parliament House for some time, and those people who had some part in that idea of establishing a Constitutional Museum for their vision about that. Whilst there is no exhibition of the kind there used to be in the building, there is still a good deal on exhibit for people who visit the parliament, and the Old

Parliament House in particular, to get some idea of how parliamentary democracy has evolved in South Australia and how that building was used as a parliament. I am therefore not in the least bit fussed that it can continue after we ring in these changes proposed in this measure.

However, I do not agree with the notion that there still ought to be ministers involved in the administration and control of the parliament. That is anathema of the principle that parliament is sovereign and it is for that reason that I have suggested that we should amend clause 9, the transitional provisions. I will move to leave out clause 9 in order to vest the responsibilities, the assets and liabilities, the contractual rights and so on entirely within the Joint Parliamentary Service Committee and to ensure that the government, as a consequence of the passage of this legislation through the House, will be required to make funds available from general revenue to meet the costs of maintaining that building.

In my judgment it is better that parliament be controlled by one body and one body alone. It ought to be a body of the parliament and it ought not to involve executive government, nor should it involve either the Speaker, separate from the President or the two of them together, or some arrangement between any one of those three agencies and the Joint Parliamentary Service Committee or the Joint Parliamentary Service Committee alone and/or a minister. That is the mess we are in at the moment. I have always drawn attention to this point. Parliament as an institution ought to be master of its own destiny and not answerable to or controlled by executive government. The building then ought not to be controlled and managed at the whim of a minister in executive government. That is the reason for my saying to give it simply to the Joint Parliamentary Service Committee and enable that committee, through the appropriation of the necessary amounts of revenue, to do the job. Then there is no ambiguity whatever as to who is responsible and the whole parliament eventually should come under the same structure.

I will be moving for us to do that. We ought to bite the bullet now—we are old enough—and there is no question about the fact that we will be better served in that way. I am otherwise very happy with the legislation because it ensures that the building is properly looked after and it is transferred as far as the operational aspects of it go. I still remain anxious to see the change made in the title of the land upon which the building is constructed. At present the title of the land is ambiguous—it is unallotted crown land. If some of the Kaurna people put in a native title claim to that land, it will be interesting to see whether or not their claim will succeed. They are there every day; there is no doubt about that. You can go out there any night and will find people hanging around there, some of whom I am sure are immediate descendants of Aboriginal people.

Mr Hanna interjecting:

Mr LEWIS: No, I am quite sure they are not. Prior to the arrival of Europeans Aboriginal people did not have alcohol, but that forms part of one of the major activities undertaken in the gatherings you find outside Old Parliament House right now. It is pretty unbecoming for them and very unfortunate. Nonetheless, they are there. As I understand it, Crown Law is presently working on the changes to make it possible for a grant of that land to be made to any instrumentality to which it might go. I am suggesting here and now that that instrumentality again ought to be the Joint Parliamentary Service Committee. I look forward to the time when we get legislation in this place to establish such a grant to implement that proposal and put beyond any doubt whatever who owns the land and the building on it—the parliament. It is as simple as that. The parliament will then have the responsibility of ensuring that the building is properly looked after as the first place in which parliament met in this state of South Australia. I commend the bill to all members so that at least we can get on with the changes that need to be made, which all of us at one time or another have said we agree with. I thank the House for its attention to my proposition.

The Hon. DEAN BROWN (Minister for Human Services): I thank both the Leader of the Opposition and the member for Hammond for their contribution to the debate. I think both members in fact have acknowledged the excellent role that Old Parliament House had under the direction of the History Trust as the Constitutional Museum which created a lot of interest. Certainly, it has been a facility of significant interest. Old Parliament House was a derelict building which, as I recall, was not used when I first came into this parliament. It seemed to be a place for the pigeons and a few spiders, and not much more. However, it is a real achievement in that it has now been turned into what I think is a charming facility for school children and adults to visit, to see the old chamber, and to enjoy what is part of the state's early history. That is the real achievement that has come through from the Constitutional Museum as a lasting heritage to this state.

The building has been renovated and refurbished magnificently, incorporating the garden courtyard area and opening up the back rooms as useful spaces. Certainly, the offices are not ideal because they are small and the corridor is somewhat pokey, but everyone concerned is willing to accept that. It was certainly an effective way in which to provide additional accommodation for the parliament. I can recall schemes that were devised at about the same time, when seven, eight and nine storey buildings were proposed for the north-western corner of this building with bridges across to provide access; all members of parliament would have been out there in this modern building, and every time there was a division—

Mr LEWIS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. DEAN BROWN: As I was indicating to the House, I think the real asset has been the preservation of that part of our history, particularly the building which is part of the unique character of South Australia. It is one more of those buildings like Edmund Wright House. I acknowledge the wisdom that prevailed some years ago, back in the 1970s and 1980s, in preserving that building and the garden area behind it.

Certain matters were raised about who should have control of Old Parliament House, but I will deal with that issue as it comes with an amendment. The minister from another place has referred to questions asked about two clauses in the bill. The minister said:

> I also highlight that questions have been asked about two clauses in the bill, and I will clarify those matters. In particular, clause 9 allows the Governor by proclamation to vest any outstanding assets or liabilities of the History Trust relating to Old Parliament House in a minister or, with the concurrence of the committee, in the Joint Parliamentary Service Committee. This provision has been included on the basis of advice from Parliamentary Counsel in order to ensure that all relevant assets and liabilities of the History Trust relating to Old Parliament House, if any, can be dealt with in an appropriate manner on the commencement of this legislation. It is purely a technical mechanism in the nature of a transition provision. The provision is not intended to in any way influence or alter any

arrangements that may be in place or contemplated with respect to the management of Old Parliament House. These are separate issues unaffected by this provision.

I urge members to support the second reading. We can deal in more detail with the matter that the member for Hammond has raised, but I think that explanation by the minister answers that issue very effectively. I support the second reading.

Bill read a second time.

In committee.

Clauses 1 to 8 passed.

Clause 9.

Mr LEWIS: I move:

Leave out this clause and insert new clause as follows:

Transitional provisions

9. Any contractual rights or liabilities of the History Trust of South Australia relating to the premises known as Old Parliament House are, by force of this section (and despite the provisions of any instrument), vested in the Joint Parliamentary Service Committee.

I move this amendment because of the explanation I gave during the course of my contribution on the second reading, namely, that parliament ought to be vested in one single entity. We already have such an entity, that is, the Joint Parliamentary Service Committee. To my mind, it is ridiculous to have this continuing arrangement of more than five different entities that can have a say about what goes on in the buildings of parliament. Hence, my proposition to simplify the whole matter and put it into the hands of the Joint Parliamentary Service Committee rather than have arrangements between the Speaker on the one hand, the President on the other hand, the Speaker and the President together in an arrangement with the JPSC, JPSC on its own, or a minister in an arrangement with any one or more of those entities. It is a very complex, indeed unnecessarily complex, convoluted arrangement for the various purposes for which the building is being used, and in no way will it affect our ability as a parliament to ensure that our history and heritage within that building is serviced: on the contrary, it will enhance it. I thank the House for its patience in allowing me to express my views on this matter.

The Hon. DEAN BROWN: I am glad the member for Hammond has raised the point and talked to his amendment. I do not think the honourable member heard what I said earlier. I would like to indicate what the minister has said in another place. This issue was discussed, apparently, at some length in another place. If the honourable member would like to see a transcript of exactly what the minister said, I am happy to show it to him. However, I will read at least this part to the committee:

I also highlight that questions that have been asked about two clauses in this bill, and I will clarify those matters. In particular, clause 9 allows the Governor by proclamation to vest any outstanding assets or liabilities of the History Trust relating to Old Parliament House in a minister or, with the concurrence of the committee, in the Joint Parliamentary Service Committee. This provision has been included on the basis of advice from parliamentary counsel in order to ensure that all relevant assets and liabilities of the History Trust relating to Old Parliament House, if any, can be dealt with in an appropriate manner on the commencement of this legislation. It is purely a technical mechanism in the nature of a transitional provision. The provision is not intended in any way to influence or alter any arrangements that may be in place or contemplated with respect to the management of Old Parliament House. These are separate issues unaffected by this provision.

In other words, the minister is indicating that, on a transitional basis only, it was proposed to vest the assets in the name of the Minister for Government Enterprises, but that, as these are only transitional provisions, a decision must be made as to where they should go after that.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: Those matters would have to be resolved.

Mr ATKINSON: I support the amendment. I do not follow the minister's reasoning when he is unable to tell the committee what permanent arrangements the government is contemplating. Given that we are not told what those permanent arrangements are, I am not prepared to accept a transitional arrangement which vests the ownership of Old Parliament House in the Minister for Government Enterprises. The minister already behaves as if he owns the place, putting up his election posters on the trees out the front of this building, so I do not want to actually vest him with formal ownership of Old Parliament House.

It seems to me that the bill provides the House with two choices for the transitional vesting of Old Parliament House: one is in the minister and the other is in the Joint Parliamentary Service Committee, with the concurrence of that committee. Today, the minister says that it is up to parliament to decide what those arrangements will be. I suggest that we take the matters out of the hands of the government, that we make the choice, and that that choice be the Joint Parliamentary Service Committee. Why should not we as the parliament make that choice? I do not think the ownership of the building ought to be vested in the executive; it ought to be vested in the legislature—and our representative is the Joint Parliamentary Service Committee.

The Hon. J.K.G. OSWALD: I take the unprecedented step of taking part in this debate because I have an interest in this matter, being a presiding officer. Members should understand that since this building was first constructed the title has always been vested in a minister, because that is the way things are done. Traditionally for the past 100 and something years, the two presiding officers, on behalf of the parliament, have administered the building, but the title must be vested in a minister. All that is being proposed on this occasion is that the building next door known as Old Parliament House be brought under the same identical arrangement which exists at the moment in relation to this building. It is—

Mr Atkinson interjecting:

The Hon. J.K.G. OSWALD: You'll get a chance to respond.

Mr Atkinson: You're not in the chair now.

The Hon. J.K.G. OSWALD: I know I'm not in the chair now, but you will get an opportunity to respond! Let us think about the purpose of the JPSC and its involvement in that building. It could have an involvement in Old Parliament House through its catering and social functions, but the vast majority of that building is occupied by parliamentary standing committees of both the upper house and the lower house. The offices and staff have nothing to do with the administration of the JPSC, nor the responsibilities of the JPSC under its act.

Under this bill, it is proposed that the building next door be brought under the same identical conditions which exist in respect of this building. I think every member is happy with the arrangement and accepts the fact that the executive government has no role in what happens within the four walls of parliament. It has an executive role perhaps in bringing legislation in here, but we are the masters of our own destiny. That is what exists at the moment. All this bill does is bring the old parliament House building under the same arrange-

ment as exists here. I do not think that anyone during my 21 years in this place has had any problem with that.

So, the scenario would be that, in this case, the title would be vested in the Minister for Government Enterprises—that is an historic flow-down from the minister of public works, and I believe that in years gone by it was even known by another title—and the two presiding officers, on behalf of the members of the two chambers, would administer the building. We are asking for no more in this piece of legislation than to bring Old Parliament House back from the History Trust and vest it in the care and control of the parliament through the presiding officers, under an arrangement which has existed for over 100 years.

Ms KEY: I want to ask the minister a question about the liabilities of the History Trust of South Australia. Clause 9 provides that 'The Governor may. . . vest any rights or liabilities of the History Trust of South Australia. . . '. The word 'may' is used. Are there any liabilities; and, if so, what are they?

The Hon. DEAN BROWN: This indicates that there may be liabilities or there may be assets. I do not have before me the latest financial accounts of the History Trust relating to that building or asset. I do not think this is really the issue. The issue here is whether it should be put into the name of a minister. The member for Morphett, as Speaker, is correct in saying that this building has always been, to my knowledge at least, vested in the name of a minister. It was vested in the name of a minister when I was public works minister.

As that minister, I was allocated a budget, I think each year, for capital works, and I simply allocated those funds to the Speaker and the President, who determined how the money would be spent. I think they used to consult with the Joint House Committee and other bodies such as that on how the money was spent each year. It is simply in terms of, I suppose, an administrative area of government where, for convenience, the asset sits, and then it is administered on a factual basis by the people within the parliament itself.

Ms KEY: I understand what the minister says. He is talking about a transitional provision (clause 9), but I have some concerns, which were not discovered through the estimates process. We did not discover very much at all through that process, but I will not relive the speeches that members on this side have made about that. If there are any rights or liabilities, before we are asked to agree to legislation, I would have thought we could have at least been given the details and told whether this is fiction or an issue. I am not satisfied with the minister's answer. I think parliament should know whether it is inheriting any liabilities or whether there are any rights that are a problem. It is simply not good enough for us to be asked to make a decision based on such little knowledge. It could be that the History Trust runs up big debts. I do not know; I do not want to disparage the History Trust, because I certainly have a lot of admiration for that organisation, but we need more information before we could responsibly support this legislation.

Mr McEWEN: My question will need to be directed both to the minister and the mover of the amendment because, unless I am missing something, people speaking against the amendment seem equally to be speaking against the bill before us. Clause 9(1) provides '(a) a minister; or (b) with the concurrence of the Joint Parliamentary Service Committee—the Joint Parliamentary Service Committee'. So, people I have heard speaking against the Joint Parliamentary Service Committee seem to me to be speaking as much against the bill before us as they are against the amendment to the bill. So, can those people speaking against the amendment and obviously also against the bill at least move a further amendment to delete clause 9(1)(b)? If they do not, I cannot see that their argument has any substance.

The Hon. DEAN BROWN: The member for Gordon has failed to appreciate the fact that we are talking only of a transition here. If it was to be permanent that is not the case, but in fact the Governor may by proclamation vest any rights or liabilities of the History Trust of South Australia relating to the premises known as Old Parliament House either in the minister or, with the concurrence of the Joint Parliamentary Service Committee, the Joint Parliamentary Service Committee.

Mr Atkinson: If you can't do it permanently how come you can do it in a transition phase?

The Hon. DEAN BROWN: In fact, you can do it permanently but I am simply saying that this is a transition provision.

Mr McEwen: Transition to what?

The Hon. DEAN BROWN: To what is finally decided.

Mr LEWIS: Presently the Parliamentary Committees Act establishes the Joint Parliamentary Service Committee, and the intention was that it should take control of and manage the affairs of the parliament—not what goes on in the houses but the building—the institution, and the services that are provided in it. The Joint Parliamentary Service Committee at present accepts responsibility as an employer, liabilities and risks. It also has assets; it has hundreds of thousands of dollars worth of silver, crockery and grog. It has a wine collection in the cellar that has been paid for out of the funds that have been obtained from the revenue generated from the sale of food and beverages in this building for God knows how long. Therefore it cannot be argued on one point that has been raised that it is not a body corporate. It is; parliament has made it so. Whether or not it is seen to be, it buys things in its own name and sells them, and in the process it generates revenue which is used in various ways that I do not need to go into here.

This provision as it stands is a hotchpotch. It is about as valid and helpful as the garbled explanations the member for Morphett made when he was Minister for Local Government and said we would save heaps of money and that it would make for more efficient, swift, professional decisions if we amalgamated councils. I have not had anybody come to me saying their rates have gone down or that they can get things through councils any faster since that has happened. I am telling you straight out that—

An honourable member interjecting:

Mr LEWIS: The member for Morphett of course graciously sought to make a contribution here on the basis that on alternate years he is by virtue of his office as Speaker also Presiding Member of the Joint Parliamentary Service Committee. My experience as a member of that committee and its predecessor goes back a long way further than that, and the explanation he gave simply perpetuates the bloody mess, which I have tried to explain. There are some parts of this building over which the Speaker has the say, and this chamber and the corridor next door are properly some of them. Some parts of the building the President has control over and others the Speaker and President together control. There are other parts of the building over which the Joint Parliamentary Service Committee has control. Some services in the building, such as Hansard, the Library, the catering division, the caretakers and the contracts for the cleaning of

this place, are run by the Joint Parliamentary Service Committee.

It responds to the needs of its employees in its arrangements for their employment and is a properly constituted body in law to do that. There can be no argument about it. As it stands, this clause envisages that the Joint Parliamentary Service Committee will be involved and provides that there will be some prerogatives for the minister. I just want to see the end of this garbled mess. When I came in here, for quite a while and on more than one occasion, parliament to parliament, I was shunted around from one room to another. I remember having to clean out a room in the basement to get myself an office not long after I first came here. The difficulties one had were because of the convoluted arrangements that existed for the administration of the facilities in the building. You could not find somebody who would take responsibility. I am saying, 'Change the law now; begin now. Take courage and do it; it is high time. Commonsense ought to begin to prevail somewhere, sooner or later; let's do it now.'

The Hon. G.M. GUNN: When parliament was fortunate to get the use of Old Parliament House it was not a particularly easy matter, and it took a great deal of negotiation and discussion. It has been in the long-term interest of this parliament to ensure that members and the committees which serve this parliament have reasonable accommodation. The sorts of problems which the honourable member has just raised about being shunted from one cubby hole in the basement to another or shunted into a broom cupboard on the second floor, as members were—some of us have had that experience and have been aware of that difficulty—are why we were particularly keen to see Old Parliament House revert to its proper function and role. It was losing a very large amount of money when it was run by the History Trust, but a proper agreement was eventually entered into between this parliament and the minister who was then responsible, with the great assistance of the then minister, the member for Bragg. The then President and I had considerable negotiations, and I think at the end of the day it was clearly the right decision.

I am aware that the member for Hammond has had some considerable annoyance with the administration of this parliament, and he is entitled to those views, but at the end of the day—

An honourable member interjecting:

The Hon. G.M. GUNN: I could talk about lots of things; I do not intend to do that today. I have always been of the view that two things should happen: we should pass this bill as a first step, and the second step that this parliament should take is to introduce proper parliamentary precinct legislation to enshrine it forever and a day. We normally take our lead from the mother of parliaments at Westminster. Some few years ago the then Deputy Prime Minister, Mr Haseltine, transferred all those buildings on Millbank Road which were government offices to the care and control of the presiding officers of parliament at Westminster. That is the proper course of action that should occur to ensure that the executive does not have undue influence over the administration and the management of these facilities. This legislation is necessary, because the parliament spends money, it has staff in that building next door and, at the time that this building was renovated, a considerable amount of that money went towards upgrading Old Parliament House. It was not that easy, but in relation—

Mr Lewis: You should be proud of that.

Mr Atkinson: It was a major achievement.

The Hon. G.M. GUNN: I feel very humbled by those comments. At the end of the day, people have to understand clearly that a considerable amount of taxpayers' money is put into the administration of this building each year, and no government has given, and no government in the future will give, a committee such as the Joint Parliamentary Service Committee an open cheque unless those funds are signed off for and the presiding officers accept the responsibility. It does not matter whether it is this government or some other government: no government in the Westminster system has ever done that.

The honourable member indicated that this parliament generates money. It does: that is correct. But it is able to do that because the taxpayers subsidise the wages of the staff there; that is how they are able to do it. So, I think that, as a first step, this bill, which obviously has been negotiated by the administration of this building, is the right step.

Something that I have looked at closely (and it was very interesting doing the research) is the history of the title of this building. There is some debate whether the parliament has control over the front steps and the precincts of this building. This is a matter that other parliaments have looked at very closely, particularly the new parliament in the Northern Territory, and in New South Wales—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: Yes, that brought into question the powers and the functions of presiding officers and the rights of members. So, those things are important. I do not think that the amendment that the member has moved will solve the matters about which he is concerned. What the honourable member is concerned about is the division of authority in this place, which is an issue that has always been around, right from the days of the old Joint House Committee. At the end of the day, the Joint Parliamentary Service Committee cannot usurp the authority of the presiding officers in many of their current functions, and it would not be in the interests of members or this particular institution if it could do so.

The Hon. DEAN BROWN: I would like to try to clarify this matter, because I think that members of parliament should realise that they are arguing about something that may not exist. First, we are talking about rights and liabilities. We have a parliamentary draftsman who, in preparing this measure, said, 'We don't know, and even if we did a quick check we may not be able to know, exactly what rights and liabilities might lie with the History Trust that need to be passed on to someone.' The Old Parliament House building already sits in the name of the Minister for Government Enterprises. So, we are not talking about the building, as such, as an asset: we are talking purely about some still yet to be identified and perhaps at present unknown (and that is why it was put in there as a caution) aspect of any liability or right existing in the History Trust that might then be transferred. Executive government can mandate that that be transferred to another minister: it cannot mandate that it be transferred to the Joint Parliamentary Service Committee.

Mr Hanna: Why not?

The Hon. DEAN BROWN: It does not have the power to.

Mr Hanna: The parliament does.

The Hon. DEAN BROWN: No, the executive government does not have the power to instruct the parliament: that is why it cannot be mandated to the JPSC. The executive government does have the power to transfer an asset or a right

or a liability from one minister to another, and that is all that we are doing here. We are simply passing the rights, or potential liabilities—of which there are none known; but, in case there are some there, they are being transferred across to the Minister for Government Enterprises. Then, if it is required, and the Joint Parliamentary Service Committee agrees that it wants to take up some of these responsibilities, it could make that request and possibly take them up. We might be talking about a cleaning contract (that is the most likely sort of thing), or something like that, for which the Joint Parliamentary Service Committee is responsible.

Mr Hanna: So, why not just give it to them?

The Hon. DEAN BROWN: The member obviously has not listened to what I have said. Executive government does not have the power to mandate something to the parliament. So, executive government is simply putting the matters in question in a transition phase and then allowing the parliament, through the Joint Parliamentary Service Committee, to ask if it wants to take them over. But, as I said, the likelihood is that there are no rights and no liabilities there, so you might be arguing about a transition provision which has been put there as a safeguard and about which people seem to be getting unnecessarily wound up, because the matters in question may well not exist.

Mr McEWEN: I thought that I was asking a simple question. We have now had quite a convoluted answer but it has not addressed the question. I will try to phrase the question again.

Ms Key: What is your position?

Mr McEWEN: I do not have a position. I have not had the matter clarified. I have in front of me an amendment which talks about vesting responsibilities in the Joint Parliamentary Service Committee, and I have heard a number of people argue against it. So, there is one transitional clause which says vest it all in the Joint Parliamentary Service Committee, and everyone says with shock horror, 'You cannot invest it in the Joint Parliamentary Service Committee.' Then I go back to the transition clause in the bill, and it says vest it in the minister or the Joint Parliamentary Service Committee. Why do we have people arguing against vesting it in the Joint Parliamentary Service Committee and supporting a bill which does the same thing? I am somewhat confused, because the debate does not seem to me to be supporting the bill that we have in front of us—in fact, it seems to be contradicting it. So, I ask the minister: why are we arguing against half the transition clause that has been moved by the member for Hammond and yet supporting it when it has been moved by the minister?

Ms Key interjecting:

The Hon. DEAN BROWN: I am only too pleased to answer it. What the member for Gordon did not listen to was the point that executive government, in drafting the bill, has no power to direct the Joint Parliamentary Service Committee to take over a right or an asset. It does have the power to direct that another minister take it over. So, as a transition we are putting it over to the other minister. I said earlier that we do not know what these rights or liabilities might be; we do not know if they even exist. These matters have been included purely as a safeguard.

The building itself is not the issue here. The building already sits in the name of the Minister for Government Enterprises. So, you are not arguing about the ownership of the building. The most likely sort of liability is that there may be, for example, a service contract of some description: it might be for white ants and it might have been signed 10 years ago, or it might be a cleaning contract—although I would have thought that that was more likely to be known. All the transition clause is saying is that it can sit either with the minister, where the government has the power to direct, or it can sit with the Joint Parliamentary Service Committee, if the committee wants it.

The government cannot mandate the second option, so we must ensure that any liability which the Joint Parliamentary Service Committee does not want is able to be picked up by someone, and that is the minister. It does not exclude—and that is where, I think, some people have misunderstood—the possibility of giving it to the Joint Parliamentary Service Committee. It is saying, that if it does not want it, it can sit with the minister. That is very clear. All it is saying is that it can sit in two potential bodies.

We do not know exactly what these liabilities or rights might be. They may go back a long time, but if we find that, at any stage, the Joint Parliamentary Service Committee does not want them, they go to the minister. Someone must have them, and that is all we are dealing with. It was purely put in there by the parliamentary draftsperson as a safety net, if you like. The committee needs to understand that we are simply trying to put in a catch-all clause for something which may be very minor or which does not exist at all.

Ms KEY: In relation to clause 9(1)(a), which talks about the 'minister', we have been talking about the Minister for Government Enterprises. Previously, the minister responsible may have been called the minister for public works. The Minister for Government Enterprises is affectionately known as the minister for diminishing government enterprises. Currently, that minister is in the process of selling off, if he can, the TAB, the Lotteries Commission and the PortsCorp. I understand that he was also involved in the privatisation of SA Water, as well as having an involvement in ETSA's lease.

What assurance can you, minister (the minister not responsible), give, should this legislation be passed, to the committee that the Minister for Government Enterprises will not get up to his usual tricks and try to corporatise, commercialise and then sell off Old Parliament House?

The Hon. DEAN BROWN: I appreciate that the honourable member is trying to make a smart political comment, but I give the same assurance because this Parliament House sits also in the name of the Minister for Government Enterprises. A few years ago I happened to be the Minister for Public Works, and I remember that the ministerial responsibility for Parliament House lay with me as minister. I then took my instructions from the parliament, and the same would apply here. You take the instructions for the parliament.

Mr ATKINSON: For many years the Mother of Parliaments did not have a home. The Mother Parliament met wherever the king summoned it to meet. If the king was on a hunting expedition in Worcestershire, he might want to pass a law or levy a tax, so he would summon the knights of the shire to ride to wherever he was, and they would gather on a field or a meadow outside the castle where the king was lodged. It is thought that that might be the reason why the colour scheme of the lower house of parliament is green. The palace of Westminster only came about at a certain time—I am sorry, I cannot tell the minister the date—but it eventually became the permanent home of the parliament. But there is nothing in constitutional doctrine to say that the parliament will have a particular home. It could meet anywhere. I am somewhat disturbed to know that the Minister for Government Enterprises, who is part of the executive, owns parlia-

ment. He has delegated the day-to-day control to the two Presiding Officers.

We know since yesterday, anyway, that the executive controls the parliament through the party system—or at least it did until yesterday. The executive, in the form of the governing party, could control the parliament and tell the parliament what to do with its own building. But it is not its own building, is it? It is the minister's building, we have discovered in debate today, and it is a very interesting discovery.

Mr Hamilton-Smith: It is called democracy.

Mr ATKINSON: No, it is not really called democracy.

Members interjecting:

The CHAIRMAN: Order!

Mr Hanna: This isn't the bloody SAS.

The CHAIRMAN: Order!

Mr ATKINSON: What happens with parliamentary privilege? What if the minister—the minister who owns this building, in whose name this building is—decides that he thinks that a certain honourable member ought to be a arrested while parliament is sitting? What is to stop the minister—

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: What do you mean, 'He can't do it'?

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: How can't he do it?

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: But he could override those rules because he owns the building: he can move us on. He can overcome parliamentary privilege and, for instance, have the police arrest an honourable member. There is every reason, not merely to vest Old Parliament House in the Joint Parliamentary Service Committee, but also to move apace to vest this parliament in the Joint Parliamentary Service Committee. I think that this debate has uncovered some very disturbing facts.

The committee divided on the amendment:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Lewis, I. P. (teller)
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C. (teller)
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Breuer, L. R.	Olsen, J. W.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 10 and title passed.

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

That this bill be now read a third time.

Mr LEWIS (Hammond): Naturally, I am disappointed with the measure as it comes out of committee, because yet again this House of parliament has decided that it does not really want to have parliament control its own destiny. It wants it to be subservient to executive government. That is not the opposition or me but the government itself speaking. Yet when the government of which I used to be a member was in opposition it was our clear cut commitment to put the affairs of parliament into the hands of the parliament and to remove them from executive government. My judgment is that remarks have been made today—some by the member for Morphett and some by the minister—which I believe you, sir, as speaker should now get an opinion on from Crown Law and give the House the benefit of whatever research you can do about the way in which other parliaments conduct their affairs so that we can see how what was said in here today stacks up against the law in reality, or whether it is merely convention and a question of convenience where governments have always wanted to retain and arrogate unto themselves power over the parliament, and to let us know what other parliaments have done in order to take control of their own destiny. Notwithstanding the fact that the amendment which was moved—in my judgment, a good amendment—failed, I still support the passage of the legislation, because at present it is quite unsatisfactory for the parliament to be occupying a building over which it has no control in law. I commend the measure to that extent but not to the extent that I would otherwise have wanted.

Bill read a third time and passed.

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

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

Motion carried.

HIGHWAYS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 1500.)

Mr ATKINSON (Spence): The bill has been the subject of much animated discussion in the Labor caucus. The principal feature of the bill is that it prepares the way for the construction of the Gillman highway and the third river crossing at Port Adelaide. It does this by allowing a toll to be charged on vehicles using the third river crossing. At Port Adelaide there are two bridges over the Port River: one is the Birkenhead bridge, which spans the Gawler Reach of the Port River; and the second is the Jervois bridge which spans Old Port Reach. Owing to the Port district and the Le Fevre Peninsula being rich in wharves, commerce and industry, many heavy vehicles are driven through the centre of Port Adelaide via its main street, St Vincent Street, which connects with both bridges. The Birkenhead bridge opens in the middle to let ships and yachts pass along Gawler reach. Although it can be a treat for children and some adults to see

the crossing lights warn that the middle span is about to be lifted up, the resulting delay is inefficient for commercial vehicles.

The third river crossing will be built north of the existing bridges and will connect Semaphore Road with the Salisbury Highway via a road to be called the Gillman Highway. The highway will take commercial traffic from Port Adelaide out to Port Wakefield Road and thus to National Highway 1.

The third river crossing should keep through commercial traffic out of the centre of Port Adelaide, making it a safer and more pleasant place to live, shop and work. The third river crossing should also make Port Adelaide and Outer Harbor more efficient and attract commerce. The member for the federal division of Port Adelaide, Mr Rod Sawford, has long championed the third river crossing. It is fair to say that the Australian Labor Party wants the bridge at almost any price. The minister tells us the bridge and highway should be completed by early 2004. The federal government has allocated $18.5 million to the third river crossing under the Roads of National Importance scheme, and this money must be matched by the state of South Australia for the project to go ahead.

My understanding is that these two contributions from state consolidated revenue and commonwealth consolidated revenue will be enough only to build the Gillman Highway and the approaches to the third river crossing. The bridge itself is to be privately constructed and the costs recovered by tolling vehicles on the bridge. Owing to the proposed third river crossing being located in the western suburbs of Adelaide, which have historically voted Labor, it was unlikely that the federal or state Liberal governments would be willing to meet the entire costs of the third river crossing from consolidated revenue, as they might have had it been a proposal to redirect through traffic around North Adelaide or some of the eastern suburbs. The House will recall that the government proposed a toll on the Hindmarsh Island bridge under construction at Goolwa and within days of public protest starting against the proposed toll the government retreated and dropped the toll.

The Labor Party has been opposed to toll roads. We have believed that all roads should be built from funds out of consolidated revenue and those who use the roads should not be charged a fee. Labor believes that roads are basic infrastructure that all South Australians should be able to use, whether or not they can afford it.

Labor acknowledges that the third river crossing was so low on the Liberal government's priorities that it would not have been built without a contribution from the private sector and thus tolling. The Liberal Government is saying to the opposition, 'Take tolling or leave the bridge.' Our reply is that we will take the tolling rather than leave the bridge. The Royal Automobile Association of South Australia has a similar approach. The bill has been drafted in such a way that the provision for tolling applies only to the third river crossing and not to future proposals. The minister is coy about ruling out further toll roads in South Australia. She says the government has no plans for any direct tolling on any further roads or bridges in the state.

Another matter left open is whether the toll will continue to be applied on the third river crossing after the builder, owner and operator of the bridge recovers its due via tolling and vests the bridge in the Commissioner of Highways. That is a matter I would like the minister to address in his reply: whether tolling will continue on the third river crossing at Port Adelaide after the builder, owner and operator has received its due and the bridge vests in the commissioner. It would appear that proposed section 39H of the act would allow the commissioner to collect the toll after the private operator has ceased its involvement and to pay the toll proceeds into the highways fund.

The level of the toll has not been set, but the maximum penalty for evading the toll is $1 250 and the expiation fee $160. It has not been decided if the third river crossing will be confined to commercial vehicles or whether other vehicles will be permitted and, if so, whether they will be tolled. Classes of vehicle and vehicle owner may be exempted by regulation from payment of the toll and the bill already exempts emergency vehicles.

One thing the opposition will not countenance is shadow tolling. Shadow tolling is defined in the bill as occurring when the Commissioner of Highways pays from consolidated revenue instalments to a person who has undertaken a roadwork on behalf of the commissioner and these instalments are in proportion to the vehicular use of the road. It is called shadow tolling because a toll is not levied on the motorists using the road. The opposition will be moving an amendment to strike out this provision from the bill.

The opposition will also be moving to refer details of the third river crossing project agreement, such as the funding and the level of the tolls, to the Public Works Committee of the House.

Members interjecting:

The ACTING SPEAKER (Mr Scalzi): Order! The member for Spence has the call.

Mr ATKINSON: The bill deals with a number of matters other than the third river crossing and tolling. The bill puts the Commissioner of Highways under the control and direction of the Minister for Transport. It abolishes the position of deputy commissioner and the proclamation of roads as main roads. The commissioner has the authority to take over the care and control of any local government owned road other than those owned by the Adelaide City Council. The bill makes it clear that care and control involves not just construction, reconstruction, repair and maintenance of the road but also assumes the council's road related powers under the Local Government Act and the Road Traffic Act. Thus the Commissioner of Highways could make a decision about whether an exclusion of vehicles generally or vehicles of a particular class was necessary or appropriate for a local government road that had been transferred to the care and control of the commissioner.

If a road is under the care, control and management of the commissioner, a local council cannot exclude vehicles generally or vehicles of a particular class from the commissioner's road. A resolution of that type from a local council would have effect only with the approval of the commissioner. These are provisions which I shall bear in mind, certainly in the lead-up to Labor taking office after the next election, and then there will be the day of reckoning concerning a certain closed road.

Although the act is expressed not to apply to the Adelaide City Council, section 2(2) says the city council must comply with a notice from the commissioner to construct or reconstruct a portion of road in the city of Adelaide to conform with the construction or reconstruction of an adjoining portion of road under the care of the commissioner. One portion of road does spring to mind. I wrote to the Minister for Transport when I read the bill some months ago and asked her why the Adelaide City Council was excluded from the

ambit of the bill. She wrote to me—and her reply I find interesting—and stated:

> This exclusion dates back to at least the passing of the Highways Act 1926. Indeed, there was spirited debate in committee at the time and, in essence, it appears that the Adelaide City Council was regarded as competent to manage its own road building affairs. In moving an amendment to the then Highways Bill in committee, the Hon. G.H. Prosser said that:
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> > The city of Adelaide should be exempt from this measure. It is obvious to members that the roads in the city are well cared for and that they are under the control of competent engineers. Under this bill the Commissioner of Highways will have the right to override the engineers of the city council and could at any time take charge of the making of any new road. The city council does not desire financial assistance from the government.
>
> After being withdrawn and then reintroduced, the measure excluding the Adelaide City Council from the operation of the act was passed on 26 October 1926. Whatever may have been in the collective mind of our predecessors, the effect was that the Adelaide City Council was prepared to forgo the state government funding which was then available through grants from the then main roads fund.
>
> The present situation is that councils, including the Adelaide City Council, are no longer directly funded for main roads through the highways fund. However, the Adelaide City Council is subject to, and has the powers bestowed by, the Local Government Act, so the main effect of the Adelaide City Council's continuing exclusion from the operation of the Highways Act is that the Commissioner of Highways cannot take over and maintain an Adelaide City Council road. This means that the Adelaide City Council continues not to receive any indirect funding for roads, as is the case with roads maintained by the commissioner in other council areas.

It is important that the Adelaide City Council does get indirect funding for the maintenance of its roads and I foreshadow that the parliamentary Labor Party, when it attains government, will give due consideration to bringing the Adelaide City Council within the ambit of this Act. Other matters dealt with in the bill include the authority of the commissioner to remove or trim trees or vegetation intruding on roads or footpaths.

The final matter I would like to mention is that the government reviewed the Highways Act to gauge whether it had any unjustified anti-competitive provisions. Only two were identified; one of these was the licensing of 'highway lighthouses and traffic beacons' and the other was 'advertising on Anzac Highway'. It is argued by the government that both had become redundant before they were discovered by the review and, accordingly, they were to be deleted from the act by the bill.

However, it seems to me on closer inspection of the provision relating to advertising on Anzac Highway that it allows the commissioner to order that advertising be removed from land abutting Anzac Highway but not relating to a business carried on at land on which the advertisement is erected. It seems to me not obvious that that clause is anti-competitive. I hope the minister in the committee stage will explain why that clause has been deleted as being anti-competitive. With those remarks, the opposition supports the second reading.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for his contribution on this bill. It is an important piece of infrastructure and an important asset that will be built for the state. I have argued always that I see this as one of the most important roadways that this state has. I have argued strongly for the Southern Expressway for 18 years, even though former Labor governments—

Mr Atkinson: Declined to build it.

The Hon. DEAN BROWN: Declined to build it—rejected it. But I argued for it and it was something that I wanted to see occur. I am delighted to see that it is going through. We have stripped it down to what I think is a workable, realistic and economic model. In addition, I have said that one of the next major projects, after the Mount Barker Road, was this extra crossing over the Port River because it opens up access into the container ports and all the industrial premises on the LeFevre Peninsula, and that makes a great deal of sense.

At present, all that traffic, with bigger and bigger trucks, is being diverted around the Black Diamond Corner and over the Birkenhead Bridge, and they were never designed to cope with that size of vehicle or that volume of traffic. I am delighted that this has got to the stage where it is going ahead. I can recall first pushing it when I was Premier back in about 1994; it was one of the projects we put down that I wanted to see achieved. I am therefore delighted to see where it is now.

First, this bill creates the legal framework to now go ahead, to call for expressions of interest and to select an appropriate contractor or consortium which will build and operate the bridge and collect the toll. The honourable member has asked what is the period of ownership before it reverts to the government. That has not yet been determined; that will be part of the commercial negotiations, as part of the tender call or expression of interest call.

The honourable member has also asked whether there will be a toll on the bridge. When the bridge reverts to the ownership of the government, that certainly is a possibility, but it will be up to the government of the day as to whether or not it imposes a toll. The legislation allows for it to be a possibility, but it is inappropriate for us to sit here and speculate what the circumstances might be at the time. Of course, there will be ongoing maintenance costs, so there could be an ongoing toll. I think they are matters that need to be resolved at the time, rather than our trying to speculate and put down any position now.

I appreciate the support for the bill. The quicker this goes through and the quicker the bridge gets constructed, the better for the Port Adelaide area, the better for industrial development in LeFevre Peninsula and the better for transport, particularly through shipping out of South Australia.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr ATKINSON: I move:

Page 5, lines 19 to 25—Leave out the definition of'shadow tolling payment scheme'.

The parliamentary Labor Party disapproves of the notion of shadow tolling. Shadow tolling is where a road or bridge is built by a private operator and, during the life of that bridge, the Commissioner of Highways has to pay instalments to that private operator in proportion to the number of vehicles using the road or bridge. The opposition thinks this is bad public policy. It is not necessary for the third river crossing. Therefore, the opposition moves to strike out this part of the bill.

Mr FOLEY: On this point, I would like to make a brief contribution. The shadow minister for transport and I had a number of discussions with Minister Laidlaw over this matter, and indeed over a number of matters relating to this piece of legislation. I want to say from the outset that the

Minister for Transport, in a very constructive manner, allowed for good consultation and good dialogue between the opposition, government, council and interested parties on this matter of the third river crossing.

The minister, I think, handled it in an extremely complimentary manner. The minister was prepared to listen to our differences; she was prepared to be flexible; and she was prepared to recommend to her colleagues a number of not insignificant changes to ensure that this bill had bipartisan support. It should go on the public record that the Minister for Transport is to be commended for the way in which she undertook those negotiations. It is a pity that some of her colleagues do not follow the style of the Minister for Transport—

Mr Hamilton-Smith interjecting:

Mr FOLEY: No; I think it is worth noting that sometimes a minister can be effective and achieve outcomes and results: at other times, ministers are not effective and do not achieve the right outcomes. In this instance, the Minister for Transport got a good outcome because she approached it in the right manner. That is not to say that I always agree with the Minister for Transport—many times I do not—but on this particular issue I must give her full marks for the way in which she approached it with the opposition.

This is a project that I personally have supported ever since I was elected to parliament in 1993. I did have discussions with the Minister for Human Services when he was Premier of South Australia about the need to have this important piece of infrastructure. The minister did acknowledge back 1995 the importance of it. This is an extremely important piece of local infrastructure for Port Adelaide but, as I am not one to be judged as being parochially focused, I must say that it is also very good for the state. It is an important piece of economic infrastructure which will enable the port of Adelaide to function in a more efficient manner; to be a more productive port; and to allow trucks access to Outer Harbor in a much more timely fashion, thereby bringing cost savings to industry and advantages to the state.

It is also envisaged that we will have a rail bridge which, hopefully, will occur as well and which will offer even greater efficiencies for the transport infrastructure. The dividend for the local community is that no longer will we have bumper to bumper trucks rolling through Port Adelaide at any given moment of the day and night. These trucks drive the small traders and business people who live on Commercial Road and St Vincent Street in Port Adelaide crazy. If you have ever been in Port Adelaide during the day, you would have to notice the trucks because there are so many of them. To have them removed from inner Port Adelaide will provide a great impetus for development in that area, which will now enjoy a rebirth as a residential and a commercial district. This is the first real chance that Port Adelaide has had to reach its potential in this state. Looking into the future, I see a vibrant and great Port Adelaide. My colleague the shadow attorney-general, as he is a great lover of Port Adelaide, would join with me in wishing that Port Adelaide continues along this path of development.

Mr Atkinson interjecting:

The Hon. Dean Brown interjecting:

The CHAIRMAN: Order!

Mr FOLEY: Well, it does. The minister is correct in saying that the port has great charm which is being destroyed by these trucks. The toll will enable industry to pay its way for the bridge. The view of the opposition has always been that this should be a build-own-operate piece of infrastructure which pays for itself. This measure gives us an opportunity to do that. I hope that sufficient revenue will be gained from the tolling of trucks. Although normally tolls can be an issue of controversy between political parties, that need not be the case because there are two existing bridges which my constituents can use free of charge and now, hopefully, free of trucks. There is no need for tolls to be an issue of any political moment in the Port Adelaide area.

This is a good move. It has been a long time coming, and I applaud the government, particularly the Minister for Transport and Urban Planning, for driving this onto the government's agenda and to get it through her cabinet. I am sure that the Minister for Human Services would have been very supportive of the Minister for Transport regarding this issue. It is good to see this happening.

It will take a couple of years to build this bridge. To prove that the opposition is a party of great bipartisanship, I will ensure that the minister for transport in the Labor government extends an invitation to the opening of the bridge to the members of the Liberal Party who have played a role in ensuring that this bridge is built.

Amendment carried; clause as amended passed.

Clauses 5 to 25 passed.

Clause 26.

Ms RANKINE: My question relates to section 26(11). In correspondence regarding this act, the Tea Tree Gully council has expressed some concern about the requirement for local government to make a contribution towards the installation of roads that are owned by the state. In fact, I understand that currently the council contributes 50 per cent of the ETSA tariff, which in Tea Tree Gully equates to $94 000 per year. A minute prepared by the council indicates that, if it is required, as the act stipulates, to provide lighting on one local road only, that would cost about $62 500. The council's concern relates to a lack of consultation with the Local Government Association. Has any consultation taken place regarding this provision, and has the government assessed the financial impact that this may have on local government and, ultimately, on residents of local council areas?

The Hon. DEAN BROWN: There has been consultation on this matter. An amendment was passed in the upper house as a result of the consultation that took place, as follows: the words 'half of the cost of the lighting by payments made at times specified from time to time by the Commissioner' have been struck out and replaced with the words '(by payments made at times specified from time to time by the Commissioner) half of the reasonable costs paid by the Commissioner to an electricity entity for the operation and maintenance of the lighting'. So, there has been consultation. This matter was discussed in the upper house, agreement was reached and an amendment passed accordingly.

Clause passed.

New clause 27.

The Hon. DEAN BROWN: I move:

After clause 26, insert new clause as follows:

Substitution of s. 31 and heading

27. Section 31 of the principal act and the heading above that section are repealed and the following section is substituted:

Highways Fund

31. (1) The Highways Fund continues in existence.

(2) The fund consists of—

(a) money paid into the fund as required or authorised by this act or any other act; and

(b) loans raised and appropriated for purposes of the fund; and

(c) any money (including interest) paid into the fund to defray the cost of operations referred to in section 32(1)(g); and
(d) any money (including interest) repaid by a council under section 32(1)(h); and
(e) any other money received in repayment of money disbursed from the fund or otherwise received under this act; and
(f) any amounts paid by way of fees or charges for the use of any ferry or sea transport service operated under this act.

(3) The Treasurer must, at least once every three months, pay into the fund the sum of all money collected or received in respect of licence fees and registration fees under the Motor Vehicles Act 1959 after deducting from that sum such amount as is necessary to pay, during the financial year in which that money is collected or received—
(a) any interest on the debit balance for the time being outstanding in accounts of the Treasurer in respect of loans raised for roads and bridges; and
(b) any expenses incurred in connection with statutory or administrative powers, duties or functions exercised or performed by or under the direction of the Registrar of Motor Vehicles.

(4) The Treasurer may in any financial year advance out of the Consolidated Account and pay into the fund any sum not exceeding the amount that the Treasurer anticipates will, in that financial year, be received or collected and be payable to the fund under subsection (3).

(5) If an amount is paid into the fund under subsection (4), that amount must be deducted from the amount to be paid into the Fund under subsection (3) during the relevant financial year.

These are money clauses, which the upper house cannot introduce. Money clauses can only be introduced in the lower house.

New clause inserted.

New clause 28.

The Hon. DEAN BROWN: I move:

Insert new clause as follows:

Amendment of s. 31A—Adjustment of Highways Fund

28. Section 31A of the principal act is amended—
(a) by striking out from subsections (1) and (2) 'Loan Fund' and substituting, in each case, 'Consolidated Account';
(b) by striking out from subsection (3) 'Revenue'.

New clause inserted.

New clause 29.

The Hon. DEAN BROWN: I move:

Insert new clause as follows:

Amendment of s. 32—Application of Highways Fund

29. Section 32 of the principal act is amended—
(a) by striking out paragraph (c) of subsection (1) and substituting the following paragraph:
(c) in payment of amounts required to be paid under a shadow tolling payment scheme (whether under Part 3A or otherwise); and;
(b) by striking out paragraphs (e) and (f) of subsection (1) and substituting the following paragraph:
(e) in paying any grants to councils authorised by the minister to be paid out of the fund; and;
(c) by striking out from subsection (1)(h) all the words appearing after 'water'.

Mr ATKINSON: I move:

Leave out from paragraph (a) all the words appearing after 'subsection (1)'.

This is consequential on the committee's earlier decision to banish shadow tolling from the bill, so it is now important to get rid of references to shadow tolling in the provisions which have been introduced in the bill and which were previously in erased type.

Amendment carried; new clause as amended inserted.

Clause 30 passed.

New clause 31.

The Hon. DEAN BROWN: I move:

Insert new clause as follows:

Substitution of Part 3A

31. Part 3A of the principal Act is repealed and the following Part is substituted:

PART 3A
GILLMAN HIGHWAY—THIRD PORT RIVER CROSSING PROJECT

Interpretation

39A. (1) In this Part—
'Gillman Highway' means a road on land specified by proclamation under subsection (2), including a third bridge over the Port River (the 'Third Port River Crossing');
'Project' means—
(a) the design, construction, operation, maintenance and repair of Gillman Highway; and
(b) the financing of any activity referred to in paragraph (a).
'Project Agreement' means an agreement, made by the Commissioner with the approval of the Minister, under which another person (the 'private participant') undertakes the whole or any part of the Project on behalf of the Commissioner;
'Project property' means—
(a) land specified by proclamation under subsection (2) or acquired by the Commissioner for the purposes of the Project;
(b) any structures or things constructed or acquired for the purposes of the Project;
'relevant council', in relation to Project property, means the council in whose district the property is situated.

(2) The Governor may—
(a) by proclamation, specify land for the purposes of the definition of 'Gillman Highway';
(b) by subsequent proclamation, vary a proclamation under this subsection.

Status of Gillman Highway

39B. Gillman Highway will be regarded—
(a) as a public road for all purposes;
(b) as a highway for the purposes of Part 2 of Chapter 11 of the Local Government Act 1999.

Gillman Highway not to vest in council

39C. Despite the provisions of the Real Property Act 1886 or any other Act, neither Gillman Highway nor any part of Gillman Highway will vest in fee simple in the relevant council unless the Commissioner, by order under this Part, vests it in the council.

Care, control and management of Gillman Highway

39D. The Commissioner will have the care, control and management of Gillman Highway subject to any order of the Commissioner under this Part.

Power to obstruct right of navigation

39E. (1) The Commissioner or, in accordance with the terms of the Project Agreement, the private participant may, for the purpose of carrying out work in relation to the Third Port River Crossing, obstruct temporarily any right of navigation.

(2) No claim lies against the Crown, the Commissioner, the private participant or any agency or instrumentality of the Crown arising out of any obstruction of a right of navigation by reason of roadwork under this section.

Dealings with property under Project Agreement

39F. (1) The Commissioner may, by written order, do one or more of the following:
(a) in accordance with the terms of the Project Agreement, transfer to and vest in any of the following Project property (including an estate in fee simple in land):
(i) the private participant;
(ii) a person nominated for the purpose in the Project Agreement;
(iii) the Commissioner;
(iv) the relevant council;
(b) in accordance with the terms of the Project Agreement—
(i) grant a lease, licence or other interest or right in respect of Project property to the private participant or a person nominated for the purpose in the Project Agreement;
(ii) vary or terminate a lease, licence or other interest or right that has been granted under this section;

(c) in accordance with the terms of the Project Agreement, declare that the Third Port River Crossing or a structure that is part of Project property is for all purposes to be regarded as personal property severed from the land to which it is affixed or annexed and owned separately from the land;

(d) in accordance with the terms of the Project Agreement, declare that the private participant has the care, control and management of all or part of Gillman Highway for the purposes of this Act or any other Act for a specified period or until further order of the Commissioner.

(2) An order may be made by the Commissioner under this section in respect of Project property—

(a) that is owned by the Commissioner, the Crown or an agency or instrumentality of the Crown; or

(b) that has, by order under this section, been transferred to and vested in the private participant or a person nominated for the purpose in the Project Agreement,

(and if the Commissioner makes an order in respect of property not owned by the Commissioner, the Commissioner is to be taken to be acting as the agent of the owner of the property).

(3) An order of the Commissioner under this section takes effect on the date of the order or a later date specified in the order.

(4) An order of the Commissioner under this section has effect according to its terms by force of this section and despite the provisions of any other law.

(5) The Registrar-General or any other authority required or authorised under a law of the State to register or record transactions relating to land, or documents relating to such transactions, must, on application by the Commissioner or a person nominated by the Commissioner for the purpose, register or record a transfer and vesting, grant, variation or termination effected by an order of the Commissioner under this section.

(6) No stamp duty is payable under a law of the State in respect of a transfer and vesting, grant, variation or termination effected by an order of the Commissioner under this section, and no person has an obligation under such a law to lodge a statement or return relating to such a transaction or include information about such a transaction in a statement or return.

Payments to private participant

39G. The Project Agreement may provide—

(a) for the private participant to retain the proceeds of tolling under this Part (including expiation fees and prescribed reminder notice fees paid in respect of alleged offences against this Part); or

(b) for a shadow tolling payment scheme.

Toll for access by motor vehicles to the Third Port River Crossing

39H. (1) The Minister may, by notice in the Gazette, fix a toll for access by motor vehicles to the Third Port River Crossing (the toll being of an amount that may vary according to the type of vehicle or any other factor specified in the notice).

(2) The Minister may, by further notice in the Gazette, vary or revoke a toll fixed under subsection (1).

(3) A toll fixed under subsection (1) (including expiation fees and prescribed reminder notice fees paid in respect of alleged offences against this Part)—

(a) may be collected by the Commissioner and paid into the Highways Fund; or

(b) if the Project Agreement so provides—

(i) may be collected by the private participant on behalf of the Commissioner and be paid into the Highways Fund; or

(ii) may be collected and retained by the private participant.

(4) A person must not, unless exempted under this section, drive a motor vehicle on the Third Port River Crossing without paying the appropriate toll (if any) fixed under subsection (1).

Maximum penalty: $1 250.

Expiation fee: $160.

(5) A toll fixed under subsection (1) is not payable in respect of—

(a) an emergency vehicle; or

(b) a motor vehicle owned or driven by a person, or a person of a specified class, exempted by the Minister from the operation of this section; or

(c) a motor vehicle, or a motor vehicle of a specified class, exempted by the Minister from the operation of this section.

(6) An exemption under subsection (5)(b) or (c)—

(a) must be given by notice in the Gazette;

(b) may be given on conditions determined by the Minister.

(7) The Minister may, by further notice in the Gazette—

(a) vary or revoke an exemption under subsection (5)(b) or (c);

(b) vary or revoke a condition of an exemption under that subsection.

(8) A person must not contravene or fail to comply with a condition imposed under subsection (6).

Maximum penalty: $1 250.

Expiation fee: $160.

(9) The Minister may authorise a person or body to carry out such works as the Minister thinks fit in relation to the operation of this section.

(10) Works authorised under subsection (9) may include—

(a) the erection or installation of devices for the collection of tolls; and

(b) the erection or installation of notices or signs; and

(c) the erection or installation of traffic control devices.

(11) A person must not operate a device erected or installed for the purposes of this section contrary to any operating instructions displayed on or in the vicinity of the device.

Maximum penalty: $1 250.

Expiation fee: $160.

(12) A person must not intentionally deface, damage or interfere with a device erected or installed for the purposes of this section.

Maximum penalty: $5 000 or imprisonment for one year.

(13) If the Project Agreement so provides—

(a) a person authorised in writing by the private participant may give expiation notices for alleged offences against this Part;

(b) the private participant is to be taken to be an issuing authority for the purposes of the Expiation of Offences Act 1996 in relation to alleged offences against this Part.

(14) In this section—

'emergency vehicle' has the meaning given by the regulations.

Liability of vehicle owners and expiation of certain offences

39I. (1) In this section—

'operator', in relation to a motor vehicle, means a person registered or recorded as the operator of the vehicle under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or a Territory of the Commonwealth;

'owner', in relation to a motor vehicle, means—

(a) a person registered or recorded as an owner of the vehicle under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; and

(b) a person to whom a trade plate, a permit or other authority has been issued under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads; and

(c) a person who has possession of the vehicle by virtue of the hire or bailment of the vehicle,

and includes the operator of the vehicle.

(2) Without derogating from the liability of any other person, but subject to this section, if a motor vehicle is involved in an offence against section 39H(4) or (8), the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.

(3) The owner and driver of a motor vehicle are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

(4) An expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a motor vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the

owner, if he or she was not the driver at the time of the alleged offence against section 39H(4) or (8), to provide the person specified in the notice, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the driver; or

(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the Motor Vehicles Act 1959 in respect of the transfer setting out details of the transfer (including the name and address of the transferee).

(5) Before proceedings are commenced against the owner of a motor vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice—

(a) setting out particulars of the alleged offence against section 39H(4) or (8); and

(b) inviting the owner, if he or she was not the driver at the time of the alleged offence against section 39H(4) or (8), to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (4).

(6) Subsection (5) does not apply to—

(a) proceedings commenced where an owner has elected under the Expiation of Offences Act 1996 to be prosecuted for the offence; or

(b) proceedings commenced against an owner of a motor vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

(7) Subject to subsection (8), in proceedings against the owner of a motor vehicle for an offence against this section, it is a defence to prove—

(a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence against section 39H(4) or (8); or

(b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(8) The defence in subsection (7)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(9) If—

(a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or

(b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

(10) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the motor vehicle at the time at which the alleged offence was committed.

(11) In proceedings against the owner or driver of a motor vehicle for an offence against this Part, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

Clause 32, page 22, line 16—Leave out 'either temporarily or permanently' and insert:

temporarily

This new clause is moved for the same reasons as outlined previously.

Mr ATKINSON: I move:

Leave out paragraph (b) of proposed section 39G.

This amendment removes paragraph (b) from proposed section 39G, because there is a reference there to a shadow tolling payment scheme, so it is consequential.

Amendment carried.

Mr ATKINSON: I move:

After proposed section 39I insert new section as follows:

Application of part

39J. This part does not apply in relation to a project agreement unless a detailed description of the project and its funding has been referred to the Public Works Committee of the parliament for its inquiry and consideration.

Within this same rather large clause it is the opposition's intention to introduce a new section 39J, the purpose of which would be that the project agreement, including the finances and tolling, would be referred to the Public Works Committee of the parliament. When the then new Premier, now the Minister for Human Services, reintroduced the Public Works Committee in 1994 and said it had done sterling work when he was a younger man I was somewhat sceptical, but I am now convinced that he was correct and that the Public Works Committee does an excellent job for the parliament. I think it appropriate that the Public Works Committee have oversight of the financial arrangements regarding the third river crossing.

Amendment carried; new clause as amended inserted.

Clause 32.

The Hon. DEAN BROWN: I move:

Page 22, line 16—Leave out 'either temporarily or permanently' and insert 'temporarily'.

Amendment carried.

Mr ATKINSON: This clause deletes a provision which was deemed to be anti-competitive in a competition review of the Highways Act. It also inserts a new section 41 regarding maintenance of the Birkenhead Bridge. To deal with the latter matter first, when the announcement was made that the third river crossing would be built and that a toll would be charged on it, a number of my constituents were anxious that the Birkenhead Bridge would not fall into disuse. They were eager to continue to use the Birkenhead Bridge and were anxious that the third river crossing may lead to the Birkenhead Bridge's being closed. I am glad to say that I can now refer them to this clause in the bill, which shows that the government is genuine in its commitment to keeping the Birkenhead Bridge.

To deal with the former matter of the competition review, as I said in my second reading speech, two sections of the Highways Act are deleted from the act on the basis that a competition review identified them as anti-competitive. I can well accept that the licensing of a highway beacon for the purpose of advertising by the Commissioner of Highways might be seen to be anti-competitive, but I am not sure why the second section being deleted, namely, 41A, is anti-competitive. That provision is about advertising on Anzac Highway. For the past 75 years or so that section has provided that the Commissioner of Highways should have the ability to remove advertising hoardings along Anzac Highway where those advertising hoardings do not relate to the business carried out on the land on which the hoardings rest. If the Commissioner of Highways decides he would like Anzac Highway to look nice and neat and not overgrown with advertising hoardings, I do not see why that is anti-competitive when it is done for a perfectly good environmental purpose.

The Hon. DEAN BROWN: Those powers are now under the Road Traffic Act.

Mr ATKINSON: I thank the minister and accept his reply as a full explanation.

Clause as amended passed.

Remaining clauses (33 to 36) and title passed.

Bill read a third time and passed.

NATIVE TITLE (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 July. Page 1584.)

Ms HURLEY (Deputy Leader of the Opposition): I suspect that the debate on this bill will be fairly short in this House, but it is a bill that has had a fairly long gestation. I believe that it originated in 1998 as a bill with a number of other significant measures which have since been separated out into a separate bill, known as the validation and confirmation bill. That bill is not yet before us and does not look like appearing before us for some time.

This issue of native title has been a very difficult one for the commonwealth, and it also looks like being a very difficult issue for the state government—indeed, the Hon. Trevor Griffin in the other place was very eloquent in his expressions of the frustrations involved in discussions on and consultations about native title. Indeed, I have a strong interest in mines and energy, and I have had discussions with members of mining companies about their frustrations with native title issues. I also have talked to pastoralists who are similarly keen to end some of the confusion and uncertainty that surrounds native title.

The opposition would be very keen to see some better resolution of native title issues, and it believes that the current federal Liberal government has not helped the process of native title resolution by not having its credentials in the reconciliation process with the Aboriginal groups. Here in South Australia, we have long had a better record in our discussions of native title issues, and there has been strong bipartisan support, indeed, for issues to do with land rights for Aboriginal people. South Australia has had a long history of cooperation, and I certainly hope that continues.

The difficulty with this bill has been partly overcome by separating out some of the more controversial aspects. The Attorney-General then brought some controversial aspects into this miscellaneous bill, and that caused a further delay. Consultation has seen those come out again, and we are now in the happy position of making this small amount of progress on the bill.

As indicated by the title, this bill does a number of things. First and foremost probably is the recognition of state bodies. It allows the state to set up its own courts or native title tribunals which are broadly consistent with the federal legislation, and the Supreme Court and the ERD Court qualify under those criteria.

The procedural amendments, the definitions and the changes to the notification process are, by and large, to bring consistency into the state legislation and also to make it consistent with the federal legislation and with decisions of the courts on these issues. The opposition believes that these are all sensible and practical measures, and it is happy to support this bill.

I believe that my colleague in the other place, Terry Roberts, has indicated that he is quite willing to work with the government in negotiations on the other bill—the validation and confirmation bill—and I certainly hope that we will see that bill come before us soon in some form that has been agreed with the Aboriginal community and the mining and pastoral interests, and in the best interests of South Australians generally.

I am sure that we all have a strong commitment to ensure that there is harmony in native title issues in South Australia. I certainly believe that everyone involved in the process has very good intentions and goodwill towards achieving resolution of these issues, and I hope that occurs shortly. The opposition supports this bill.

Mr HANNA (Mitchell): I also support the bill. The Attorney-General did the right thing by splitting up a range of issues into this bill and the other bill, which concerns validation and confirmation of title, allegedly, and it is a good thing that, at least in relation to this bill, some reasonable consultation has taken place. I also would like particularly to voice my support for the bill.

The Hon. D.C. KOTZ (Minister for Local Government): I thank members of the opposition for their contributions and for their support for this bill. It obviously is necessary to attempt to bring state legislation into a mirror image of the Commonwealth Native Title Amendment Act 1998, which came into operation on 30 September 1998 and which, of course, substantially amended the Native Title Act 1993. The state government reviewed the options under the commonwealth legislation for South Australia, and this bill that we have before us is the result of those options.

The deputy leader (whom I thank for her comments) rightly commented on the fact that, to a great degree, consultation has been part of the process that has been undertaken for all parties involved in this certainly very sensitive but, in this instance, very realistic technical bill that is necessary to move us forward in the area of setting the place for native title claimants, particularly through the different aspects related to recognised state bodies which this bill addresses.

I also would like to thank the South Australian Native Title Steering Committee (the Chairman of which is Mr Parry Agius), which has, through consultation with the Attorney-General and certainly with the Hon. Terry Roberts, proceeded to bring this bill to the position now where all parties agree. Consultation on a very serious issue, in this instance, has certainly proved its worth. I believe that the Hon. Terry Roberts has already acknowledged the Attorney-General in another place for the efforts that he has made to make sure that consultation did occur in order to ensure that the negotiations on this bill suited all parties. Having said those few words, I advise the House that all parties have agreed to move through without the committee stage of the bill and to take it to its third reading.

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

ADJOURNMENT

At 5.55 p.m. the House adjourned until Tuesday 11 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 July 2000

QUESTIONS ON NOTICE

MEMBERS, CORPORATE INVITATIONS

59. **Mr CLARKE:** With respect to those state members of parliament invited to attend the government's corporate facility at Adelaide Entertainment Centre since 1 January 1994—

(a) what was the frequency of invitations issued and accepted;

(b) what were the names of those who accepted and the number of times individual members were issued invitations and accepted; and

(c) what was the total value of the entertainment?

The Hon. J. HALL: The Government has retained a corporate facility (box) at the Adelaide Entertainment Centre (AEC) to host guests for the purposes of official corporate hospitality since it opened. Similar guidelines have been in place ever since.

As the original guidelines issued in 1991 state: guests in the suite are those individuals that the Government would be expected to extend hospitality to, particularly those that have or may in the future contribute to the development of the State.

The member's question implies that state members of parliament are regularly invited as guests in the box. This is not correct. Although a central list of people invited is not maintained, it is understood that parliamentarians are rarely invited regardless of who's hosting the facility.

Accordingly, the member's questions are not applicable. However, the following points generally respond to the questions raised.

(a) As mentioned above, members of parliament are not generally invited as guests in the corporate box. The box is used by the government for ministers, chief executives or their nominated representatives to host their guests for the purposes of corporate hospitality.

(b) The Minister for Tourism's office (as the minister responsible for the AEC) coordinates bookings for the box on behalf of the government. The tickets for the box (17 seats) are forwarded to the respective host who is responsible for distribution to their guests.

The Minister for Tourism's office has never maintained records of the names of the guests invited by ministers or other hosts. However, experience suggests that guests reflect the guidelines, generally comprising key stakeholders relating to a particular portfolio, investors in the State or VIPs.

(c) This question is ambiguous. However, the quarterly fee for the box is $13 250, which is incorporated into the Minister for Tourism's budget. As was the case under the previous government and has been continued by this government, individual hosts of the facility pay all catering costs they and their guests incur.

The entertainment provided through this facility has been extremely valuable for promoting the work of government and for fostering positive relationships with the guests hosted by each minister.

ADELAIDE OVAL LIGHTS

64. **Ms KEY:**

1. Why did the retractable lights at Adelaide Oval collapse on 17 March 1999?

2. Was this incident fully investigated by Workplace Services inspectors, were any records of interview taken and if not, why not, and is there any prima facie evidence of a breach of section 24 of the Occupational Health, Safety and Welfare Act 1986?

The Hon. M.H. ARMITAGE: The Minister for Workplace Relations has provided the following response:

1. I am advised that DAIS—Workplace Services have a copy of an engineering report advising on the collapse of retractable Light Tower 2 at Adelaide Oval that occurred on 17 March 1998. This report was provided to DAIS— Workplace Services as a part of the administration of the *Occupational Health Safety and Welfare Act 1986* and was given and received in confidence. It is also covered by legal professional privilege. Both these factors and the provisions of section 55 of the *Occupational Health, Safety and Welfare Act 1986* prevent the Minister from releasing the information publicly. As the honourable member would be aware, legal action and commercial action is being undertaken by various parties over this matter.

2. Workplace Services inspectors have investigated this incident in sufficient detail to enable departmental consideration of the various factors involved and the appropriateness and likely outcome of commencing legal action.

Three statements were taken by Workplace Services as part of the investigation into the collapse.

Allegations of a legislative breach require significantly more than just prima facie evidence—they require proof beyond reasonable doubt. In the Adelaide Oval Light incident consideration was given to whether a breach of section 24 of the *Occupational Health Safety and Welfare Act 1986* occurred. However, Workplace Service investigation staff concluded that there was insufficient evidence of the standard required to commence legal action against any of the parties involved. With this in mind a decision was taken to issue letters of 'statutory obligation'. These letters were sent to:

- Baulderstone Hornibrook Engineering;
- South Australian Cricket Association;
- Dare Sutton Clarke, T/A DSC-EMF Consulting Services Engineering; and
- ASC Engineering Pty Ltd.

The letters remind the companies of their responsibilities with respect to the *Occupational Health, Safety and Welfare Act 1986.*

SA WATER COMPENSATION CLAIMS

118. **Mr CLARKE:** For the current and each financial year since 1993-94—

1. What were the total number and value of compensation claims made against SA Water Corporation by persons whose property was damaged by a burst water main;

2. What were the total number and value of compensation claims met by the Corporation; and

3. How many 'wind backs' were instigated by the Corporation?

The Hon. M.H. ARMITAGE:

1. The total number and value of compensation claims made against SA Water by persons whose property was damaged by burst water mains since 1993 are detailed in the following table:

Year	No. of Claims Received	Amount Claimed ($)
1993	6	362 491.81
1994	3	145 496.00
1995	19	68 094.67
1996	27	81 822.75
1997	17	54 790.54
1998	17	62 507.50
1999	23	78 496.27
2000	16	33 669.90
Total	128	$887 369.44

2. The total number and value of compensation claims met by SA Water are detailed in the following table:

Year	No. of claims Paid	Amount Paid ($)
1993	3	173 809.39
1994	2	80 151.00
1995	8	22 261.00
1996	2	1 012.00
1997	2	5 453.50
1998	5	2 695.50
1999	3	33 860.65
2000	4	1 696.00
Total	29	$320 939.04

It is important to note that the amounts shown as paid may not have been actually paid in that year (i.e. not all claims are necessarily finalised in the same year as they are received).

There are currently 16 claims outstanding with a total value claimed of $45 224.81.

3. The practice of 'wind backs' in relation to the management of leak repairs in the water supply system has been a long term practice employed by SA Water and the former E&WS Department to reduce the potential injury and property damage to occur when leakage of the water supply system occurs.

When a leak is reported, the site of the leak is attended by a network operator ahead of the arrival of the repair crew, to assess its

potential to escalate to a point where it may present a hazard to road users, the local community and surrounding properties. If the leak is assessed to be one which may escalate and present a hazard, the operator will operate valves in the local supply system (ie 'wind' the valves down) to reduce the water flow from the leak to minimise the hazard while at the same time ensuring that supply to customers is maintained. This is an interim measure only, and full supply flow and pressure is restored once the leak has been repaired.

The Adelaide Water Contract imposes attendance performance and service restoration criteria on United Water which ensure that this type of work is completed within tight time frames so that, on average, the duration of a 'wind back' would be no more than several hours.

The number of leakage events for which this practice is applied is not recorded. It is considered to be a responsible action to minimise potential hazards, including injury to the public and damage to property.

CRANIO-FACIAL UNIT

120. **Mr HILL:** Does the Royal Adelaide Hospital Cranio-Facial Unit intend relocating interstate due to a shortfall in fund-raising and if so, what action is the minister taking to ensure the unit remains in South Australia?

The Hon. DEAN BROWN: The Cranio-Facial Unit is located at the Women's and Children's Hospital and I am advised that no information regarding the relocation of the unit has been provided to the management of the Women's and Children's Hospital, no such discussions have been held.