HOUSE OF ASSEMBLY

Thursday 26 October 2000

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

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARK LANDS) AMENDMENT BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time.

The purpose of the measure is to ensure that the parklands as Colonel William Light first surveyed them are regarded in law as sacrosanct—as not being something to be conveniently taken and used by governments or any city council from time to time for any purpose they wish at that time that seems to be fashionable, that seems as though it will make a good impression or will serve some good cause just at that time—but rather to ensure that any alienation of that open space and the construction upon it of anything at all is taken very seriously by not only this House of the parliament but also the other place; and, as well, to provide for a tripartite arrangement including the city council.

If we do not care about the parklands they will not be there much longer. Over the years since Light first surveyed the city and provided it with the unique green belt around the central business district (and what has become the residential area of North Adelaide) successive governments have seen good causes for using the parklands and taken them. Those good causes, in the main, have probably been legitimate with the exception of things like the Adelaide Gaol (which should never have been put on parklands), as well as certain more recent commercial developments.

I do not go into the merits or otherwise of those cases on a case by case basis: I simply say now that it is time to draw the line. We have had enough. There has been too much taken for granted; too much sophistry, too much clever talking, too many spin doctors and too little regard for the children and not only the children of today but the children who are yet to be born: the residents of South Australia in the future. We need to know now that for them their capital city which has established itself over more than 150 years, having a unique ambience and unique environmental effect for its residents, is retained in that form.

You need to know, if you are a South Australian, that you will continue to enjoy what you have always been able to enjoy. If you come to the central business district of your capital city to do business (whether you live at Yunta or on Yorke Peninsula or some other place in the state, and it is a stressful time for you) once you have been to see your lawyer, talk to your accountant, go to the dentist or the surgeon, or see a sick relative in hospital, you will then be able to go and picnic in the solitude of the parklands and enjoy the comfort that brings, without the imposition of the noise and hustle and bustle of the city's going about its business, to commune with nature, to relax, to relieve the stress. That is what makes Adelaide such a unique place in that respect. It is civilised because of it. If we do not regard Adelaide as important in that respect—any of us—then I challenge any one member to stand up and say, 'That is not important. Let us do away with the parklands; let us sell them off; let us make some dough now; and let us build the war chest of the government so that it can spend the money it will make out of selling the parklands in separate allotments of one kind or another or by selling businesses that it establishes on the parklands.' Let us get on with it; if we are philistines, let us do it and say that we are. But I am not, and I see the trend towards using, as Jane Lomax-Smith has put it, these not extremely valuable but priceless open spaces around our city, which must be kept as open spaces unless there is, in everyone's opinion, no better, more appropriate place into which to put whatever it is we propose to construct.

The bill ensures that such a decision to construct anything, to alienate any part of our parklands, so described as Colonel Light defined them, is prevented from ever happening unless both houses of parliament and the city council pass a motion approving it. I cannot think of a better, more sensible way of proceeding to ensure that the public at large now knows that we care, that this parliament cares, that both this House and the other House care, that all of us, or at least the majority of us, understand what we hold in trust as legislators.

Regardless of what the government today wants to do—and, my God, when I look around me I see plenty which is happening and which is threatening the future of the parklands in principle—I see plenty that demonstrates the fact that the government is more about building monuments to its ego than providing facilities for the public; the government is more about spending the ill-gotten gains it has from the nefarious ways in which it has rhetorically convinced the public to allow it to sell off assets instead of doing the things that are in the public interest. It has put away that money in a hollow log as a war chest with which to buy goodies to hand out in pork-barrelling during the next 12 to 18 months in the run-up to the next election. I do not approve of that at all. I see plenty evidence of it, but I do not approve of it; I do not support it and I will not support it. If I cannot do anything else about it I will at least have a go by bringing in a measure of this kind.

In simple terms, the clauses of the bill define what is meant by 'parklands'. It sets out that the city council and both houses of parliament separately must approve any change in the use where it is to be taken from open space and turned into development, and it also provides that there will be no change to these provisions in an act unless there is a referendum in the future. So, no government that has the numbers can wheel in new legislation to repeal this act once we pass it by simply putting it through both houses. A government of the future would have to go to a referendum and allow the people of South Australia to say whether they want the parklands in their capital city—it is not just the residents of Adelaide; it is every South Australian—to be used for purposes other than open space informal recreational purposes for which they have been applied and were intended.

Any change to any building, of course, if it is of a significant nature of something like $250 000 or more, would also require assent, otherwise normal planning procedures would apply. It is in that way then that I believe we can, if we have a mind to, demonstrate to the public at large, who are now very distressed and very concerned about the future of the parklands, that their concern is not well-founded; that we do care; that we are not philistines; that we do not put public amenity at risk for the sake of making a quick buck or a big name for any one of ourselves who may be ministers or for the government of the day. It is not about whether it is Liberal

or Labor and it is not about whether any one of us would seek and obtain any more credit or any less credit than any others.

At this point in our history our credibility as members of parliament is on the line, and this is one of the most important issues through which we can restore it. We each should vote upon it in a way which we believe will reflect well upon the responsibility and authority that has been delegated to us by our electors. I commend the measure to the House.

Ms THOMPSON secured the adjournment of the debate.

EDUCATION (COMPULSORY SCHOOL AGE) AMENDMENT BILL

Ms WHITE (Taylor) obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

Ms WHITE: I move:

That this bill be now read a second time.

Today I introduce a bill for a significant, yet simple, piece of legislation aimed at achieving a policy initiative that has been part of the South Australian Labor platform since 1996 to raise the school leaving age from the current 15 years so that students in future will be required to remain in school or in training until they reach 16 years of age. It is a policy that Labor took to the last election after having tried to implement the change in parliament from opposition in 1996, and it is a policy that was reconfirmed at Labor's state platform convention a few weeks ago.

This bill is the exact same legislation that Labor's then shadow minister (the Hon. Carolyn Pickles) introduced into the Legislative Council on 31 July 1996. That bill was not passed because the Liberal government opposed it at that time. Now we read the Premier's statement, as reported in the *Sunday Mail* of 10 October 2000, that cabinet has approved a change in Liberal policy and will now increase the minimum school leaving age to 16 years. I welcome that change of policy, because it is the right policy for South Australia.

However, I stress to this House that a terrible con is being perpetrated on the people of South Australia, as I do not believe that the government has any intention whatsoever of passing the required legislation to enact this change before the next state election. On radio this morning, in response to my call for the Liberal government to support this change in legislation to raise the school leaving age, the minister's indication seemed to be that he would not support this bill. I am very disappointed at that but not surprised. My understanding is that, despite the Premier's grabbing headlines and saying that cabinet has approved the change, this has not been before the party room and that there is dissent in the Liberal Party on this and, to avoid that issue, there is no real intention to change the law with regard to school leaving age before the next state election.

Let me expose that con on the people of South Australia. First, let me tell the House how strongly the Liberals opposed this move in 1996 and 1997. In another place, the then education Minister (Hon. Rob Lucas) told parliament on 2 July 1997, in opposing Labor's bill:

> This will be one of the significant issues of difference between the government position on education and that of the. . . Labor Party. The Leader of the Opposition (Hon. Mike Rann) has indicated that this is a key issue for him as Premier. [They] have indicated that, if the government opposes this issue, the Labor Party will campaign long and hard about it in the schools and, should they be elected to government, this policy will be implemented by a Labor government. I am delighted to hear that the Leader of the Opposition and the Labor education spokesperson feel so strongly about this issue and will seek to make it a campaigning point. The government strongly opposes this bill. We see it as being ill-conceived.

That is pretty strong condemnation four years ago! For the past two years we have had promises from this government that it would raise the school leaving age. We have had public consultation and thousands of submissions to the education minister on this and a range of other submissions dealing also with the raising of the school leaving age, yet we see no bill.

The Premier first foreshadowed a change in attitude on this policy on 11 March 1999, when he nominated the minimum school leaving age as one of the issues to be considered in the Government's long running review of the Education Act. That review began in November 1998, and the timing is important. I will return to the matter of that timing because, for the past two years, this government has been promising an education bill that incorporates the result of that consultation.

The Premier has grabbed headline after headline, promising to raise the school leaving age and to make a whole range of changes to the act. There have been thousands of submissions from the public to that review. The minister has told parliament that there have been about 5 000 submissions. The Premier said that the draft bill would be ready by January 2000. Then it was to be July 2000. Then the minister told parliament in July this year that the draft would be out in August for a six week consultation period, ready for introduction into parliament in October. Now he says it will be next year—an election year, mind you.

Members should not hold their breath, because I have been told privately by Liberal members opposite that the bill will not see the light of day. And guess what? Very quietly, two weeks ago, on behalf of the education minister, Minister Joan Hall introduced amendments to the Education Act to do two things, and two things only: Partnerships 21 and compulsory school fees. There was no mention whatsoever of raising the school leaving age or of any of the other important educational changes. What is the real agenda of this government? It has been exposed.

Partnerships 21 is the most significant change for public education we have seen in years, and the government has been hiding behind this expensive charade of consultation for two years. Yet for this most significant of changes to the Education Act there was no public scrutiny of a draft bill, and the government will no doubt now try to rush its amendments through parliament under a false pretext of urgency. What a con on the people of South Australia and all those people who have put so much time and energy into the those thousands of submission on a whole range of issues, including the school leaving age.

I have introduced this bill today to raise the school leaving age to 16 years. I issue the following challenge to the government: okay, you opposed the move four years ago. For the past two years, you have been saying that there has been a change of heart. A few weeks ago the Premier announced that the cabinet had approved the change to the Education Act, yet this morning on the radio the minister was pooh-poohing the idea and indicating that the government might not support this change now. It is a very simple change—a few lines of amendment to the Education Act—to enable the minimum leaving age in schools to be changed from 15 years so that students would stay either at school or in accredited training until the age of 16 years. I say to the government, 'Put your money where your mouth has been for the past two years. Stop the con on the people of South Australia, whom

you have been taking for a ride for the past two years, using the guise of a public consultation process to mask your true agenda, which extends no further than Partnerships 21 and compulsory school fees. Support this bill now. Show us your credentials. You have to change only a few words in the act.'

It is interesting to note that, in all the headlines that the Premier has grabbed, nowhere has there been any funding commitments for this. When I questioned the education minister about the funding implications for such a change, the figure he very quickly came up with was $6.3 million, and that is in 1999 dollars. So the government knows what the budget commitment will need to be. Is it just the headlines that the Premier has been after, with no real intention of implementing this change? It has been a long time coming, and it is a significant and worthwhile change.

As members are probably aware, we would not be the first state in Australia to raise its school leaving age to 16 years. Let us look at international trends on this matter. The following countries all have a school leaving age of 16 years. England and Wales introduced a common school leaving of 16 years in 1996. Scotland also has a school leaving age of 16 years. New Zealand raised its school leaving age to 16 in 1993; and in the United States, out of all the individual laws governing the various legislated school leaving ages, not one single state in the whole of the 50 united states has a school leaving age below 16. Several states have a leaving age of 17, and 12 out of the 50 united states have a leaving age of 18. Looking at international trends, we really must consider this.

The government has indicated that at least publicly it will support this, yet going on the minister's indication today I am fearful that this is all words and rhetoric by the Liberal Government, that it has no intention of doing it, and that the Liberal Party may not support this bill now. I urge government members to support the bill and to make this a reality.

There is much evidence to support the case that the longer a student stays at school, the better their chances of their obtaining the skills they need throughout their life and finding employment. Just last week the Australian Council for Education Research released a report entitled 'Non-completion of school in Australia: The changing patterns of participation and outcomes', which only labours the point that those who drop out early have a bleak outlook indeed. We need to accompany this change by serious changes to the way in which we service our high school students, both in terms of curriculum and pathway options into work opportunities. It has to be a package of change. It is urgently needed.

This state is behind the times in terms of preparing our young people for life outside school. This government is holding back opportunities for our young people and deceiving the people of South Australia by saying it will raise the school leaving age and not doing it. Here is the government's opportunity to vote for this change and to implement it: to do otherwise exposes the government for the fraudulent operator that it is.

Mr MEIER secured the adjournment of the debate.

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.

Superannuation is a basic right for every worker and the cornerstone of Australia's national retirement incomes policies. Over the last 20 years, it has become a compulsory and integral part of the world of work. Every employer and every employee is mandated by statute to contribute to a superannuation fund for the employee's eventual benefit after ceasing their working life. Although there are variations between superannuation funds, no-one could argue that superannuation is not now one of the hard won core rights of every worker around the country. As with occupational health and safety and equal opportunity, it is a fundamental work-place right. However, it is a right which is not provided to all contributors on an equal basis.

Members of this place will have heard me talk previously about ongoing discrimination against same sex couples in our state superannuation legislation. I think it is clear why legislation seeking to remove this discrimination should be passed. In bringing this bill before the House today, I point out that this bill is fundamentally minimalist in its approach. It does not seek to implement sweeping changes to relationships legislation. It is targeted and specific.

A new campaign to be launched this coming Sunday titled 'Let's Get Equal' reveals 54 individual pieces of legislation which discriminate against same sex couples. The South Australian Equal Opportunity Commission's audit of state legislation reflects the issues identified by the federal Human Rights and Equal Opportunity Commission in a 1997 discussion paper. It has revealed ongoing discrimination exists in superannuation entitlements, workers' compensation, leave and other employment entitlements, health rights, including confidentiality, exclusion of partners from hospital visiting rights and provision of medical consent, among other things.

All of these matters have been the subject of extensive debate in other parliaments around the nation. These issues are not the subject of this bill. As I have already stated, this bill is focused in its scope and targeted in its intent. It is about superannuation—which everyone has to pay—and ensuring that every public sector worker has the same fundamental rights to access their superannuation.

This bill seeks to address legislative discrimination against same gender couples in state superannuation legislation. A similar bill has been introduced in the federal parliament by Anthony Albanese and is currently before the senate. State superannuation acts will only have discrimination eliminated if complementary legislation is enacted here. Briefly, current superannuation legislation provides for death benefits and related allowances to be paid to the co-dependent partner of a superannuation contributor out of the accumulated funds paid in over the course of employment.

Subsequent court decisions have highlighted the fact that these benefits were confined to married couples, and amendments were passed to ensure that de facto partners were included and able to access these benefits. An unintended consequence of these amendments was the definition of 'de facto' which courts have held—to the surprise of many legal experts—to exclude same sex de facto couples from claiming these benefits. In the case of Brown, the Federal Court made it clear, however, that every other element of the relationship between the applicant and his deceased partner met the standards of de facto. It was only the fact that it was

not a heterosexual relationship that prevented Mr Brown from claiming benefits from his partner's superannuation fund.

Because of this case and others like it in South Australia, I believe that, as a state with a proud record in discrimination law reform, it is behoven on this parliament to take a stand and to make clear its position in relation to discrimination and superannuation rights against same gender couples. It is this belief that has prompted me to introduce this bill today. The removal of this discrimination has wide support in the superannuation industry and the broader community. It is worth noting that, of the 1 200 submissions received by the recent senate inquiry into the federal bill, only three objected. This is a prodigious statistic by any stretch of the imagination.

A number of points have been raised with me about the effect that this bill would have if passed. Some of these I have dealt with already in my previous speeches in the House on this issue. However, there are three key areas which I would particularly like to address. The first is the idea that this bill introduces major social change. It does not. In fact, many private sector superannuation funds are already recognising same sex partners owing to the fact that they are lump sum schemes and the superannuant has named them as the beneficiary. Schemes such as AMP, ARF, CBus, Hesta and others which are lump schemes are already paying out same sex partners as nominated beneficiaries. This is entirely within the ambit of the federal superannuation legislation and demonstrates that a change to our own superannuation legislation of this nature would not be radical in any way.

In fact, it would be reflecting what has become, for lump sum superannuation schemes at least, industry practice, although not in all schemes, members should note, for the federal legislation that currently operates in a discriminatory fashion, as the Brown case demonstrated, still applies. This bill is not a challenge to the institution of marriage and it would be wrong to characterise it as such. It is a simple case of discrimination. When de facto opposite sex couples are able to claim, so too should de facto same sex couples.

The second area that I wish to address is the question of financing this change. It has been suggested to me that a change of this kind could prove to be an impost on the state budget. A number of points must be made in relation to this claim, and the first is very simple. Members would be aware that under Standing Order 232 a bill 'which imposes a tax, rate, duty or impost or authorises the borrowing or expenditure of money (including expenditure out of money to be provided subsequently by parliament)' is to be introduced by a minister.

This very matter has been the subject of consultation with both the Clerk and Parliamentary Counsel, and I have been told that no such impediment exists and that I am free to introduce the bill. It therefore follows that this bill can create no burden to our state's budget. The second point that I would like members to note involves the actuarial process by which unfunded superannuation costs are annually calculated for inclusion in the state budget.

I am given to understand by industry sources that the government actuaries who make the estimates that are then forwarded to the Treasurer use a formula that is revised every few years to calculate superannuation payments for the forthcoming year. Generally, these kinds of actuarial formulae are based on a variety of statistical variables available from the Australian Bureau of Statistics (ABS).

These would obviously include statistics regarding marital status and dependants. What is important to note is that these calculations, if indeed they are made on the ABS figures, will not incorporate references to same sex relationships and will include inflated figures for opposite sex relationships. Currently, where there is a same sex relationship the government effectively ends up saving the money, because there is no obligation to pay out a same sex partner as there would be with an opposite sex partner.

This is despite the fact that the level of co-dependency may be the same or, in fact, greater in some instances. A fact scenario will illustrate this point more clearly. Mr X and his partner Mr Y have been living together in a relationship for 13 years. It is a genuine domestic relationship but, because they are in a same sex relationship, Mr X cannot claim any superannuation benefits following his partner's death. Instead, the benefits are either absorbed by the superannuation fund or paid out to a more distant but legally recognised beneficiary.

If Mr X had been in a relationship with a woman he would have been able to claim as a matter of course, married or not. This fact scenario, sadly, is exactly what happened to Greg Brown in New South Wales. Mr Brown is now living in penurious circumstances, when his partner and he (not unreasonably) expected that superannuation benefits would be made available to him in his retirement.

The crucial point to be made here is that, in Mr Brown's case, the superannuation fund would have lost no money whatever if it had paid him out. It is not the fund's money to give out, as it holds it in trust for the benefit of a contributor. In the same way, it will not effectively cost the government, because it is money for which it has already budgeted and which at the moment it does not have to pay out. I again stress that, at the end of the day, it is money that they hold on trust for contributors.

It is worth mentioning that the Tasmanian government has already changed its superannuation scheme for public sector workers with no noticeable surge in costs. If Tasmania can achieve this change easily, so too can South Australia.

The third area that I would like to discuss is the question of why the various state government superannuation schemes should not simply be transformed into lump sum schemes such as I have already noted. I suspect that this argument is an attempt by some to deflect the debate on this issue away from the key concern, which is discrimination. The reality is that such a challenge really has nothing to do with this bill.

It would represent a major policy change and it would cost a lot of money to make this kind of change and, in any event, many of the superannuation schemes currently in operation are closed schemes. To make retrospective changes of this nature would be costly and difficult. The focus of this debate should be very clearly about discrimination. The current legislation discriminates and it should be changed. If other members want to make further changes to the nature of transforming state superannuation into a lump sum scheme, then this can be put forward in their own private member's bill.

That issue should not be used as a tool for muddying the waters about this bill. As I said, the principle at stake here is very simple: it is discrimination based on social prejudice that has no place in our community. Gay and lesbian people are workers just as are other workers in South Australia. They, too, are South Australians and they deserve to be treated as all other South Australians will be.

This parliament does not abide or tolerate discrimination: it has made that fact abundantly clear many times over many years. It has consistently upheld the principles of anti-discrimination and social pluralism. How can we continue to

tolerate the fact that discrimination against public servants, who work tirelessly to implement the policies of the parliament and government, is entrenched in our own statute books?

How can we stand by while our federal government, despite its responsibilities under international conventions, is slow to acknowledge anything amiss with the current provisions of its own superannuation legislation? Quite simply, the answer is that we cannot stand by and we should not. Three years ago the federal government received a report from the Human Rights and Equal Opportunity Commission that stated the case unequivocally:

> The situation is clearly unacceptable. Superannuation is a central component of retirement incomes policy. The superannuation regulations should be amended so that those in bona fide domestic relationships. . . are treated in the same manner as married and de facto superannuants.

The Labor Party has recently made very clear its position on this matter. At a federal level we have worked for the implementation of superannuation law reform through the Albanese bill. In New South Wales and Queensland, state Labor governments have passed legislation recognising the rights of same sex de facto partners. In Victoria, the government is examining options for law reform. The Tasmanian parliament is currently considering a significant relationships bill as the initiative of the Bacon Labor Government.

Tasmania has also, ahead of all other states in the commonwealth, legislated to change the rules of its state government superannuation fund to ensure that same sex couples have the same rights as opposite sex couples. It is ironic and unfortunate that South Australia, which used to be at the forefront of law reform in this area, now lags behind Tasmania, which until only recently was absolutely at the end of the queue of reform in this area.

South Australian Labor has also made these commitments. In our constitution we set out as one of our core objectives the elimination of discrimination on the basis of, among other things, sexuality.

Mr Condous: Is this a conscience vote for your party?

Ms BEDFORD: No.

Mr Condous: Why not?

Ms BEDFORD: Because discrimination exists and should be removed. Labor's stand is unequivocal: we do not support discrimination in any form and we will work towards its elimination.

Mr Condous interjecting:

Ms BEDFORD: Goodness gracious me, Mr Speaker, this is ridiculous.

The SPEAKER: Order!

Ms BEDFORD: We have proven our commitment on this issue in previous parliaments: we have proven it in our actions in state and federal parliaments and we have proven it here in South Australia through our commitment to this bill. This policy is not rhetoric, and I believe that it transcends party politics. It demands a bipartisan and united approach.

Liberal policies no doubt mean something to Liberal Party members, too. I would hope that they would stand by their policies and acknowledge a need for reform on this issue. The Liberal Party platform states:

> People should be able to choose their own way of living as long as they do not interfere with others who are seeking to do that also.

If we maintain discrimination against same sex couples, are we not interfering unnecessarily with individuals' private lives? The Liberal policy also maintains the basic principle that individuals should be free to determine their own moral belief and behaviour. Is this not the very reason why this legislation should be passed in a bipartisan fashion? It is surely not the role of government to look over the shoulder of every individual and attempt to regulate their lives.

I hope that this bill will receive support. The individual should have maximum freedom and opportunity to pursue his or her own way of life. We do not have the right to judge a person by their sexual preference and our own superannuation fund should not have that right either. I place on record my personal appeal to all members of this place to support the bill. I ask members opposite to lend their support to this initiative and demonstrate a spirit of bipartisanship on this issue. It is time for this parliament to act.

Mr Lewis interjecting:

The SPEAKER: Order!

Ms BEDFORD: This bill satisfies criteria for the platform of both the Liberal and Labor Parties. This House should and must recognise and pass the necessary reform. I commend the bill to the House and seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause is formal.

Clause 3: Interpretation

This clause is formal.

Clause 4: Amendment of Parliamentary Superannuation Act 1974—Insertion of S 7A

This clause inserts new section 7A which extends the meaning of the term 'putative spouse' for the purposes of the Parliamentary Superannuation Act 1974 to include de facto same sex relationships.

Putative spouse status under the new provision is determined by a declaration of the District Court.

Clause 5: Amendment of Police Superannuation Act 1990—Insertion of S4A

This clause inserts new section 4A which extends the meaning of the term 'putative spouse' for the purposes of the *Police Superannuation Act 1990* to include de facto same sex relationships. Putative spouse status under the new provision is determined by a declaration of the District Court.

Clause 6: Amendment of Police Superannuation Act 1990 S 32—Consequential

This clause makes consequential amendments to the Act to substitute the term 'putative spouse' for 'the husband or wife de facto'.

Clause 7: Amendment of Southern State Superannuation Act 1994—Insertion of S 3A

This clause inserts new section 3A which extends the meaning of the term 'putative spouse' for the purposes of the *Southern State Superannuation Act 1994* to include de facto same sex relationships. Putative spouse status under the new provision is determined by a declaration of the District Court.

Clause 8: Amendment of Superannuation Act 1988—Insertion of S 4A

This clause inserts new section 4A which extends the meaning of the term 'putative spouse' for the purposes of the *Superannuation Act 1988* to include de facto same sex relationships. Putative spouse status under the new provision is determined by a declaration of the District Court.

Clause 9: Amendment of Superannuation Act 1988 S 38—Consequential Amendments

This clause makes consequential amendments to the Act to substitute the term 'putative spouse' for 'the husband or wife de facto'.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CITY OF ADELAIDE (ADVERTISING AT ADELAIDE OVAL) AMENDMENT BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time.

It is a simple bill. It is not the same as the bill that I introduced earlier: indeed, it is on an entirely different matter. The purpose of this legislation is to provide that, whereas the South Australian Cricket Association since 1906 has had proper authority to look after and control or manage that space known as the Adelaide Oval and has provided amenities there for all cricket lovers, and part of that in recent time has been to meet the demand that the public at large seems to have for the opportunity to watch cricket during the afternoon and into the darkness of the early hours of the night, which has required lights to be erected.

Mr Foley interjecting:

Mr LEWIS: I hear the member for Hart agreeing with me on that point. I do not have a problem with that. It was unfortunate that the engineers who designed the original retractable towers and the people who were the contractors who built them did not have proper legally binding contracts between them as to who was responsible for what aspect of the design and construction work undertaken and that that meant that there was an interminable fight over the failure of those towers to function properly. This matter was never properly resolved other than that finally the council agreed to the request from SACA to allow permanent towers to be erected and we as a parliament demurred.

An engineering solution was available and I commend the member for Reynell for her part in trying to have it explained to members of the parliament by inviting its inventor to bring a model and simple explanation of it here to the parliament earlier this year. I was happy to support her in doing so, because it provided for members an explanation of what could have been. That would have been worth a lot of money to South Australia. There were over 140 stadia around the world that would have happily installed retractable towers had we proved it here in South Australia. That is now going ahead through Singapore and we will lose the business.

However, we now have permanent towers there, and this legislation addresses what I foresee will be a concern (and I know that more than a handful of other members from both sides of the House have a concern) about the consequences of those towers since we remember what SACA was seduced into doing with the retractable towers when they were allowed, indeed required under industrial law, to remain erect and to stand there as though they were not retractable but permanent. SACA was seduced into putting advertising on the poles and that caused offence to a number of people. I thought it was just me. I am a foundation member of the Civic Trust and I have what some people have said over the years are some fuddy-duddy ways about what are good civic manners in the built environment in which we live—that it is not appropriate to clutter up the entire landscape or vista with advertising hoardings, be it neon signs, banners or something little better than graffiti.

To put it on every corner of the road and on the front of every large building and erect it across the footpaths and roadways looks atrocious, especially when it is put into the cocktail of visual offence, things like stobie poles and so on. I know that stobie poles are a great engineering feat, but they look terrible if they obliterate the form and colour of the natural and built surroundings, the landscape. These advertising hoardings or banners are often offensive to the vast majority of people. This measure quite simply prevents the South Australian Cricket Association from ever agreeing to allow anybody to hang stuff on those towers, to paint those towers with logos or other advertising material or to do anything of that kind with them. It is very simple. It cannot and must not be done; leave them bare. They are an engineering masterpiece in themselves. Let them be a statement, whether or not offensive in their form, which is not cluttered by anything else. I cannot imagine any of the people who finally agree to the alienation of the Adelaide Oval location thinking that one day it might become a place where advertising was blatantly undertaken so that it could be seen from kilometres away, by providing an advertiser with that sort of opportunity.

Anyone who votes against this measure will, I am sure, have considerable empathy with the Hahn Light Ice beer ad: all the taste they have would be in the beer they drink. The clauses are self explanatory. I commend the measure to the House.

Ms THOMPSON secured the adjournment of the debate.

WATER RESOURCES ACT

Mr CONDOUS (Colton): I move:

That regulations under the Water Resources Act 1997 relating to fees, made on 25 May and laid on the table of this House on 30 May, be disallowed.

Mr MEIER secured the adjournment of the debate.

PASSENGER TRANSPORT ACT

Mr CONDOUS (Colton): I move:

That the regulations under the Passenger Transport Act 1994 relating to safety, security and fare compliance, made on 1 June and laid on the table of this House on 27 June, be disallowed.

Mr MEIER secured the adjournment of the debate.

FISHERIES ACT

Mr CONDOUS (Colton): I move:

That the regulations under the Fisheries Act 1982 relating to River Murray native fish, made on 22 June and laid on the table of this House on 27 June, be disallowed.

Mr MEIER secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT

Mr CONDOUS (Colton): I move:

That the regulations under the South Australian Health Commission Act 1976 relating to flat fee for service, made on 22 June and laid on the table of this House on 27 June, be disallowed.

Mr MEIER secured the adjournment of the debate.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT REPEAL BILL

Mr HAMILTON-SMITH (Waite): I move:

That the Netherby Kindergarten (Variation of Waite Trust) Act Repeal Bill be restored to the Notice Paper as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

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

A quorum having been formed:

CONSTITUTION (MEMBERSHIP OF THE HOUSE OF ASSEMBLY) AMENDMENT BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time.

The purpose of this legislation, quite simply, is to change the number of members of the House of Assembly by reducing them in total from 47 to 31. The effect of the legislation will simply be, as any member who understands arithmetic will realise, to increase the size of each electorate from 22 000 electors, or thereabouts, which is the average population of electors in each of the 47 electorates at present. The bill, if passed, will reduce the number of electorates to 31, thereby increasing the number of electors by about half as many again in each electorate to about 33,000.

In effect, the member for Hart, for instance, who represents the people who live on the Le Fevre Peninsula, would have an increase by about 11 000, the number of people in the electorate which he would, presumably, seek to represent in the next parliament.

Mr De Laine: You would need more staff.

Mr LEWIS: More staff is no problem, because you reduce the cost of meeting the more expensive arrangements that members of parliament at present cost the state. This would not reduce whatever the influence of either or any political party in the parliament. A parliament so constituted would still have the same principles of fairness in the numbers of electors in each electorate in the constitution. There would be no change to that whatever. They would be equally populated give or take 10 per cent. Therefore, the value of each citizen's vote would be the same as it is now. It would, however, reduce the accessibility which any elector has to a member of parliament now, regardless of how that member or the collective efforts of the members would be undertaken, simply because there are more people who may wish to see a member of the House of Assembly than seek us out at present. There are half as many again.

Members in this day and age have better, faster transport facilities than horse and buggy, push-bike and train and better, faster communictions than we had when the House was increased to 47 from the lower number which it had in it in the early 1970s, almost 30 years ago. In those days most of us had to rely upon exchanges in the telecommunications systems to connect us. We would have to ring the exchange, we would have an operator answer our call, we would tell the operator the number of the subscriber we wanted our call to be put through to, and the operator would then call the exchange in which that subscriber was resident and ask the operator in that exchange to connect them to the person or party at the other end. So, it was far more time-consuming to make connections by telephone.

Over the years, since the 1970s, all those exchanges have now disappeared. What is more, we now have mobile phones so that we do not have to sit at our desk if we wish to call somebody or we do not have to be sitting at our desk if somebody wishes to make contact with us as members of parliament. We can simply put an earpiece in our ear and connect our mobile phones to the end of the earpiece and take calls while we are driving so that we do not have to stop talking to people even while we are driving a car. Whereas in 1972, I think it was, when the house was increased to 47 members we, at that time, did not have mobile telephones. (Only Dick Tracy used mobile telephones—he had them on his wrist!) However, we can now speak at whim and will to people almost anywhere on this continent and can be contacted in the same way.

Paging is another means by which, in a meeting, we can be contacted without disturbing the proceedings of that meeting, as I have just been contacted since I began making these remarks. The vibrating battery I have in my pager warns me that somebody wishes to speak to me.

Mr Clarke: It's only your pager?

Mr LEWIS: Yes, it is for no other reason that I wear it; I assure the member for Ross-Smith that it is not for thrills or anything else such as he may enjoy. In other ways, too, we have faster and clearer communications; fax machines have been invented and installed and used to the point now where they are obsolescent. You can still use them, but email has replaced them in no small measure. So, you can have instantly transmitted a whole range of ideas, and requests and arguments supporting the ideas or requests, from where you are by email to where someone else is, without having to capture the keystrokes from the keyboard and make a hard copy of it and then send it by analogue signal or redigitize it to the terminal at the other end where the party to whom you wish to communicate is located.

For all these reasons, then, I am saying our accessibility is far greater as members of parliament. The efficiency with which we can therefore make contact with people is greater. Sure, it means greater stress because you have to deal with a far greater amount of information each day and a far greater number of inquiries and so on. However, I think in many instances members of parliament are now being expected to handle far more trivia than was the case 30 years ago—and it really is trivia. I am not denigrating the people who make such inquiries. What is more, members of parliament now have more time to engage in the broadcast of trivia. I mean no disrespect, but it is a fact that now because of the information technology age it is possible for people to send a heap of stuff in an instant everywhere. You do not know whether amongst that pile of material that you have just received in email there is one important item that you must not miss; so you have to read the lot before you kill it. It distresses me.

I am making the point, however, that with discipline we can rearrange our priorities as we have always had to. We have never had time to everything we might like to do. We have never had time to respond to everybody who wants to contact us but we have certainly been made more accessible and it has been made possible for us to make contact with others so much more easily than was the case earlier.

Therefore, I see no reason why we should not reduce the size of the House from 47 to 31 members. The consequences for the functions of the chamber as the chamber in which government is established are not dire or serious in any measure. They are, indeed, an improvement. We will all have more bench space. Those of us elected in a new parliament of fewer members will have more airspace and more

opportunity to make contribution to debate. Government will be just as easily formed as it is now. A House of 31 means that any party or group of members who show their affiliation, each with the other, which is equal to or exceeds 16 in number, will form the government. That provides that the house will also be able to elect a speaker whether from amongst the ranks of the government or anywhere else. The government party would still have, if it were to elect one of its own members, the ability to provide a majority in no more or less than is the case at the present time and has been the case for many years.

Furthermore, it is my belief that we do not need as many ministers as we have at the present time. Even if you did decide to have 12, 13, 14 or even 15 ministers such that all the government members would be ministers in this chamber—ministers of one kind or another—that would not exceed the total number of ministers we have at present in the government. They are not there for any other reason, of course, than to shore up the numbers for the Premier in the party room. That is why we have 15 ministers; we do not need that many. In any case we can provide them—

Mr Clarke interjecting:

Mr LEWIS: Just orderly room rouseabouts. I mean half of them at least are told what they have to think, do and say by their boss who gets his or her riding instructions from cabinet. That is not part of this bill. I raise it demonstrate the point that it is not.

If the government of the future wants to retain 15 ministers and put them all in the lower house it can still do that. It might need in those circumstances to simply change the fact that the speaker would do the job of chairing committee debate as well. I do not see that that would happen. There are plenty of people within the chamber to make it possible for that to happen. The chambers as they stand at present in parliaments like the ACT still function adequately for the needs of that society and they have far fewer members than even the 31 that I am proposing.

The Northern Territory is another case in point, even though it is a unicameral parliament. It demonstrates that all the necessary portfolios can be allocated to members of a government comprised of fewer than 16 members. So, given that that is the case, given that in my judgment it will more clearly focus the minds of the elected members on the important matters that have to be dealt with by them in their day-to-day work in the parliament, and given that it will enhance the standing of the parliament in the minds of the public who can see all the things—and probably more than those—I have mentioned, we will find that we will go up in the esteem of the public if we give this measure swift passage.

It may not be convenient for the political parties, but we are not here to represent political parties: we are here to represent the people who elect us. We are here to do what they would otherwise do in the majority if they did not delegate their authority to us to do it. They delegate their responsibility to us to ensure that whoever is responsible for checking the bureaucracy checks it; that checks and balances of power are in place; that people are called to account for whatever it is they have done, whether given applause or otherwise told that what they have done is less than adequate.

Altogether, democracy will be the better not the poorer if we pass this measure. The clauses are self-explanatory. They simply point out that we will reduce the number from 47 to 31 and, of course, change section 37 so that a quorum in the chamber will be reduced from 17 by approximately the same proportionate amount to 12. I commend the measure to the House.

Mr De LAINE secured the adjournment of the debate.

SELECT COMMITTEE: DETE FUNDED SCHOOLS

The Hon. R.B. SUCH (Fisher): I move:

That this House establish a select committee to examine and make recommendations in respect of the DETE funded schools, with particular reference to—

(a) current local school management models including Partnerships 21 and possible alternative models and strategies;
(b) retention rates;
(c) the requirements of children with special needs;
(d) the particular needs of children in the various geographical areas of South Australia; and
(e) school fees and any other DETE education matter that the committee may wish to consider.

In moving this motion, I am seeking through the process, the submissions and the hearings to make what is in effect a good system even better. I believe that our state school system is a good system, but it is wise, I think, from time to time, not only in a global sense but also at the subordinate level, to look at issues that arise in relation to state education in this state. I am not seeking to pass judgment on these matters that I have raised, or indeed on the state school system as a whole, but, rather, to use the select committee as a mechanism to make recommendations for improvements that are in the interests of the children and young people who attend those schools. I do not envisage this being a political point-scoring issue. We have enough of that in other arenas.

I am very pleased with the state schools which operate in my area and I am very proud of the work the teachers and others do in connection with them. I think there is merit in having a bipartisan look at the state school system and I believe this is the most appropriate way in which to do that. It is not simply about looking at Partnerships 21, which in many ways has become an obsession with a section of people involved in education and which should be part of a wider debate. It is unfortunate that we have degenerated into what amounts to trench warfare on the issue of Partnerships 21 and lost sight of some other issues which are central to education and the wellbeing of those involved, particularly the children. It is not just about Partnerships 21. Partnerships 21 may be the better model in terms of local school management, but there may be other alternatives, variations or ways in which to improve it.

Another issue I have highlighted is retention rates. I think it is important that we get evidence which allows us to put this issue in perspective and, importantly, to look at ways of improving retention rates in our state school system. Likewise, members are approached from time to time by parents who feel that more resources need to be allocated for their children who have special needs. As a local member, I am not in a position to make a judgment but, clearly, a committee after hearing expert advice and submissions from various stakeholders can make recommendations in that respect. In relation to children in various geographical areas of South Australia, it is hard to know whether the children's needs are being met, irrespective of whether they live in a country, regional or metropolitan area. That is another aspect that I think needs to be considered.

The perennial issue of school fees has now become very much a political issue and needs to be addressed in a rational way. This is on the agenda of nearly every school council

which I attend: should school fees be mandatory for people who are not receiving School Card; and should debt collectors, and so on, be used to recover those fees? This select committee would be a mechanism to address this issue in a calm, rational way in order to arrive at recommendations which tackle the issue.

I have also included the general mother clause which allows the committee to consider other issues of importance. Clearly, the committee cannot look at every aspect of education, but there are issues, such as teacher numbers and the need to train teachers for the future, that could be considered. This is not meant to be—nor do I wish it to be—a point-scoring exercise. I want the various stakeholders, including parents, teachers, the department and others, to participate with goodwill in this inquiry so that we all can ensure that the system we have in this state, which traditionally has been a good one, will continue to be not only a good system but also an improved system. I hope that my colleagues will support this proposal. I believe the time is right for a committee such as this and I commend the motion to the House.

Mr MEIER secured the adjournment of the debate.

TELSTRA, POINTS OF PRESENCE

Mr LEWIS (Hammond): I move:

That this House calls on Telstra to establish additional points of presence, other than those that have been required under the terms of contract for the government radio network, and in the process to put one such point of presence at Strathalbyn and in similar locations throughout rural and regional South Australia.

I move this motion because at present we do not have sufficient points in South Australia to give people equal and ready access to the net. The problem which that has produced for us is that some people have to pay timed long distance calls, and that is discriminatory and unfair. The one thing South Australia has had in its favour is the government radio network because, in the process of establishing that network, a large number of antennae had to be erected. As the minister at the bench, the Minister for Emergency Services knows, they were well spread across the state to serve the needs of people of the state through that network. The government radio network communications technology is not necessarily the same as the telecommunications technology Telstra is using for the specific radio broadcast of the telephone signals that are relied upon by it to carry the telephone messages to which my people are connected when they get on the net.

At present, Strathalbyn is in the outer metropolitan area, fairly close to the central business district of Adelaide. It is much closer than many other places which, at present, have a point of presence that is a local call to Adelaide and it is not timed. It then goes through Adelaide on to the net. However, service providers in Strathalbyn, unlike those in Victor Harbor, which is a greater distance from the GPO than Strathalbyn, must pay a higher cost. It is not just a few dollars a day; it is the difference between $200 or $300 a month and $12 000 a month if you are a service provider. This arbitrary decision by Telstra discriminates against people who want to conduct their business in Strathalbyn.

Indeed, Telstra has been quite deceitful in the way in which it has advised some people who are conducting business on the internet—telling them that it did not and would not matter if they chose to locate their centre of operations in Strathalbyn. By way of example, I have a case in point where Telstra is behaving in an absolutely despicable, disgusting and deceitful—and any other term to which I could lay my tongue—way with a service provider in Strathalbyn. It is refusing to acknowledge that it cheated and lied when it provided that advice to that person. Telstra has billed that person for the timed long distance calls, and is demanding that the person pay the bill. No-one in Telstra will honestly and honourably acknowledge that the bill is really a blackmail because, if they do not pay it, they will cut them off, and the service provider will lose their business. That is wrong. The service providers of whom I speak in Strathalbyn cannot afford to relocate again into an area such as Willunga, where there is a point of presence, because that is where there is an antenna for the government radio network and where Victor Harbor is connected to Willunga more cheaply than service providers in Strathalbyn. They cannot afford to relocate. They are caught, now having to pay these timed long distance calls to service the needs of their customers who are scattered, not just in Strathalbyn but right across South Australia and other parts of Australia.

To remain competitive, the service providers have to meet the cost involved. Whilst Telstra has had the good fortune of finding that it can use its antenna, placed there under the terms of contract for the government radio network to provide these points of presence in South Australia, to the extent that it does not have to put in any extra points of presence to be able to claim that it has the best penetration of the market and is providing the best range of services at large to people in South Australia than in any other place in Australia, it is no reason for it not to go ahead and put in other points of presence separate from the government radio network antennae that have facilitated the establishment of those existing points of presence. It would need to put in only three or four to give the kind of coverage that I am saying is fair and necessary for 99.9 per cent of the service providers in South Australia—if not all of them. It would only involve just three or four more, and I do not think that is too much to ask.

In every other state, Telstra is doing that as a part of the capital work that it must do to sell its telecommunications network and meet its social obligations. In every state other than South Australia it has to invest the necessary capital to get points of presence established. In South Australia it is being paid for by me, members in this House and all our constituents through the deal it has with the government radio network contract. That was clever on the part of the government. Whether serendipity or not, we benefit as a state, but it is not fair and reasonable for Telstra to say that it has done its job, that it has met its social obligation and that, therefore, it ought not to be putting more capital resources into establishing points of presence for service providers in the other unconnected and densely populated parts of South Australia. It is for that reason that I have moved this motion.

All members ought to recognise that they will not only be fair and just if they support this motion, but that they will perpetrate an injustice if they do not. I have tried to get Telstra to understand the fairness of what I am saying today. So have the parties that have ben adversely affected by Telstra's current policy. We have been doing that for more than 12 months, yet Telstra is so bloody-minded that it will not move. It is worse than a political party. If a political party believes that it does not need to do something for someone, even though it is fair and just to do so and it is unjust not to do so, the political party will nonetheless not do it. I am saying to all honourable members in this instance, 'Don't be like that.' This is nothing to do with political parties and

ought not to be the kind of mind-set which members use when they come to vote on the measure. We should simply support the proposition and tell Telstra to get on with the job—to do what it ought to do for South Australia. Equally, we should encourage our senators and members in the House of Representatives to encourage Telstra to do likewise, or otherwise do as we will do—give them a wack around the ears and wake them up. I commend the motion to the House.

Mr HAMILTON-SMITH secured the adjournment of the debate.

GOVERNMENT RADIO NETWORK

Mr LEWIS (Hammond): I move:

That this House—
(a) commends the member for Chaffey for her persistence in getting an inquiry by Mr J.M.A. Cramond into the involvement of the Premier in the government radio network;
(b) calls on the Attorney-General and the government to immediately invite Mr Cramond to further report to the parliament any matters which came to light through his inquiries and which did not reflect good and proper public administration and to do so before the end of March 2001;
(c) condemns the Premier in his desire to obscure the finding behind the strength of his statement in his rhetoric when noting the document; and
(d) denounces the Liberal members of parliament for supporting the Premier's ploy in his subsequent statements to the House to obscure the findings contained in the report.

I want to make some observations about my purpose in moving this proposition, the first of which is that no government should be allowed to get away with adverse findings against any one of its ministers (from the Premier down) by saying that it has nothing to answer for. Yet in this case, this government, through the Speaker, said just that.

In the first instance, the letter signed by the Attorney-General appointing Mr Cramond clearly states what his duty is. I put on the record here and now the most important things which arise from that letter as they relate to the proposition which I have put to the House. In that letter of appointment to Mr Cramond from the Attorney-General (Hon. Trevor Griffin) dated 10 December 1998 (nearly two years ago), Mr Cramond, a former chief magistrate, was told:

> Whether or not the then minister (now Premier) misled the parliament intending to do so is a matter for parliament. Your responsibility is to determine the facts.

Mr Cramond was given access to any and all government papers which might be considered necessary by him to do that work. Moreover, the Attorney told him he could ask for government officers and employees to make themselves available to assist him in his inquiries, and any other people he thought it prudent to interview. In the same letter he was also told that:

> If any significant matters come to light which do not reflect good and proper public administration they should be identified.

In his final report Mr Cramond said:

> My report refers to a number of instances which adversely reflect on good government. I would have preferred to have extracted those passages, analysed them further and presented them in a more comprehensive segment of the report. Time, however, has not permitted this to occur.

Given that the Attorney told Mr Cramond to do that, given that Mr Cramond found that such was the case, and given that he also pointed out that he did not have time to do it in the time available, why was he not then instructed to continue and do that? We should now rectify that.

The purpose of his inquiry was to report on things which do not reflect good and proper public administration, to identify those things: it was not to vilify any minister, including the Premier. Presumably, what the Attorney was asking was for Mr Cramond to use his great intellectual skill and understanding of these matters to warn any future government not to go down such paths, not to do such things, to avoid such practices and not engage in such processes of decision making. If the Attorney did not have that in mind, then I do not know what he had in mind because the Premier never addressed that matter at all when he moved that the report be noted on the first day of the House's sitting in February last year when the report came down. And the government has done nothing about it since, so presumably it feels paranoid about it—and there is no reason for it to be paranoid. The purpose, as I said, which the Attorney had in mind when he gave that instruction in his letter of appointment to Mr Cramond was to get it on the public record so that it would not happen again: why otherwise would he have put it in there? What I have just said addresses the substance of paragraph (b) of the motion. It simply gives breath to the expressed willingness of Mr Cramond to do something further and useful than he had time to do and which he said, in compliance with the Attorney's request, ought to be done in the interests of good government.

I turn now to the substance of Mr Cramond's findings. He found that, in most instances, the Premier (who was at that time minister) did not make false or misleading statements. However, on page 43 (and members can imagine, well I can, anyway—no, I will not let my imagination run away with me; I will stick to the facts in this discussion) of the report Mr Cramond refers to the *Hansard* of 21 September 1994 where the Premier, who was then a minister, said:

> To my knowledge, no normal or informal discussions. . . have been given to Motorola.

After making that comment, Mr Cramond then went on to make the following observation:

> As a matter of fact, there had been discussions of an additional incentive, that is, that if the software centre was established in Adelaide, Motorola would be given preferred status in respect of the supply of radio equipment for the radio network project.

That was the statement made by Mr Cramond in his report about what the minister of the day, the now Premier, said. After some discussion, on the next page (page 44), members will find Mr Cramond states the following:

> I find that component of Mr Olsen's answer to be false.

In other words, he misled this House—

Mr Hanna: And he got away with it

Mr LEWIS: And he's got away with it so far. On the very next page (page 45) he refers to the *Hansard* where Mr Olsen, the Premier, said:

> The approach from Motorola was, no side deals in relation to the development of the main package; the main package stands and falls alone as its own entity.

After a short discussion of that statement Mr Cramond states:

> However, Mr Olsen knew that the Australian based officers of Motorola were strongly pressing for the additional incentive to be offered—

The one about which he spoke on page 44. Mr Cramond further states:

> In my view, it was misleading for Mr Olsen to reply as he did.

It is not I who am saying the Premier misled the parliament: it is Mr Cramond, and Mr Cramond was the choice of the government as the person to conduct this inquiry. It is not me,

not you, Mr Acting Speaker, not any member of the Labor Party: he was the choice of the government of the day. They negotiated long and hard to try to keep it cool, keep it quiet and play it down, but the member for Chaffey insisted and finally compromised on the measure, not demanding in the final analysis a full judicial inquiry but one undertaken by the retired Chief Magistrate. That is fair enough. On the very next page Mr Cramond offers an opinion. He says:

> In respect of the misstatement which I have found occurred, I am of the view that it was a material misstatement. . . It denied the opposition the opportunity of further probing the detail of any understandings between Motorola and the government.

Mr Cramond is not exactly a member of parliament and he does not understand the nuances of how members of parliament make statements and conduct themselves in this place to avoid, as I have noted over the years that I have been here, adverse consequences for themselves. The Premier is a great fellow at debating, in doing precisely that, but that does not mean that he should not at all times tell the truth to this chamber.

And he did not: he deliberately misled this chamber, in the opinion of Mr Cramond. In my view also, that was the case. On page 47, the very next page—and I am not jumping around here, Mr Acting Speaker—after quoting a statement from *Hansard* made by Mr Olsen on 26 August 1998, Mr Cramond makes the observations about Mr Olsen's answer that 'the answer does not directly address the question'. In other words, he was dodging the issue. He was trying to fudge it. I further quote from Cramond:

> Mr Olsen's reference to the proviso in the letter of 14 April 1994 is inaccurate. . . I accept, however, that this was a mere error in expression.

That is the opinion of Mr Cramond, but I am not so sure, personally, and the error of expression to which Mr Cramond was referring, which was 'not intended to be misleading', was in the letter of 14 April 1994, not in Mr Olsen's statement to the House. I will read the whole quote straight throughout without my own interpolations and interpretations:

> Mr Olsen's reference to the proviso in the letter of 14 April 1994 is inaccurate..I accept, however, that this was a mere error in expression. . . which was not intended to be misleading. I would not have regarded the expressions 'subject to commercial negotiations' [quoting Mr Olsen] or 'subject to normal commercial criteria' [again quoting Mr Olsen] as being synonymous with 'processes of government'.

And neither would I. I agree heartily with Mr Cramond, who continues:

> In any event, to the extent that this statement may be regarded as inaccurate, I do not consider that it was a material misstatement. . . it was not at that point pursued with any further questions (from the opposition).

That, I think, substantiates the basis for paragraph (c), in which I propose that we should condemn the Premier in his desire to obscure what he had done and, more particularly, in the findings behind the strength of his statement in his rhetoric when he was noting the document. I now turn to *Hansard* of that session of the parliament.

The ACTING SPEAKER (Mr Scalzi): The honourable member's time has expired.

Mr MEIER: I move:

That an extension of time be granted.

The ACTING SPEAKER: Extension applies only for bills.

Mr MEIER secured the adjournment of the debate.

AMERICAN FOUL BROOD

Mr LEWIS (Hammond): I move:

That this House—

(a) notes that there are unprincipled, uncaring apiarists whose hives are infested with American foul brood and who, in many instances, are also using antibiotics to hide it, even though the practice is against the law; and therefore

(b) condemns the state government for failing to uphold the law, prosecute the offenders and destroy the diseased hives.

American foul brood came into South Australia in the last century. The only way of controlling it is by a process which I and others before me have described as 'heroic destruction', which simply means that the boxes, called hives or houses, in which the bee swarms are housed become infected with the bacterium and have to be burned. All the bees that live in those infected hives also have to be destroyed by burning. It is the only way to get rid of that source of infection.

The disease got out of control before the First World War but was brought under control by the process to which I have referred. It again got out of control during the First World War. The apiarists who owned and tended bees at that time were men: it was not seen in those days as an occupation suitable for women, because most women spent that physically active portion of their lives, when they were fit enough and strong enough to handle such things, as carers, mothers and home makers.

Mr Hanna: They had babies instead of bees.

Mr LEWIS: Yes, they had to look after their babies instead of their bees, and there were always very serious implications if they were pregnant and were stung, not only for themselves but ultimately for the infant. I am not being sexist in the least by saying that, in the main, apiary has been an occupation for men, and remains so to this day. I turn to the substance of the proposition.

During the time when young men were away at war, their hives simply remained untended and American foul brood spread from hive to hive by bees that came in contact with one another while working in the field. One infested and the other from an uninfected hive coming in contact with it collected the bacterium, contracted the disease and took it back to the hive from which it came, thereby infecting that hive.

An honourable member interjecting:

Mr LEWIS: Sadly, yes. I am pleased to see that you are back, Mr Speaker. The war over, the men returned, went to their hives, found them to be infested and burnt them. It was the only way of controlling them. American foul brood was brought under control and almost eradicated. The only reason it was not eradicated was, quite simply, that some swarms went wild and escaped into nooks and crannies where they had established themselves in the wild. They had American foul brood and it was the source of infection that continued to contaminate the commercial apiaries. After the First World War was over and it was brought back under control, everything went well until the same thing happened again during the Second World War. Until just after the Second World War, the only way to control America foul brood was to burn the boxes, the hives in which the swarms were housed and the swarms within them.

During the 1950s it was kept well under control and apiarists, whenever they were in the field, would seek out any swarms they could find in the wild and destroy them so that they could not carry the disease into their commercial hives. There were a few people in the community, as I recall as a

child, who complained about beekeepers who destroyed wild swarms, by burning or cutting down the trees, as being selfish. They said that the beekeepers did not want people to collect free wild honey. I knew a couple of beekeepers who were nice men (they smelt very different from everybody else—they smelt as beekeepers alone can smell—and it is not an unpleasant smell; it is unique to beekeepers), and they showed me what happened when hives became infested with AFB, and the stink of foul brood on hives is overpowering. If members need that to be demonstrated, perhaps I will bring into the chamber a swarm which is in the terminal stages of decay and unlikely to sting any member because the bees would not have sufficient strength. The stench of it is worse than any rotting flesh I have ever smelt (and I have smelt some) or entrails in any place that I have ever had the misfortune to have to encounter in the past. It is really an apt name to call it 'foul brood'. In particular it infests the cells which are engaged in reproduction and wipes them out. It weakens the bees and swarms.

In the 1960s, after the discovery and mass production of antibiotics, some smart alecs got into the industry and decided that they really did not need to worry about destroying swarms infested with foul brood but rather that they could treat the infested hives with antibiotics in the same way that everybody began treating the animals that they were raising, whether it be chooks, cattle or pigs. Not only were animal herders using the antibiotics intravenously on a valuable animal to treat it when it became sick, but they were also simply putting it in their feed prophylactically to prevent infection and to reduce the populations of bacteria in the gut of chickens, pigs, calves and beef cattle that were being fattened—anything at all, and thereby increase growth rates. They would simply put antibiotics in their feed. That was tragic, as we now know, and has become a cause of concern world wide. The practice has resulted in a large range of bacteria becoming resistant to those antibiotics. That in itself is very serious because it means that those same bacteria, which have hosts which are other commercial animals as well as humans and cause disease in both, are now resistant to the very things on which we have been able to rely for 60 years to control them and the illness they cause. Being resistant, antibiotics can no longer knock them out, and that has very serious implications indeed for surgery. There are people now who simply cannot get bone surgery because they have had too much antibiotic and there is no way that the surgeon, knowing that they are resistant or allergic to antibiotics, will give them their hip or knee replacement knowing that they will become septic, that is, infected, as a result and gangrene will get in and it will kill them. It is better to put up with a painful squeaky joint than to die.

It is bad enough having bacteria that are resistant to antibiotics but, worse, the practice of using antibiotics to hide the presence of America foul brood in hives means that when the honey-laden frames are taken from the hives and the antibiotic contaminated honey is spun out in the separator, bottled up and sold, the public do not know that they are dosing themselves on the antibiotic in the honey. The end result is that people who eat honey unwittingly find themselves being dosed with antibiotics. A few smug beekeepers say, 'I do not know whether I have America foul brood or not,' and then smugly say, 'But, I bet you can't detect it.' Because they have antibiotics in their hives, you cannot pick up the AFB!

The minister should be getting off his backside to protect this industry and our markets, not just for honey but for all the food we produce under the banner of 'clean and green' and pursuing the people who have American foul brood by testing the honey to discover whether it has oxytetracycline in it. The law says he should. It is simple enough to do but is not being done. Lazy sod! He ought to be dismissed! It involves not just the health of you and me who eat honey but the risk of the jobs involved in the production of clean, green food in this state that will be lost like that the first time our exported honey is tested for and is found to be contaminated with antibiotic. It is not the honey market of $16 million in this state and nation but the $4 billion worth of food that we export annually that will go down the drain—just because we have a lazy minister with lousy policy advisers. They have sacked every apiary inspector in the department—there is not one. In September the minister told me in a letter that he was urgently recruiting two full-time temporary inspectors to address the problem. They have not been recruited or appointed and it is nearly November.

This is the high season when the honey flows at its highest, when the risk is greatest. The moment anybody or any government overseas finds honey from South Australia (or anywhere else) contaminated with antibiotics will be the day we lose our markets for all that we export under the banner of 'uncontaminated food'. Nobody will trust us because they will say, 'You have given us these other certificates to say that this is free of pesticide, that this is free of disease, whether it is carrots, potatoes or milk. Why should we believe you?' Mr Speaker, why did we stop dairy farmers from putting antibiotics in the udders of cows they were milking commercially? Because it came back out at the next milking, contaminating it dangerously. If you want to treat mastitis in the cow, you do not sell the milk. Yet, the minister does not seem to mind that people are illegally treating America foul brood with antibiotics and still selling that. That is the seriousness of the situation.

It is bad enough that the minister is prepared to put everyone's health at risk. A few people are allergic to the antibiotics. It is bad enough that he does that by sitting on his hands and saying, 'I will leave it to the industry to self-regulate.' But, damn it, it is not the industry but all the jobs involved in all the food that is produced here. That is why I am angry and why I put the proposition on the *Notice Paper*, and that is why every member should support it and tell the minister to get on with the job and get rid of the people who have given him incompetent advice, because he has been receiving it, accepting it and acting on it (or doing nothing on it) for too long.

Mr De LAINE secured the adjournment of the debate.

OLYMPIC GAMES

The SPEAKER: Before calling the member for Waite, the chair has observed that items 4 and 5 are near enough the same to be called an identical debate, and is of the belief that they should, in fact, be debated concurrently. I believe that the opportunity exists for the mover of No. 5 to, by amendment, incorporate into No. 4 any points of merit that he believes perhaps are lacking. The debate is near enough to being identical, and I believe it should be treated as such.

Mr HAMILTON-SMITH (Waite): Thank you for your guidance, sir. The mover of motion No. 5 and I have communicated, and I will amend my motion accordingly. I move:

That this House congratulates all South Australian and Australian athletes, Olympic and Government officials and volunteers who either participated in or helped organise the Sydney Olympic Games and, further, that the House acknowledges and thanks the coaches, medical staff, the public and the many family members who played such an important part in making sure that our great sporting state and nation not only had its share of Olympic gold, silver and bronze medals but of personal best achievements that made our athletes such fine ambassadors for South Australia.

The government and the people of South Australia—and, indeed, all South Australians—were extraordinarily proud of the accomplishments of our South Australian athletes. I acknowledge the bipartisan and positive support from all members of the House in regard to assisting and supporting our Olympic athletes, our Olympic officials and all who were involved. The results speak for themselves.

The 2000 Olympic Games held in Sydney were the most successful games ever for Australia and, indeed, are being touted as the most successful Olympic Games ever. The Australian team won a record 58 medals, comprising 16 gold, 25 silver and 17 bronze. Of these 58 medals, South Australian athletes contributed to four gold, six silver and three bronze. Some 18 athletes—over one-third of the South Australian contingent of 52—returned with a medal. That is an outstanding achievement.

The athletes who returned with such medals included local archer Simon Fairweather, who won gold in the individual archery event. The three South Australians in the record breaking Hockeyroos team (which is being called the best Australian team ever) were Juliet Haslam, Alison Peek and Kate Allen. Track cyclist Brett Aitken joined with interstate rider Scott McGrory to win the new track event, the Madison. Beach volleyballers Kerry Pottharst and partner Natalie also won gold, defeating the reigning world champion pair from Brazil.

South Australia has been involved in the preparation of the athletes for the games in both the gold medal sports of track cycling and beach volleyball. The national track cycling team has been based in Adelaide under national and Australian Institute of Sport coach Charlie Walsh since 1987. This program returned from Sydney with one gold, two silver and three bronze medals. The national beach volleyball program commenced at the South Australian Sports Institute under another South Australian coach, Steve Tutton, in 1997. Both programs have received significant support through the South Australian Sports Institute.

The eight silver medallists are: from the Opals, Rachael Sporn, Carla Boyd and Jo Hill; Kate Slatter from rowing in the women's pair; medley relay swimmers Ryan Mitchell and Sarah Ryan; tennis player Mark Woodforde; and pole vaulter Tatiana Grigorieva. Simon Morrow and Selina Follas were members of the bronze medal winning softball team. Craig Victory was a member of the Kookaburras team, which secured the bronze medal, while Robert Newberry achieved a bronze medal in the inaugural synchronised three metre springboard event. Overall, Australia finished in fourth position on the medal tally. That is an outstanding result for a country of so few compared to the great nations such as the United States, Russia, and so on. In addition to the 52 athletes competing at the games, 27 officials from South Australia were selected as part of the official Australian team.

I would now like to talk about South Australian government involvement in preparing our athletes for the games. The Prepared to Win program was established to maximise South Australia's sporting and economic opportunities arising from the Sydney 2000 Olympic and Paralympic Games. The strategies utilised by the Prepared to Win program already have been successful in attracting international teams to Adelaide for training and acclimatisation purposes. In the last 12 months, Adelaide has hosted the Polish men's hockey team, which was preparing for the Olympic qualifying tournament; the Australian, Nigerian, Korean and Egyptian men's soccer teams; the Australian, Swedish, USA and Czech Republic women's soccer teams; the Japanese track cycling team; track and field athletes from across Oceania and Africa; an Austrian Olympic staging camp; three professional Japanese soccer teams; Malaysian track and field athletes; and the Chinese and Hong Kong based cycling teams. It was my great pleasure to go and watch the Russian athletes during their training. It was a most impressive event, and a great opportunity for South Australians to see first-hand world-class competitive athletes performing in that demanding field of endeavour.

All this provided an excellent lead-up to the large contingent of athletes based in Adelaide from August to October during their final Olympic and Paralympic Games preparation. Over 1 000 athletes and officials from 26 countries visited Adelaide for pre-games training, representing over 20 000 bed nights—a considerable stimulus to the local economy.

Nearly 500 visitors from 10 African countries attended a month long training camp in a program established to provide opportunities to athletes from developing countries being run in partnership with the Australian Olympic Committee. Through the program, the South Australian government addressed the issue of assisting overseas teams from developing countries which wished to train and acclimatise in Australia in the lead-up to the 2000 games, and that was a wholly appropriate thing for us to do. As a result of ongoing liaison with the Australian Olympic Committee, the matter of this cooperation was addressed within the auspices of Olympic guidelines.

The African Olympic Training Centre program has been running for a number of years, with many young African athletes training in Australia for extended periods. With the involvement of the South Australian government, this program was expanded in 2000 to offer the pre-games training camp for the athletes of so many of the developing African nations. Some 10 countries committed to the African Olympic Training Centre program, and the arrangements resulted in Adelaide emerging as a prime venue for pre-Olympic games training.

Over 400 athletes and supportive staff from Kenya, Nigeria, Congo, Mali, Cameroon, Swaziland, Uganda, Cote d'Ivoire, Zimbabwe and Sierra Leone were here from 2 August until 2 September. The Austrian Olympic Committee also used Adelaide for their team assembly, with over 100 members involved in their camp.

A number of high profile sports from the Russian Olympic team were also based in Adelaide, and as I mentioned these included their artistic and rhythmic gymnastics teams as well as diving, synchronised swimming, track and road cycling and judo.

The standard of the training facilities available to the teams for training has been praised by various teams, officials and others during visits to Adelaide as part of the pre-games build-up training. It is a credit to this government in particular that we have put so much effort into establishing such world-class sporting facilities for use not only by South Australians but by the world community.

Track and field athletes from Spain trained at the Santos stadium while the Adelaide Superdrome was utilised for teams from Japan, New Zealand, Canada, Russia, Austria and Australia. Other venues that were used included Clipsal Powerhouse, the Adelaide Aquatic Centre, ETSA Park, the South Australian Sports Institute, West Lakes Aquatic Centre and Wingfield Shooting Range.

The local sporting and ethnic communities were extremely supportive of the 'Prepared to Win' program from the beginning and have assisted in the attraction of many of the teams along with a group of volunteers who worked as team liaison officers and drivers throughout the program.

To enhance the benefits to the South Australian community there were opportunities for people to attend various training sessions of the teams. An additional program was established in partnership with the Department of Education, Employment and Training and the South Australian Olympic Council to provide primary and secondary school children with the opportunity to link up with the different teams and countries through a range of activities.

Finally, we all enjoyed a wonderful reception at the Adelaide Town Hall for our returning Olympic heroes shortly after the completion of the games, and even as I speak we presently enjoy the performances of our paralympic athletes in Sydney as they strive for gold. Overall, the government's—and I am sure all members of the House on all sides feel that South Australia's—part in this fabulous Olympic Games has been commendable. All the South Australians who performed to their best at the Olympic Games—whether they were competitors, officials or part of the volunteer force that administered and provided backup to the games, whether they were part of the Adelaide based team or whether they actually went to Sydney—deserve a pat on the back for showing the whole world that South Australia and, in particular, Adelaide can really turn it on when required for a major international sporting event.

As a member of this place I am pleased with what we have achieved. I think everyone involved needs to be commended and I am sure that all members of the House will join me in supporting the motion and sending a clear message of congratulation to all South Australians who formed part of this great effort.

Mr WRIGHT (Lee): The Sydney 2000 Olympics was like no other Olympic Games. Sydney was able to put together a package which I think has been unrivalled, and I think it will be very difficult for any country in subsequent Olympics to be able to put together a package of the magnitude that Sydney was able to put together.

Similar to all other Olympic Games, Sydney went through some negative publicity in the lead-up to the games and, undoubtedly, it did get some things wrong in the process, especially in relation to ticketing and so forth, but, by the time we got to the games, a lot of that seemed to be ironed out. And, what a magnificent event Sydney was able to put on for the rest of the world.

I was very fortunate to be able to go to the games with my wife and our two girls. I hasten to add that no taxpayers' money and no corporate tickets were used. We went into the balloting process like thousands of other Australians; and it was somewhat of a daunting experience because, when you go into the balloting process, you do not know what you are going to get. Initially, we put in for four or five events. The worst case scenario, I suppose, would have been to get none or one and then have to decide whether to make the effort to go to Sydney for one event. Ultimately, we were able to get a range of tickets for events such as athletics, swimming, basketball and volleyball.

I might say that the experience is one which I will never forget. What struck me most about the event was the infrastructure and the way in which the public responded to the Sydney Olympics. Actually being in Sydney during the Olympic Games which were being hosted by Australia just could not make you anything but extremely proud, and, of course, you realised how lucky you were physically to be there while this event was being hosted by Australia.

One of the things which struck me most was the infrastructure that was put in place: the capacity to be able to use public transport so conveniently and so quickly. Thousands of people were relying on the public transport system, and it was obviously a monument that the people from Sydney can take out of the Olympic Games.

I will never forget the first day we caught the train at Redfern to go to Olympic Park. Literally thousands of people were lined up at the station and going back down the main street in Redfern. When you first saw this you thought, 'How and when will I ever get on the train?' but within a matter of minutes you were quickly accommodated. Trains were going literally every 30 seconds, so from an infrastructure point of view the movement was wonderful. But so was the way in which the general public was treated and went about their business. Everyone was friendly; it did not matter from where you came—whether from another state of Australia or another country around the world. Everyone really did join in and was very much a part of the Sydney Olympics. The infrastructure that was put in place was fabulous and something from which we can learn. Maybe down the track South Australia might host a Commonwealth Games or an event of similar magnitude.

The next thing that struck you when you got to Olympic Park was the venue. At the main venue at Olympic Park you had most, but not all, sports including athletics, swimming, tennis, basketball, gymnastics, and so on. On the first Friday when all those events were coming together for the first time—because other sports had been in operation—on the first day of athletics, which ultimately became known as 'Super Friday', as you walked down that main Olympic laneway, something like 500 000 people were in the park. It was certainly an experience in itself to see that mass of people. Once again, the way in which the general public related to each other was just absolutely superb.

The member for Waite has reported in some detail on our athletes. Obviously, we all are extremely proud of all our Australian athletes, not just the medal winners. Of course, they have a special place in our hearts—and will do so forever. However, today we acknowledge not only the South Australian medal winners but also all the South Australian competitors. They have really done Australia and South Australia proud. We had a record haul of medals, and South Australia made a fabulous contribution. The South Australian Sports Institute needs to be acknowledged. The role played by that organisation was obviously critical in making sure that our athletes were able to reach their highest potential. Regardless of whether they were winners or losers, our athletes did us proud in a whole range of events. We competed in a record number of events, and we were able to get a record haul of medals. And what better place to do it than in Sydney, in our home country, hosting our first Olympic Games since 1956.

I was quite impressed by the volunteers. I have never quite experienced anything like it before in my life. The sheer mass of volunteers struck me for a start, and I was also struck by the way they went about their business. You never had to go up to a volunteer; the volunteers would come up to you. The volunteers would go to children and hand out lollies, chocolates and things of that nature. The volunteers all had the information—whether it be in hard copy or in their head—to be able to direct you. Things such as signs and so on were in place. One of the great things we were able to get out of the Sydney Olympics compared to the Atlanta games was that our volunteers stayed with the games right through the 16 days. In Atlanta one of the great problems was that, as days went by, more and more volunteers fell out of the system. That did not happen in Australia. That tells you something about the Australian character and personality.

Of course, in South Australia we had our own volunteers doing a great job at Hindmarsh where we hosted seven Olympic soccer matches. We provided a combination of which we can be extremely proud. I had the opportunity to be there for a few days and to take in some of this while the Olympics were in progress, and it is an experience I will never forget. To see your children's eyes light up, day in, day out as they go along to the various events is a feeling that will stay with me forever. If you have young children and you have the opportunity to see the Olympic Games—and you may not get the opportunity in Australia again—you should not miss it, because it is a wonderful experience. We are talking about an event unrivalled in the sporting calendar world-wide. Let us make no mistake: as good and as big as a lot of these other events—whether it be world soccer, Davis Cup tennis and so on—are, no event brings together all the major sports as the Olympic Games do. No event has the history of the Olympic Games. We were able to transcend that history and break barriers that have not been broken before. We as a nation were able to put together a package that really did encapsulate all the Olympic Games has been about, should be about and will be about.

We have really set the template for what other nations now need to follow, whether it be the opening ceremony, the way events are conducted, the infrastructure for the athletes or the public—all that package was just done so superbly that we all should be very proud. Of course, as South Australians we have a special place in our heart for the role that athletes had in participating in the Olympic Games. We also had that same positive outcome for volunteers who were involved either in South Australia or went across and participated in Sydney. We got a lot out of the Olympic Games. We are now seeing the fruits of the paralympics of which we can also be proud.

Mr MEIER secured the adjournment of the debate.

SITTINGS AND BUSINESS

The SPEAKER: I would like to advise the House that we will now be removing Notice of Motion No. 5 from the Notice Paper.

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

QUEEN ELIZABETH HOSPITAL

A petition signed by 75 residents of South Australia, requesting that the House urge the government to maintain services at the Queen Elizabeth Hospital, was presented by Mr Condous.

Petition received.

MURRAY RIVER

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

Leave granted.

The Hon. J.W. OLSEN: Next week, state and territory leaders will meet in Canberra to take part in the Council of Australian Government's meeting. This meeting has the potential to significantly impact on the lives of all South Australians. In fact, the Murray River, its flow and its environmental well-being is, and will continue to be, I believe, the most important economic and environmental issue facing this nation. We talk about nothing less than a lifeline.

I have been concerned about the deteriorating water quality in South Australia for some time now and that is why we as a government have fought so hard over the last year in particular to ensure that this issue receives top priority when the nations' leaders meet next week. I am pleased to say that the Prime Minister supports this view and not only has this issue been listed as the No. 1 agenda item at COAG but the Prime Minister has made a start on the very large funding requirement for the task of restoring and preserving our river.

Over the past 200 years, with the best intentions, Australians have used land practices which have been detrimental. We are now in danger of destroying the very land we depend upon. Last month I made a two day inspection of the Murray from the mouth at Goolwa to the source in the Snowy Mountains. I met with several irrigators along the way and they argued to me that they are now taking into account the impacts their activities have on the river system. Notwithstanding that, I still believe that flood irrigation and the way it is managed continues to have adverse impacts on our river system and particularly the whole Murray-Darling Basin.

I remain concerned about the amount of water being used and, in relation to rice and cotton, how chemicals sprayed on the crops find their way back into the river system. Having said that, I have to say that the irrigators I met are making genuine attempts to manage the finite resource of water to ensure that there is a lesser impact on the water flowing back into the river. I give them credit for that. However, I think that we still have a long way to go.

A number of good things are being done, but the volume of water being used in irrigation by rice and cotton growers is still staggering. Inefficient irrigation techniques continue to be used in the basin. We took water samples along the trip to demonstrate the problem. The clean, crisp water near Mount Kosciusko bore no resemblance to the muddy saline sample we took at the mouth of the Murray River near Goolwa. In South Australia, we are concerned about reports indicating that, if the problems of the Murray are not fixed soon, in 20 years' time Adelaide's water will be undrinkable two days out of every five. That is a staggering projection, and therefore the result of inaction will be the collapse of communities which rely on the river.

All around this nation farming land is becoming less and less productive and the economy and communities are suffering through salinity creep. In both city and country areas, we are spending money replacing roads, bridges and buildings which are being eaten away by salt. We have in that

respect a crisis on our hands. It is not just an environmental problem: it is an economic and social one as well.

The heart of the matter is the cost of the clean-up. We need to spend a great deal of money to fix the damage. In saying this, however, I should add that governments alone cannot bear the total cost of solving these problems. There is a need for private sector and community contribution, and I was pleased to hear that the Australian Conservation Foundation and the National Farmers Federation see themselves as partners in these important tasks.

I believe that as national leaders we need some independent advice on the nature and cost of the problem. At this stage, we have estimates only. We need to quantify the cost and identify the comprehensive range of programs that will be required, for no one single program will fix this problem. If the problem is costing this country the estimated $3.5 billion a year, we can and must work together at all levels to fix it.

Certainly, we owe it to future generations of Australians and South Australians to act now so that, in 20 years' time, five days out of five our water is drinkable and our employment and lifestyle opportunities throughout country areas of the state are not compromised.

QUESTION TIME

CODE OF CONDUCT

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier believe that ministers should be required to comply with high standards such as those set out in the Liberal Party's code of conduct released by former Premier the Hon. Dean Brown and standards set by the Prime Minister (Mr Howard)?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: In 1993, during the election campaign, the former Premier released a code of conduct for ministers that stated:

> Ministers must divest themselves of shareholdings in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities, or could be reasonably expected to exist.

These rules are now incorporated in the government's cabinet handbook. In 1996, the Prime Minister forced several of his ministers and parliamentary secretaries to divest themselves of shares in order to comply with the Prime Minister's code of conduct. The parliamentary secretary to the federal Treasurer (Brian Gibson) and the assistant Treasurer (Jim Short) were both forced to resign by John Howard for owning shares in companies, which created a possible conflict of interest.

The Hon. J.W. OLSEN (Premier): I can only reiterate those views that I have expressed in this House over the past week in answer to a series of questions from the leader and members opposite. The fact is that we will act in a manner that is scrupulous at all times. On any issue that has come before the cabinet for deliberation, any potential possible conflicts have been raised and discussed.

From time to time, cabinet documents are noted and the ministers exempt themselves occasionally from cabinet deliberations, as is appropriate. That means that the highest standards are applied in the conduct of their duties. We will continue to act appropriately and in the best interests of South Australian taxpayers.

Members interjecting:

The SPEAKER: Order, the Minister for Police and the member for Elder!

BASIC SKILLS TEST

Mr SCALZI (Hartley): My question is directed to the Minister for Education—

Mr Conlon interjecting:

Mr SCALZI: Patrick—

Mr Conlon: I am sorry, Joe, I—

The SPEAKER: Order, the member for Elder!

Mr SCALZI: Some are noticed for being short, some tall and some not noticed at all.

The SPEAKER: Order! The honourable member will ask his question or sit down.

Mr SCALZI: I feel sorry for the honourable member. Will the Minister for Education and Children's Services provide the House with details of any significant trends that have emerged in literacy and numeracy levels in government schools since the introduction of basic skills testing in this state?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Thank you, sir. I thank—

Members interjecting:

The SPEAKER: Order! The member for Hart does not need to assist the minister, either.

The Hon. M.R. BUCKBY: I thank the honourable member for his question. Being an ex-school teacher, he will be highly interested in the answer, because it shows that the intervention strategies of this government in early learning and the basic skills test are having a significant effect. This claim is totally validated by the results of this year's basic skills tests. This year we have seen that for year 3 students, who in 1998 undertook the test and performed in the lower two levels of the basic skills test, 90 per cent of those students, this year in year 5, who completed their test moved into higher band levels with that test. That is an exceptional result. It shows the value of the BST and the integration programs in identifying those early learning difficulties and the value of the programs that have come out from that are working extremely well. This is part of the cornerstone of the early years' strategy of this government. We put some $52.5 million into this early years' strategy. Some 153 000 students have benefited from this strategy. Some may ask, 'How have they benefited?' They have benefited because we have introduced better learning programs and 17 additional speech pathologists have come into help these young people since the program started. They are undertaking expanded reading programs. School entry assessment is now occurring with all students who come from kindergarten into reception in our schools to assess at an early stage their ability in literacy and numeracy so we can diagnose early and put resources towards those young students so we that can identify and correct the problems.

It is very pleasing to see that 98 per cent of all students in years 3 and 5 this year undertook the test. It shows quite explicitly that parents are strongly behind this form of testing. Five years on, a sad, negative and contradictory AEU continues on its path, still asking teachers to block the test and still encouraging parents to remove their students from the test. Thank goodness parents are not listening—that is all I can say. They are showing some common sense, without any doubt at all. While AEU officers ignore the results, the overwhelming majority of those parents are moving with their

feet. The AEU is damaging our public education system with its constant negativity and constant carping about the quality of education in this state.

The Hon. R.G. Kerin interjecting:

The Hon. M.R. BUCKBY: Of course the unions are doing some of the opposition's bidding. We get people coming into this state, like Andre Cointreau from Le Cordon Bleu last week, saying that the education system in this state is second to none in the world. But still the AEU continues down its knocking path. Labor has the same expired use-by date. Like the AEU executive, members opposite have shown their ignorance on the value of quality testing. Their virtual education policy is devoid of any relevance of testing in today's education world. There are no original ideas, no costings, no way forward and, in Labor's board game of snakes, no ladders.

Further to the BST testing, today I launched a literacy and numeracy strategy that will further improve our students and their levels of literacy and numeracy. This strategy targets teachers in terms of sharing their information and skills between themselves and other teachers. It ensures that we collect greater data on student performance. It ensures that we intercept where it is needed and where we can give that support to those young students having difficulty. Finally, we provide an on-line service to all teachers in terms of planning guidelines, in terms of the latest research available in literacy and numeracy and in terms of sharing ideas between teachers so that we can better develop the literacy and numeracy in our young people. This government has outstanding BST scores, with an incredibly high number of apprenticeships and record levels of employment—all way in excess of the opposition leader's miserable 23 per cent.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): Why did the Premier not insist that the Minister for Information Economy and his family divest their shareholdings in Optus, as required by the cabinet handbook, before a contract was signed by the minister with Optus for the government's mobile phone services? On 13 July 2000, the minister announced that he had personally signed a contract with Optus to provide mobile phone services at a cost of $18 million. As a result of that deal, the Optus share price reportedly recorded a late bounce that day from $5.04 to close at $5.15. A check of the Optus share register on 23 October 2000 revealed that the minister holds 3 175 shares and that Susan Margaret Armitage holds 3 500 shares in Optus, with both parcels registered in December 1998. At yesterday's closing price, these shares were valued at over $28 000.

Members interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. M.H. ARMITAGE (Minister for Information Economy): I think there is one particularly important feature in what—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: —the deputy leader has identified, which, of course, they refuse to acknowledge. The deputy leader identified—

Members interjecting:

The SPEAKER: Order! There is a point of order.

Mr ATKINSON: Sir, I rise on a point of order. The question was whether the Premier would take action. How can the subject of the question answer that question whether or not he should be sacked?

Members interjecting:

The SPEAKER: Order! Members would know that there is a collective responsibility within cabinet. Any minister—

Members interjecting:

The SPEAKER: Order! Any minister can rise and answer a question. In this case, the Minister for Information Economy has chosen to—

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

The SPEAKER: I ask the Leader of the Opposition to sit down while I am speaking. Any minister can rise and answer a question. In this instance, the Minister for Information Economy has risen, the Premier sat, and the chair has recognised the Minister for Information Economy.

The Hon. M.D. RANN: I rise on a point of order, sir. The question is directed to the Premier, who has responsibility for the enforcement of a code of conduct that is expected to be enforced, not the subject of the enforcement.

The SPEAKER: Order! I have heard the member's point of order. There will be an opportunity later to repeat the question if the member wishes but, under the ruling that I have given, the Minister for Information Economy has the call.

The Hon. M.H. ARMITAGE: As I have identified previously in a ministerial statement, the cabinet guidelines have been followed. But importantly, what the deputy leader has identified—and may I say I think it is an extraordinary level of detail which the deputy leader has been prepared to bring into the chamber and, frankly, I think it is an interesting development—was that those shareholdings were registered, I think, in December 1998, and they still exist. Assuming that one can make a profit, one has to trade in the shares. One simply has not done that. There has been no change—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The member for Hart might like to look at the *Financial Review* and tell us, in fact, what the price is—

Mr Foley interjecting:

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

The Hon. M.H. ARMITAGE: —given that the shareholding has not changed.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for continuing to interject after he has been called to order.

The Hon. M.H. ARMITAGE: Thank you, sir. But most importantly, that is—

Mr CONLON: Sir, I rise on a point of order. The minister seems to be deliberately engaging the member for Hart, who is responding to him.

The SPEAKER: Order! There is no point of order, and the honourable member knows jolly well that there is no point of order.

The Hon. M.H. ARMITAGE: That, however, is peripheral because the issue is whether the cabinet guidelines are being followed, and the answer is yes.

The Hon. M.D. Rann interjecting:

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

CABINET, COMMUNITY PROGRAM

Mr WILLIAMS (MacKillop): My question is directed to the Premier. Can the Premier—

Members interjecting:

Mr WILLIAMS: If they get out of the gutter I might get on with my question. Will the Premier update the House on his community cabinet program and say how this initiative is being received in South Australia's various regions?

The Hon. J.W. OLSEN (Premier): I thank the member for MacKillop for his question. For something like two and a half or three—

Mr Venning interjecting:

The SPEAKER: I ask the member for Schubert to remain silent.

The Hon. J.W. OLSEN: For some two and a half or three years now we have been conducting community cabinet meetings throughout country and regional areas and—

The Hon. G.M. Gunn interjecting:

The SPEAKER: I ask the member for Stuart to remain silent as well.

The Hon. J.W. OLSEN: —in the metropolitan area of Adelaide. In those meetings it gives an opportunity for not only the full ministry but also the heads of government departments to have interaction with community groups where we are able to express government direction and where they are able to put to us issues that are confronting local communities.

The beneficial outcome of that is that during subsequent cabinet deliberations we are able to take into account in any direction policy we put in place the effect that might have in particular regions. Importantly, it has been appreciated. The number of letters that we get following these visits throughout the state have been most welcome. We have been from Mount Gambier to Ceduna to the Riverland, Whyalla and other locations throughout the state, all part of engaging with and listening to the community.

You only have to look at some of the success stories in the regions in recent times to realise just how far we have come in the last seven years. A decade ago the Riverland was bleeding. It is now booming and has had some three if not four years of economic growth of the order of about 30 per cent a year. Not only are we seeing a burgeoning wine industry but also other horticultural pursuits throughout the Riverland are developing export products out of a region where there is new investment, and the levels of unemployment have dropped down to almost a level that you cannot improve upon.

That is what has been achieved in a short space of time. On Eyre Peninsula, for example, we are leading the nation, without qualification, in terms of aquaculture and the growth of aquaculture and its export market. There is no doubt in my mind, following deliberations that I have had (and I know the Deputy Premier and others have had) in terms of trade missions of food and beverage producers from this state taking their products on the Asian market place in particular, about the quality of the product, the premium they are prepared to pay for the product and the input that that brings to country and regional areas and products.

One can look at the Upper Spencer Gulf region and not only at what the rail link will do for Port Augusta and Whyalla but also the South Australian pig iron project, which is a pilot project being established at Whyalla. You look at the SAMAG activity, which has the possibility of a major magnesium project being put in. One hopes that through the processes of the next few months we will get to a successful conclusion there.

The South-East continues to prosper, and in addition there are the mining, agricultural, processing and tourism opportunities. One should look at what is happening in the Flinders Ranges in tourism and the infrastructure that is going in there. So, our country and regional areas, rather than being a forgotten region of the state, are in fact having new investment, new jobs and economic activity created.

I contrast that to policies opposite in relation to the regions. The only one of which I have heard for the regions is that we will have designated enterprise zones, where you might, for example, pick Whyalla and say that if you put a business in Whyalla you will get enterprise zone support by Labor. What about all the other country towns and regions? Does that mean they are not on the list? What about the businesses in Whyalla that have an unlevel playing field within that city? Their policy is discriminatory and it disenfranchises a number of country towns and regional communities whereas our approach is across the state. We look at projects on merit so that, where we can secure investment, where we can secure jobs, where we can secure economic growth, we are able to attract that into the regions. Is it any wonder Bill Hender had to say what he had to say today? The Labor Party has no policy, no idea, no vision, no strategy, and no direction and it has not attempted, nor does it attempt, to put any alternative vision for this state. Why? It is simply bereft of any vision for this state.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): Given the Minister for Information Economy's answer to the last question, will the minister confirm that a member of his family sold her interest in a parcel of Optus shares on 31 August 2000, six weeks after he signed the phone deal with Optus?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I have no idea.

DRUGS

Mr VENNING (Schubert): Can the Minister for Police, Correctional Services and Emergency Services advise the House whether a drug summit would help resolve the current cannabis plant issues and whether that summit would assist police?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): No doubt, the honourable member happened to hear a similar comment to one I heard yesterday from Mr 2.7 per cent in the upper house, the Hon. Nick Xenophon. Mr Xenophon said that he believed it was time that there was a drug summit to deal with the issue. It is pity that, with all the spare time Mr 2 per cent has, that he does not get on the telephone and ask me what we are doing in police and what we are doing across government when it comes to all the issues around illicit drugs. Of course, a drug summit, another talkfest, would not achieve anything, other than to take up a little of the Hon. Nick Xenophon's time—of which he has a lot because he does not have the duties of members of the Liberal and Labor parties in both the House of Assembly and the upper house where we have heavy workloads not only in the parliament but also out of the parliament.

I put on the record the reasons why the talkfest that the Hon. Mr Xenophon is proposing would be a waste of time. First, members may recall that last year, through South Australian police, a very successful national conference was held in Adelaide to address issues around illicit drugs, including criminal activity and the dangers, etc., involved.

There are some very good papers about issues in relation to drugs which not only have been developed but which are also being worked on in a holistic way through the cabinet sub-committee.

For example, you only have to look at the fact that we have got the drug diversion court, the drug court trial, up and running. That has been worked through for over a year and it is up and running. We want drug diversion. I refer to what the Premier said yesterday. If the Hon. Mr Xenophon was serious about assisting with issues around illicit drugs, I would have thought he would be speaking up, rather than calling for a talkfest, and calling for support in the upper house for the bill which would allow us to get $9.2 million worth of federal government money to allow police to get involved in drug diversion programs in which police want to get involved. That is action that we are ready and willing to take; that is action that could be supported by Mr Xenophon.

There is a range of other issues as well including education; therapeutic drug units and drug free cottages in the correctional services area; and harm minimisation programs which are being developed. There are many rehabilitation programs—and the list goes on. Finally, to assist us with these issues will be the Premier's youth and crime prevention forum to be held in December.

We are getting on with it. That is our job; that is what we as a government are here for. It is time the 2.7 per cent honourable member Mr Xenophon stopped calling for time wasting summits, allowed us to get on with the job and supported us. Of course, one way he could have supported and helped us to get on with the job was to support the reduction of the number of marijuana plants from 10 back to three. It is interesting to note how the Hon. Mr Xenophon can hit out all the time on his single issue—his one issue, that is, gambling and pokies (and we all are concerned about gambling and pokies)—as tough an issue as that is—but we should put that alongside the criminal activity involving the illicit drug issues and compare what happens. A great number of people are dying around Australia because of illicit drug use, yet the Hon. Mr Xenophon voted against reducing the number of marijuana plants to three. We have given him the facts. He ought to support the government instead of wasting time in the parliament calling for summits and forums.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): Why did the Premier not insist that the Minister for Information Economy and his family divest themselves of shares in the major telecommunication companies before the minister was given responsibility for the government's $100 million plus communications tender now being negotiated? The cabinet handbook states:

> Ministers must divest themselves of shareholdings in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities or could reasonably be expected to exist.

Checks of shareholder registers on Monday 23 October 2000 revealed that the Minister for Information Economy and his family currently hold shares in Optus and Telstra.

The Hon. J.W. OLSEN (Premier): There are other—

Mr Foley: Open and shut!

The Hon. J.W. OLSEN: You would like to think so. As is the normal cabinet process, any contract that is signed off comes to cabinet for full cabinet consideration. The import of the deputy leader's question several questions ago was that the Minister for Information Economy had personally signed this contract. I can assure you—

Members interjecting:

The SPEAKER: Order! Let the Premier answer the question.

The Hon. J.W. OLSEN: I can assure the House that no contract is signed on behalf of government unless the cabinet has authorised a respective minister to sign such a contract.

Members interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. J.W. OLSEN: In addition, a number of probity questions are put through the prudential management group and, in relation to various portfolios, a process exists by which these matters are thoroughly checked prior to coming on to cabinet for their deliberations. This case was certainly no exception to that due process before being presented to cabinet for deliberations. The other point I make is simply this: the cabinet handbook also says that, 'provided there is no benefit beyond that which any other member of the community that is a shareholder might reasonably receive'—

Members interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. J.W. OLSEN: In this instance, the minister has not benefited, or otherwise, more or less than anybody else.

Members interjecting:

The SPEAKER: Order! The leader will come to order. Members on my left have had plenty of warnings.

LAKE EYRE BASIN AGREEMENT

The Hon. G.M. GUNN (Stuart): Will the Premier inform the House of the benefits that will flow from the historic signing in Birdsville last Saturday of the Lake Eyre Basin agreement with Queensland and the commonwealth?

The Hon. J.W. OLSEN (Premier): I am more than happy to respond to the honourable member's question. The signing of the Lake Eyre Basin agreement between the South Australian government, commonwealth and Queensland governments was vitally important in protecting water flows and water quality coming into our state. The Lake Eyre Basin covers around 1.14 million square kilometres—or about 15 per cent of the Australian continent—and is the world's largest internal drainage system.

The government has been pressing for months for this agreement to be signed, and while I have never doubted the commonwealth's resolve in eventually signing such an agreement, there have been some frustrating hold-ups which appear to have been more the result of the bureaucracy in Canberra than anything else. Pastoral and tourism industries in remote areas of our state, which are highly dependent upon the flows of good quality water in the Cooper Creek and Diamantina River, will be the main beneficiaries of the agreement that the minister signed recently. The Australian Bureau of Agricultural and Resource Economics estimates that the pastoral industry's gross value of production in our portion of the Lake Eyre Basin is around $50 million, while tourism expenditure in the South Australian proportion of the basin is put at approximately $10 million.

Since May 1997, negotiations have taken place to develop this agreement between the three governments. It has been a long time coming, and through no lack of effort, I might add, on behalf of the South Australian government. The main motivation from the South Australian government was the result of communities' concerns about large scale cotton irrigation projects on the Cooper Creek in Queensland which,

I might add, had they proceeded, would have had severe implications for us as a downstream state.

There has been extensive community consultation since 1997. There has been support for the signing of an agreement from key bodies, such as the Lake Eyre Basin Coordinating Group, the Conservation Council of South Australia, the South Australian Farmers Federation and the Chamber of Mines and Energy.

Following the signing of these agreements, a ministerial forum will now be set up and made up of one minister from each of the respective jurisdictions; and it will meet at least once a year (maybe more, if needed) to resolve issues of mutual concern in looking after that whole basin. The ministerial forum will continue to receive advice from a community advisory board. The signing of the agreement augurs well for 3 November meeting of COAG at which leaders will turn their attention to Australia's other major resource issue, the Murray River.

On that, whilst Queensland was a signatory in this particular instance, I am somewhat concerned at Premier Beattie's statement in the Queensland parliament recently relating to the clearance of native vegetation and the suggestion that, if Queensland is to curtail the clearance of native vegetation, it (Queensland) should be adequately compensated by the commonwealth government for any clearing.

The fact is that South Australia has had for 12 or 15 years restrictions on clearance of native vegetation. If Queensland is putting its hand up for compensation, where is the retrospective compensation for South Australia? It is an argument that holds no ground, no ground at all at the—

An honourable member interjecting:

The Hon. J.W. OLSEN: I will even concede that point—no water, either. It is an argument that, if it is put forward by Premier Beattie at next week's COAG meeting, will be roundly rejected by South Australia and, I would expect, other states. We all have a fundamental responsibility in terms of ensuring that there is not environmental degradation in our country, and that applies to Queensland as it does to other states of Australia. It is to the credit of this state and the governments of all political persuasions in this state that, throughout the last 12, 15 years, or whatever the period, through the curtailment of clearance of native vegetation, they have set an example for other states of Australia. It will not do any good for Premier Beattie to bleat in Queensland about compensation when he is not entitled to it, does not deserve it, and simply ought to do what the rest of us have been doing for the last decade.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Given precedents where federal ministers have been sacked and a state minister was required to sell her shares, will the Premier now remove the Minister for Information Economy from his portfolio because he has clearly breached the Liberal Party code of conduct and the cabinet handbook rules in relation to share ownership? In 1992, the Hon. Anne Levy sought cabinet advice and sold her shares in SA Brewing after becoming the Minister for Consumer Affairs, simply because the Liquor Licensing Commissioner reported to her. For the benefit of the Premier, since the minister does not appear to be aware of it, Don and Susan Armitage bought Optus shares on 8 January 1999 and sold 1 500 shares—

The Hon. M.K. BRINDAL: On a point of order, Mr Speaker, Mr Speaker Peterson ruled that to impugn improper motives to another member in this House, apart from through substantive debate, was wrong. I ask you to rule whether this line of questioning does not impugn improper motive and therefore should be the matter of a substantive debate.

The SPEAKER: Order! I do not uphold the point of order. The deputy leader.

Ms HURLEY: Don and Susan Armitage bought Optus shares on 8 January 1999 and sold 1 500 shares on 31 August 2000, six weeks after the Minister for Information Economy signed the contract with Optus. The declaration of shareholdings in the members' register of interests does not absolve ministers from having to observe the requirements of the cabinet handbook in relation to selling shares and withdrawing from cabinet.

Members interjecting:

The SPEAKER: Order! The Premier has been given the call.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for Peake will go very shortly. I suggest that he remain very silent.

The Hon. J.W. OLSEN (Premier): There is a very short answer to this question: no. I would ask the deputy leader to look at the *Hansard* record and at statements by former Attorney-General Chris Sumner as they relate to former Upper House member Barbara Wiese.

Members interjecting:

The SPEAKER: Order, the Leader of the Opposition!

EMERGENCY SERVICES

The Hon. D.C. WOTTON (Heysen): Will the Minister for Police, Correctional Services and Emergency Services inform the House how the new capital works for emergency services in South Australia are benefiting the country regions of the state particularly?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question, particularly because of his decades of representation of country and regional people in South Australia. Capital works programs in emergency services are benefiting rural and regional South Australia in a number of ways. Immediately they are benefiting them because, with the dedicated and quarantine funding (and, for the first time, the right sort of funding) to catch up on the massive backlog, we are able to roll out vehicles, equipment, training and further support staff. That is the immediate benefit.

In providing those immediate benefits, whilst some of those, obviously, have gone to metropolitan South Australia, clearly the majority of the 30 000 volunteers are in rural and regional South Australia. A major issue that will in future benefit rural and regional South Australians is not only the fact that we have been able to immediately roll out all this plant and equipment but, for the first time, because—

Mr Conlon interjecting:

The SPEAKER: I warn the member for Elder for interjecting across the chamber and disrupting the House.

Members interjecting:

The SPEAKER: Order! If anyone was interjecting on my right, he would have been picked up with the same warning.

The Hon. R.L. BROKENSHIRE: In answer to the honourable member's question, for the first time I am pleased

to be able to report to the House that, because the government now has the finances, we are in a position where we can do more for regional and rural South Australia. Not only are we able to immediately roll out benefits to those people to allow them to get on with the job of protecting their communities but we are able to set up building, land and asset management strategies in the SES, the CFS and MFS right across the state.

That means that, by this time next year, we will know exactly what we will be able to build in rural and regional South Australia, not only in 2001-02 but right through to the end of this decade. We will also be able to advise the rural and regional members of the emergency services how we will be able to better equip them and train them over that same period. We are absolutely committed to rural and regional South Australia. I am sure that the reason why the member for Heysen is in this place is the same as that for my being here, namely, because as country members we have seen, witnessed, lived and tried to battle through difficult times on the farm because of the policies that worked against rural and regional South Australians. Therefore, I am interested to see that at last some real truth has come out on these issues involving the Labor Party, in stark contrast to what we are doing and delivering, as I have just highlighted. I have a quote from the former chief and founder of Country Labor SA. This is what the man who has quit—

Mr FOLEY: On a point of order, sir, consistent with your ruling last week, the minister is clearly debating the matter and I ask that he brought be back to the question.

The SPEAKER: There is no point of order. As long as the minister keeps to the facts, he can continue.

The Hon. R.L. BROKENSHIRE: I am keeping to the facts concerning what we are doing in rural and regional South Australia and our commitments in that regard compared to those of the Labor Party. I quote what the Labor Party chief, Mr Hender, who has now quit, said yesterday:

> Labor SA's state conference was held two weeks ago. It was full of dirty tricks and I just don't subscribe to that sort of thing.

He was talking about many members of the Labor Party, I am sure, because he then went on to say:

> The Labor Party shows no interest in developing sensible, competent, financially viable and sustainable solutions to any of these problems.

He was referring to the fact that the Labor Party was simply giving lip service to rural and regional South Australia. I admire someone who will stand up for rural and regional South Australia, just as we do as a government, expose the truth and facts and allow the rural and regional people of South Australia to see the stark contrast between what the Labor Party has never offered and will never offer rural and regional South Australia and what we are delivering in every area across government, including my own portfolios.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Given the Premier's refusal to remove the Minister for Information Economy from his portfolio, and the obvious possibility of a conflict of interest over the $100 million-plus telecommunications contract deal, will the Premier at least agree to give the responsibility for this contract to another minister?

The Hon. J.W. OLSEN (Premier): Consistent with the way in which this cabinet operates, we have collective responsibility for major decisions. Any major contract goes through a probity process before it is presented to cabinet for final deliberation. Those probity processes ensure that, prior to final sign-off collectively by the cabinet, we are aware of the detail of the contract to protect the interests of the taxpayers of South Australia.

ADELAIDE PARKLANDS

Mr CONDOUS (Colton): My question is directed to the Minister for Local Government. Will the minister advise the House of steps this government is taking to protect the Adelaide parklands?

The Hon. D.C. KOTZ (Minister for Local Government): Members would be already aware that the government released a discussion paper in February of this year containing a draft plan for a bill to protect the Adelaide parklands. The resulting public consultation, which was over a six week period at the time, has helped to create the City of Adelaide (Adelaide Parklands) Amendment Bill, which is out for public consultation at this time. This consultation bill provides a comprehensive legislative proposal that will protect the integrity of Light's vision. The government firmly believes that these proposals provide an opportunity to refresh and extend Light's vision. One of the ways this will take place is through the integration of government reserves with the public space that is already administered by the Adelaide City Council. It is vital that the Adelaide parklands are adequately defined and certainly protected in legislation, and we believe that this new legislation will do just that.

One of the hidden treasures, if you like, of the consultation bill provides a process to increase the physical area of the City of Adelaide parklands. It provides a statutory measure that will enable the completion of past road closures so that the land can be transferred to the Adelaide City Council as parkland. The impact of this inclusion is to increase what is now the measured City of Adelaide parklands by an amount equivalent to the whole area of the Adelaide Oval—not just the Adelaide Oval itself but the oval and its surrounds.

Another significant measure in this bill will prevent any current or future government from removing land from the Adelaide parklands by administrative action. It provides the very real protection of requiring that any contemplated removal must have the sanction of both the South Australian Parliament and the Adelaide City Council. The bill also provides a significant statutory presumption that, for the first time, should any land occupied by the government no longer be required for public purposes, the land will transfer to the Adelaide City Council and will formally become parklands proper.

In the light of the government's commitment in relation to listening and responding, I am also pleased to inform the House that tonight I will host a public meeting to discuss this important matter with many of the stakeholders who have already shown interest in this area, and members of the public, of course, who, as I said, have shown great interest over this consultation period. The meeting will take place at the Pilgrim Hall at 7.30 until 8.30, and I inform members that the very significant implications of this bill to protect and increase the areas of the parklands will be outlined at the meeting tonight.

I firmly believe that the whole consultation bill presents a very significant improved approach to protecting and preserving the integrity of the Adelaide parklands, particularly when the complete package is considered in the light of the objectives of transparency and accountability. We all enjoy this very unique area in many ways. The aim of the bill is to

protect Adelaide's most unique asset, our city parklands, for future generations. This bill is intended to facilitate that aim, and I trust that it will have the support of all members of the House.

ADELAIDE AIRPORT CURFEW

Mr KOUTSANTONIS (Peake): My question is directed to the Premier. Was Ms Gallus, the Liberal member for Hindmarsh, correct when she claimed in the *Weekly Times Messenger* on 25 October that she had been approached by the state and federal governments and Impulse to relax the curfew to allow domestic passenger travel after 11 p.m.? If so, who, or which department or minister, from the state government approached Ms Gallus in order to reach agreement to break the curfew—or is Ms Gallus not telling the truth?

The SPEAKER: Order! The chair has heard enough of the question to know that the Premier has no responsibility for the statements made by the member for Hindmarsh.

Mr CONLON: I rise on a point of order, sir. The Premier certainly does have responsibility—the chair mentioned a collective responsibility earlier—if approaches have been made to extend the curfew.

The SPEAKER: Order! The member will resume his seat. My ruling is consistent with many years of rulings in this House, and I do not think I have varied in consistency one iota.

Mr FOLEY: I rise on a point of order, sir. The question concerned the Adelaide Airport curfew and what action may have been taken by the Premier—

The SPEAKER: Order! I have heard the member. If the question had been framed in the way in which the member for Elder raised his point of order, the question might have got up. In reality, because of the way in which the question was worded, it was out of order.

COUNTRY SPORT

Mr MEIER (Goyder): Can the Minister for Recreation, Sport and Racing update the House on the latest government initiatives for sport in country areas?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): I thank the member for his question knowing his very strong interest in regional recreational sport facilities and country sport in general. It is pleasing to be able to update the House on some of the announcements in the latest round of regional recreation grants which were designed to help improve regional recreation sports facilities not only in metropolitan Adelaide but more importantly in regional South Australia. During the week we have been pleased to be able to announce that areas such as Ceduna have picked up grants for $36 000 to go toward a three kilometre exercise track around the town to provide people who are involved in non-competitive sport an opportunity to get out in a three kilometre track and provide an exercise forum for them. It is part of a $111 000 program in the Ceduna area and is an example of how a government investment of $36 000 can trigger up to $111 000 investment in the local area and provide a non-competitive recreational outlet which, of course, is very important.

We have also had the opportunity to announce grants to the Port Lincoln area which I know will interest the member for Flinders. The Port Lincoln area has received two grants, one of $13 000 for the council to help develop a purpose-built playground for disabled people. The work is expected to start next month (we are all looking forward to it) and finish early in the year. A second grant for $23 000 is to go to the Port Lincoln Aboriginal Community Council for an extension to the Mallee Park Football Club clubrooms.

While some of these grants might seem small cheese to some of the metropolitan facilities we have, it is important to upgrade and improve small regional centres and their facilities to make sure people from all areas of the state have appropriate levels of facilities. Mount Gambier has also received a recent grant of some $40 000 that goes towards netball courts in that area.

The government has announced recently some of the regional recreation grant programs. We are putting an extra $1 million this year into facilities across the state because we recognise that there is a great benefit to the local communities in having more recreation and sport facilities available throughout the broader community.

We do not only concentrate on facilities. We have a number of programs in the department available for regional and country communities, in particular things such as the sports council: we conduct about 17 of them per year. Some of those are specifically for regional or country participants and others are a mix. What the department does is help pick the up and coming athletes in their particular field, take them away to coaching and try to get them to progress through to the various elite and state levels so that they can represent not only their district but also the state on a more regular basis.

I know members would be aware of the active club grant program. The government is doubling the amount of money into that this year from around $900 000 to about $1.8 million, and for those members that have forgotten I think it is tomorrow that the latest round of active club grant applications close. It is $40 000 per electorate this year, not $20 000, so I suggest to those members who have not gone out and got their active club grant programs into the department that you get to work there because there is an extra $1 million for facilities and a doubling of the amount for the active club grant available this particular year.

There have been a number of strategies put in place to try to improve facilities in country and regional areas. We note with interest Mr Hender's comment. It must be unfortunate that the country Labor president has had to resign because they are not putting enough effort into the country. I guess this highlights these latest announcements that the government is firmly focused on providing good recreational and sporting facilities for the regional and rural communities.

Members might also be interested in the Vacswim program. That, of course, is run over the summer school holidays. About 65 per cent of the participants in the Vacswim programs are actually country participants. It is interesting because a large number of the drownings are actually people from country areas; that is surprising. However, the evidence around Australia is that a lot of people who are not used to swimming in oceans or being involved in the sea and come from the country run themselves into trouble. The Vacswim program is actually one of the reasons we have such a low level of drownings in South Australia compared with some other states. With those comments, I thank the honourable member for his question because it has given me a chance to update the House.

ADELAIDE AIRPORT CURFEW

Mr KOUTSANTONIS (Peake): Has the Premier, any of his ministers, or anyone on behalf of the state government approached Adelaide Airport, Impulse, Virgin Blue airlines, or Chris Gallus in relation to relaxing the curfew at Adelaide Airport? In today's *Messenger*, Ms Gallus is quoted as saying that she has been approached by the state government, the federal government and Impulse to relax the curfew to allow domestic flights in after 11 p.m.

The Hon. J.W. OLSEN (Premier): I will make inquiries for the member but, with about 80 000 public servants, I am not quite sure what every one of them has done. Ordinarily, the matter of curfews would come under the Minister for Transport. I do not know whether, in fact, the tourism portfolio has been involved with Impulse, but certainly I will make inquiries of the transport portfolio. There has not been a basis of discussion that I can recall between Ms Gallus and me in relation to that matter; I am not aware it, but I will make some inquiries.

GEOTHERMAL ENERGY

The Hon. G.M. GUNN (Stuart): Will the Minister for Minerals and Energy inform the House of steps taken by the government to encourage the production of geothermal energy in South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): As members of this place well know, the member for Stuart is a recognised champion of renewable and sustainable energy issues in this state and ably represents his electorate in this fashion. I am pleased to inform the House that the state will soon have the opportunity to access some new green energy opportunities in the form of geothermal energy under a new licence scheme that I was pleased to announce on 18 October. Members on this side of the House know that geothermal energy is produced by pumping water through wells that are built into naturally occurring geothermal hot rocks and that this has the potential to provide an alternative sustainable energy source.

South Australia has a number of natural advantages in relation to geothermal energy production and it is important that as a government we take steps to explore that potential. For the first time ever in this state, geothermal exploration licences are being offered in the Nappamerri Trough region of the state—in the north-east of the state—an area known for its hot rocks. Members on this side of the House know that the area itself comprises thick sediments overlying a granodiorite basement and it has temperatures that exceed 200 degrees celsius. Three blocks are being offered for exploration in the region and these blocks have a top estimated temperature, between the three of them, of 245 degrees celsius.

An honourable member interjecting:

The Hon. W.A. MATTHEW: The member to my right asks, 'Where are they?' They are in the Nappamerri Trough region and they have temperatures between them of up to 245 degrees celsius. They are located between 3 500 and 4 000 metres below the ground. As members would be aware, that is deeper than most current petroleum activities in the region. In fact, in that particular area, the three areas on offer are also in areas currently being explored by Santos Limited as operator of petroleum production licences.

The new exploration is being made possible by the passage of the new Petroleum Act, and members would be aware that that act was proclaimed in September this year. I take this opportunity to thank members of this House for their wisdom in allowing passage of the legislation because it has facilitated the opportunity for dual licences to be allocated in the region—licences, on the one hand, to Santos as the holder of petroleum production licences and now, of course, to the companies that have the opportunity to bid for geothermal energy exploration opportunities.

With the passage of the federal government's legislation calling for 2 per cent of energy needs to be met by sustainable sources, the search for new green energy development is becoming even more pressing, and the state government is obviously keen to build sustainable energy options for the future and will continue to work with exploration companies to facilitate the development of geothermal energy sources.

We are not absolutely sure how many companies are likely to bid for these licences, nor are we sure as to the extent of interest. However, in making this public call we are optimistic that a significant number of companies will come forward to seek the opportunity to explore the region and to be involved in this new scheme. Applications for exploration licences close on 1 February next year.

MINERALS INDUSTRY DEVELOPMENT BOARD

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: Today I advise the House of the establishment of the South Australian Minerals Industry Development Board, comprising representatives with experience in the minerals and petroleum industries, in environment and in Aboriginal matters. The board will work with government and industry to promote growth in the South Australian mineral sector in line with recommendations made by the Premier's resources task force in its report to him in December last year.

One of the main objectives of the new board will be to champion the implementation of the mineral resources plan which was another outcome from the resources task force. The mineral resources plan has set a number of challenging targets for the South Australian minerals sector, including reaching $3 billion in mineral production and $1 billion in mineral processing capacity per year by 2020. At present, South Australia has a mineral production output of $1.9 billion, so the targets will challenge all of us to find ways to make the most of the natural resource opportunities available in this state.

It is estimated that, if we are to meet these ambitious targets, jobs for South Australians in the mining industry would grow from 20 000 direct and indirect jobs at present to 40 000 jobs by 2020—a doubling of employment opportunities that this government is working hard to achieve.

The new Minerals Industry Development Board will be tasked with identifying obstacles to the achievement of these targets and suggesting ways of moving around the obstacles. It will also be providing strategic advice to the government to ensure that we are supporting the growth and development of our minerals sector in the most effective manner. I am confident that the new board—a group of highly experienced and skilled individuals—will provide a valuable insight into

the South Australian minerals industry and give a unique perspective on how we might further encourage growth in this sector.

Twelve individuals have agreed to participate on the board, initially for a two year period. The board membership is to comprise Dr Ian Gould, who recently retired as Managing Director of the Normandy Group; Mr Derek Carter, a geologist with over 30 years expenditure in both Europe and Australia, and the Chairman of the South Australian Chamber of Mines and Energy Mineral Exploration Committee; Ms Kate Hobbs, a geologist who was a member of the Resources Task Force and is also a councillor of the South Australian Chamber of Mines and Energy; Mr Roger Thomas, a lecturer in Aboriginal education at TAFE and Adelaide University and an applicant for native title rights for the Kokatha peoples of northern South Australia; Ms Louise Hicks, a general commercial/corporate solicitor and chartered accountant who is currently the company secretary for the Henry Walker Eltin Group of companies; Mr Bernhard Wheelahan, a past President of Shell Venezuela and Executive Director of Shell Australia and currently a non-executive director of Normandy Mining Ltd; Dr Jan Carey, a lecturer in environmental management at the University of Adelaide with broad experience in environmental impact statements and management plans; Mr Peter Klaosen, who trained as an industrial chemist, has 15 years expenditure in downstream petroleum plants and is currently manager of Commercial Minerals (Talc); Mr Keith Yates, a geologist with over 40 years experience who is currently the Executive Chairman of Adelaide Resources NL and was also a member of the resources task force; Mr Roger Goldsworthy, who should no introduction to most of this House, as former Deputy Premier and Minister for Mines and Energy, Services and Supply, and who was also a member of the resources task force; Mr George McKenzie, a lawyer with extensive experience in resources, native title and infrastructure structure development and who is currently acting for the South Australian Chamber of Mines and Energy in negotiations on indigenous land use agreements; and, finally, Dr David Blight, a geologist with more than 25 years' experience and who is currently Executive Director of my Office of Minerals and Energy Resources.

I am delighted that such an experienced group of people with such diverse backgrounds have agreed to support the South Australian minerals industry through their involvement in the Minerals Industry Development Board. The establishment of the new Minerals Industry Development Board is another step in the right direction for South Australian mining and exploration sectors. The government set the scene when the Premier asked the resources task force to challenge us on how we can get the results from our rich natural resources. The resources task force has responded enthusiastically, setting demanding targets and calling for industry leadership and government liaison through the establishment of an Industry Development Board.

We took up the challenges set by the resources task force in this year's budget allocating $3 million this financial year to encourage exploration of the state and supporting further mineral and petroleum processing in South Australia. We have some way to go in achieving these targets and are working towards them. Today we have achieved a further significant part of the commitment to support an industrial leadership group to champion the implementation of the mineral resources plan to report on performance of industry to achieve the vision and provide ongoing strategic advice to relevant ministers. I look forward to working closely with the new Industry Development Board as we move to meet the challenges of future growth and development.

GRIEVANCE DEBATE

Ms HURLEY (Deputy Leader of the Opposition): Today, the Premier has clearly indicated that he is prepared to accept standards that are lower than those of previous state governments, the federal government and the Westminster system of parliament under which we operate. The Minister for Information Economy has a clear conflict of interest in the shares that he holds. He can duck, weave and play semantics, but it is very obvious that the minister has shares in areas which directly conflict with his ministerial portfolio. Not only do we have a minister and his wife not divesting their shares but they are buying them up since he has become a minister; they are actually trading in those shares.

This is a situation which is absolutely untenable. It is difficult to believe that the Premier can so ignore the cabinet handbook rules when the facts are completely obvious. The Minister for Information Economy has an obvious enthusiasm for the area: he and his wife have bought and sold shares in 13 separate technology companies since his becoming minister. The minister has been meeting with companies involved in information economy, attending conferences overseas at government expense to talk about information economy and coming back and buying and selling shares.

Now the general public sees that as a conflict of interest, but obviously the Premier does not, despite cabinet handbook guidelines which say that ministers are required to divest themselves of shares in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities or could reasonably be expected to exist. The *Australian* revealed that since he became the minister responsible for information economy he and his wife have bought information technology shares in more than 13 other companies, including Optus. It was Optus with whom he personally signed a contract on 13 July 2000 to provide the government with telecommunication services worth $18 million. There was a share spike after that and Optus shares went up.

The minister and his wife hold over $28 000 worth of those shares. The Premier and the minister continue to say that that is no more than the general public could be expected to share in. Half of one per cent of the general public of South Australia own Optus shares. That maybe the minister's idea of the general public, but it is certainly not mine. I dare say, if members asked around my electorate, much less than half of one per cent of the general public would own any shares in Optus. Ask whether they think they benefited by the minister's decision to sign that $18 million contract.

Now, the Premier is content to let the Minister for Information Economy become involved in negotiations with companies about a telecommunications contract that is rumoured to be worth over $100 million. The minister is having negotiations with those companies and his department is receiving information from those companies all the time, and it is quite likely that the minister has at some time had, or possibly will have, shareholdings in at least one of those companies that are in the request for proposals. It is hard to believe that the Premier ignores cabinet guidelines to that extent and that he is content to have a cloud such as this hanging over one of the ministers of his cabinet.

The Liberal Prime Minister of this country, John Howard, has sacked ministers over much less than this and says that his ministers must be above reproach. This current Premier, and certainly his ministers, do not seem to believe in that concept. They are content to let the minister continue to negotiate to the point of contract sale with those companies when he is buying and selling shares in a telecommunications company. The minister must stand aside from this decision making process: he has a clear conflict of interest.

Time expired.

The Hon. D.C. WOTTON (Heysen): I want to say how delighted I was to learn in a ministerial statement from the Premier prior to question time today about the signing of the Lake Eyre Basin agreement between the South Australian government, the commonwealth and Queensland governments. I want to reiterate what the Premier had to say about the importance of the signing of this agreement and the importance of protecting the water flows and water quality coming into our state. As we all know, governments and communities of the past got it very wrong in relation to the Murray-Darling Basin. The cost of repair for those years of neglect, as we all know, will continue to be significant for many years to come.

The agreement that the Premier has made us aware of today is about ensuring that Lake Eyre and its river systems do not suffer a similar fate. The rivers of the Lake Eyre Basin are essentially unrelated and amongst a dwindling number of the world's rivers which still maintain near natural flow regimes. We can certainly contrast that with the Murray River which has now less than 25 per cent of historic flows.

The Premier has referred to the cooperation between a number of organisations, but I want to refer particularly to the work being carried out by the pastoral industry and the tourism industry because, of course, those two industries are critically dependent on assured flows of the Cooper and Diamantina rivers.

I am pleased to be able to say that I was involved in the very early negotiations in 1997 in working towards this agreement between the three governments. The main motivation, as the Premier said today, certainly came from this government. The community's concerns about large scale cotton irrigation projects on the Cooper Creek in Queensland were very much in the minds of many people in this state who recognised that, if they had proceeded, they would have had severe implications for us as a downstream state. We always must be aware of that and this agreement will ensure that the commonwealth, Queensland and South Australia governments work to ensure that the waters are protected.

As the Premier again indicated, there has been support for the signing of an agreement from a number of key bodies such as the Lake Eyre Basin Coordinating Group. I would like to commend that group particularly, and I am aware of pastoralists who have gone to great lengths over a considerable time to ensure that this agreement was reached between the three governments. I am aware that the Conservation Council of South Australia has had a major part to play, as has the South Australian Farmers Federation and the Chamber of Mines and Energy.

I am very pleased to learn that a ministerial forum will now be established made up of one minister from each jurisdiction. That is essential. It is one thing to sign an agreement but another to ensure that the agreement is kept and we can move on from that important signing.

The other thing that the Premier referred to, in which I would concur entirely, is that the signing of the agreement certainly bodes well for the 3 November meeting of COAG, at which the leaders of this country will turn their attention to Australia's major water resource issue, the River Murray. I am delighted to learn from the Premier that this agreement has been signed. We have been working towards it for a very long time and I am sure that it will have the appropriate outcome in relation to recognising the significance of the Lake Eyre Basin.

Ms KEY (Hanson): Sand replenishment at West Beach has been an issue of concern for many of us on this side, particularly those of us representing residents in that area. I understand that the approval published in the South Australian *Government Gazette* of 3 October 1997 (pages 981 and 982) for the Holdfast Shores development required that an environmental management plan be prepared in relation to that development and that the environmental management plan be reviewed every three years; that annual reports be made available to the relevant government agency and that these annual reports be made publicly available.

As the electorate of Hanson extends to the coast in that area and is significantly affected by the reduced northerly sand drift, I am anxious to receive or even to see the annual reports relating to the environmental management and protection. I refer the House to what is actually in the *Government Gazette*. Among other things, it says:

> An environmental management plan (EMP) must be prepared particularly in relation to issues identified in the amendments to the assessment report for the EIS (as amended) on the development proposal for the Glenelg Foreshore and Environs—Holdfast Quays proposal after consultation with appropriate government agencies, to the satisfaction of the Minister for Housing and Urban Development. The EMP should be reviewed every three years and approved by DHUD. Annual reports should be submitted to DHUD and made publicly available.

Point 10 states:

> Provision must be made during construction for maintaining the stormwater control function at the lock in accordance with council requirements.

Point 8 states:

> Measures must be used to minimise the impact of turbidity in the locality when breaching temporary bunding after excavation in the dry, such as the use of a silt curtain, or if any excavation is undertaken by dredging.

I understand that none of these things is actually happening and, so far, no annual reports seem to have surfaced or to be publicly available. I also noted, again on the issue of sand replenishment, that at Holdfast Bay to West Beach there is a big issue again with the cost of the sand program in that area. Last night I noted on Channel 7 news that the minister has advised the Mayor of Holdfast Bay that the council should contribute to the cost of removing sand from the beach at Glenelg if he is dissatisfied with the government program. Although the government is saying that the council should take up this responsibility, I note the provision in the Local Government Act that the West Beach area means:

> . . . an area 500 metres wide running along the coast of metropolitan Adelaide in Gulf St Vincent between the northern side of the entrance of the Patawalonga boat haven to the sea and the point where a westerly projection of the West Beach Road meets the sea, and bounded on the east by the high-water mark.

That is the definition. It also says that the minister must take reasonable steps to ensure the effective management of sand in association with the construction of any boating facility

within or adjacent to the West Beach area in order to maintain navigation at the entrance or access to the channel associated with such boating facilities and in order to protect, if necessary restore, the coast on account of obstruction of coastal processes due to the construction of any boating facility in order to ensure that the employment of the coast by the public generally is not materially diminished due to the construction of any such boating facility.

The crown is liable for costs associated with any works or operations undertaken for the purposes of any sand management required under subparagraph (ii). So, I question why the minister is suggesting now that the council, in this case the Holdfast Bay council, should contribute to these costs. I know that in the past there have been suggestions that both the City of West Torrens and the Charles Sturt Council contribute to the cost. When will the government come clean, provide the reports and make sure that they make the public aware of how much this stupid decision to build the boat harbor and now the Barcoo Outlet will actually cost the public?

Mr WILLIAMS (MacKillop): Today I wish to talk about one of my constituents but, more particularly, to share some of his thoughts about the state of politics in South Australia. Bill Hender is a fifth generation farmer who lives at Keith in the upper South-East. Both he and his family have always been held in the highest esteem in that community. Bill Hender would also be known to many members of this House as he has been a member of the Labor Party for 20 years. Not only has he been a member but he has been an active member of the Labor Party for those 20 years. But it would seem that he is now somewhat disillusioned. It should be noted that, even though its roots were in regional Australia and that there was a time when Labor did represent many farmers, today very few farmers would be supporters of, let alone members of, the Labor Party.

Let me return to this rather unique farmer Bill Hender. He had argued that Labor should return to the country, and he coordinated, built and led the Country Labor Association. The Country Labor Association was formed to develop Labor's rural and regional policies and, largely due to Bill Hender's efforts, its inaugural conference in 1996 attracted 300 delegates.

Members interjecting:

Mr WILLIAMS: Ralph is interested. This conference led to the development of policies aimed specifically at rural issues, and they were later ratified by the State Labor Conference. How things have changed! In fact, Labor used to have policies. They used to enunciate them and they used to fight for their implementation, but now their only policy is to whinge, harass and wreck: to whinge at any initiative, to harass any positive developments in South Australia and seek to wreck any progress.

I understand that at the recent State Labor Conference Bill Hender resigned as leader of the Country Labor Association, and his reasons for doing so, expressed in this morning's *Border Watch* in Mount Gambier, make very interesting reading. I would like to share with the House some of Mr. Hender's thoughts on the South Australian Labor Party. He claimed that Labor was not an alternative at the next election because 'it is incompetent and full of rhetoric with little else for country people'. Specifically with regard to country issues, he went on to say, 'Labor is not interested and does not care.' What an indictment from one of their own! Yet another long-time Labor stalwart has had the fortitude to tell it as it is, has had the pluck to come out and expose the truth: Labor is not interested. We have all known that for a long time. But, even worse, he says, 'and does not care'. He was not only dismayed at Labor's lack of concern for the regions of the state and the people in the regions, but also he went on to say:

> Labor is full of city-centrics—no, not even that. They are so full of their own self-interest I don't think they are interested in the city, either.

So, what are they interested in, sir? Mr Hender also suggests, with regard to the next election:

> But people who think they can get a better deal from Labor are in for a shock.

Here is a good one, Michael:

> Just have a look at the lot we've got as our state Labor political decision makers. I don't think they care about anything other than their own egos, ambitions and a ride on the taxpayer-funded gravy train. They are not taking a whole heap of issues, or country people for that matter, seriously at all. They patronise us, feed us a bit of rhetoric and effectively they are an incompetent bunch. Anyhow, I've had a gutful. I'm sick and tired of them and I can assure you that I'm not the only one.

That is a pretty good summation of the Labor Listens campaign. He talks about the Labor state conference and says:

> . . . it was full of dirty tricks and I just don't subscribe to that sort of thing. Basically they proved to us that they were not willing to take country people, or anyone for that matter, seriously.

The piece de resistance in what Mr Hender had to say is the following:

> The Labor Party shows no interest in developing sensible, competent, financially viable or sustainable solutions. . .

I leave it to the members of the House to decide who is telling the truth about Labor in South Australia.

Ms THOMPSON (Reynell): I will speak this afternoon about some issues relating to volunteering, particularly as 2001 will be the International Year of the Volunteer. In the Governor's speech we heard that the government plans to introduce some legislation relating to volunteers next year. It is important that in this period while the legislation is being developed that we raise as many issues as we can about volunteers so that we can ensure that this legislation honestly and appropriately reflects the needs of volunteers.

Last week I had the pleasure of attending the annual general meeting of the Fleurieu Volunteer Resource Centre. This meeting was attended by the member for Kaurna, and the member for Mawson was able to attend for a little while as well. The mission of the Fleurieu Volunteer Resource Centre is to promote and provide a focus for volunteering in the Fleurieu region. The centre aims to promote and maintain the standards of volunteering and volunteer management best practice in accordance with the universal declaration of volunteering.

The objectives for 1999-2000 were: to raise an awareness of and to promote volunteering; to promote and maintain best practice in volunteering and volunteer management; to encourage people to participate as volunteers within the community; and, to provide a service that matches the skills and interests of potential volunteers with programs and organisations.

I would run out of time completely if I were to list the number of organisations that the Fleurieu Volunteer Resource Centre supports, but 92 organisations contribute to our community in many different ways. I particularly thank Patrick Bradley, Chair of the Fleurieu Volunteer Resource

Centre, and Kay Heffernan, its Executive Director, as well as all members of the committee, for the excellent work they do. However, they do this tremendous job overcoming some difficulties.

The office space available to the centre is inadequate, lacks privacy for clients, staff and management and is a limiting factor in increasing the services that the centre can provide. It also has constant problems with its budget and, in line with the urgings of this government that they seek private sector partnerships, the members of the committee put considerable time this year into trying to develop such partnerships with the private sector. However, they found this particularly frustrating and were able to develop only one such partnership, that being with Internode Professional Access, which has provided sponsorship of 12 months free internet technology and assistance, which has enabled the agency to keep abreast of modern office methods. I commend Internode but also note that the experience of the Fleurieu centre is, according to the Executive Director, consistent with what many volunteer organisations are having in trying to follow the urgings of the government. I understand that SACOSS has done some work on this and found that only about 2 per cent of funds are achieved from private sector partnerships, even for the most effective of fundraising organisations.

Another issue I would like to see covered in the bill relating to volunteers is that of workers compensation. Currently, volunteers are covered only for any injuries sustained during their voluntary work if the organisation concerned is negligent. The only exception to this is volunteer firefighters, who are deemed to be employees of the crown. The provision exists in the Workers Rehabilitation and Compensation Act 1986 for the government to recognise volunteers as employees of the crown and cover them for the same sort of workers compensation protection that paid workers in the community experience. Given the huge financial and social contribution made to this community by volunteers, I consider it appropriate that they be covered in the event of injury.

Time expired.

The Hon. G.M. GUNN (Stuart): I am pleased that the Minister for Human Services is in the chamber because I am most interested in the provision of hydrotherapy pools in my electorate. I make that as a passing comment so that the minister will give due attention to it in the near future.

The matter that I really wanted to raise today is that, like all members of this House, I do not mind what people say about me if it is true. I do not mind if they criticise me.

Mr Wright: We speak nicely about you.

The Hon. G.M. GUNN: I am so pleased—you have really made my day. I feel warm and cosy about that. However, one Carol Altmann, who writes for the *Australian* on a regular basis is, I understand, not someone who is at all keen on the conservative side of politics. I understand that she would be more akin to a Labor Party press secretary. However, her article yesterday was headed, 'Two more ministers snared in share affair'. The two people named have never been ministers—that is the first inaccurate thing. She goes on to say that the two members hold shares in the former South Australian Cooperative Bulk Handling.

South Australia Cooperative Bulk Handling has never issued a share to anyone: no-one has had shares in South Australian Cooperative Bulk Handling. That company had members. People joined the company and then paid tolls, which were used to build the infrastructure which today is one of the best grain handling authorities in the world and has provided lots of employment of the highest standard in the area of the member for Price and throughout South Australia. It has been a well managed company, with assets well in excess of $300 million.

During the period that the company has been operating, every farmer has been encouraged to become a member and participate, because every 11 years you got back the tolls. You were then permitted to go to the annual general meeting and participate in the discussions, as well as have a vote to elect the directors from around South Australia. That has operated ever since the company was formed, and many people paid tolls before they had any bulk handling facilities in their area because they knew that, the more money the company had, the quicker the facilities would be improved. I think that, if anyone should take the credit for the establishment and operation of this organisation, that would be the late Tom Stott, who was a member of this organisation, as he was a great supporter of orderly marketing with the establishment of the Australian Wheat Board, and Sir Thomas Playford. They established this organisation over the objections of bag merchants and other vested interests in the state.

The article goes on to talk about what may happen in the future. Of recent times, there have been meetings all around South Australia where the management and directors have put a proposition to grain growers that they should demutualise the company. That has been agreed to. Two companies have been set up, one a holding company, one an operating company, and every person who has delivered wheat in the last 10 years will be issued shares based on the amount of grain that they have delivered. No-one has bought the shares and, at this stage, no shares have been issued, so no-one could sell the shares even if they wanted to. That is my understanding of the circumstances. So, to say that we have some pecuniary interest when we do not yet have a share certificate is inaccurate. It is unfortunate that the honourable member did not check her facts correctly. I wonder who briefed her.

The agreement that the government has made is not with the South Australian Cooperative Bulk Handling Company: it is with the grain industry. Any future developments that will improve the export potential of this state should be supported by all members. I look forward to the future. I was very proud to be a member of the old Cooperative Bulk Handling Company and I look forward to being a member of the new organisation. I hope that it provides the same service to South Australians as has been provided in the past. And I do take exception to having inaccurate information about me placed in the newspapers.

TAB (DISPOSAL) BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to make provision for the disposal of the business of the South Australian Totalisator Agency Board; to amend and subsequently repeal the Racing Act 1976; to amend the Stamp Duties Act 1923 and the State Lotteries Act 1966; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill will give Parliamentary approval to, and the necessary legislative authority for, the Government's decision to sell the South Australian Totalisator Agency Board (SA TAB) as announced on 8 February 2000.

A companion Bill, named the Authorised Betting Operations Bill 2000, will establish the necessary regulatory framework for a privately owned SA TAB business in place of the existing provisions of the *Racing Act* and relevant sections of *Lottery and Gaming Act*. Further details of that framework will be outlined in the second reading speech for that Bill.

This Bill will provide flexibility for the restructure and sale of SA TAB in a number of different ways. In particular, it will be open to the Minister to agree to a sale of the assets of or the shares in the SA TAB upon it being converted to a company under the Corporations Law. To provide additional flexibility in addressing potential Government warranty and indemnity considerations, and bidder preferences regarding sale structures, the Bill also enables the Minister, to establish a new company into which assets of the corporatised SA TAB could be transferred, with the assets of, or shares in, that company then able to be sold.

These provisions—which are consistent with the approach taken in other Government asset sales—will enable the Government to manage the sale process so as to maximise the outcome for the State.

The breadth and flexibility of powers under this Bill are primarily to ensure that the potentially varying interests of bidders in a sale process can be accommodated—so that, in turn, best value outcomes can be achieved for the State.

SA TAB will be the fifth TAB in Australia to be privatised.

The Government's comprehensive review of the business has identified that, under continued Government ownership, SA TAB would, in the future, find it increasingly difficult to compete in the rapidly changing and intensely competitive Australian and global gambling markets.

Amongst other things, the Government would find it difficult to allocate scarce financial resources towards the expansion of the SA TAB, in order for it to compete effectively—at the expense of funding for core services such as health, education and public safety.

The Government does not believe that it is either prudent or responsible for it to continue ownership of SA TAB within such an emerging higher risk environment.

Any delay to the sale of the SA TAB could therefore see the value of the business to the taxpayers of South Australia diminish—through reduced and less stable net earnings and ultimately a lower sale price.

The review of the business and subsequent sales process has had regard to three broad stakeholder groups—namely SA TAB employees, the South Australian Racing Industry ('SARI') and South Australian taxpayers more generally. Each has distinct interests to be recognised and protected.

Employees

The Government has been concerned to ensure that SA TAB employees have some certainty about their terms and conditions of employment in the context of a sale, and that any retrenched employees are appropriately compensated.

The sale process will provide for a framework for dealing with all staffing issues including a requirement for potential purchasers to identify their expected workforce requirements in their bids, which will be evaluated by the Government based on a number of factors.

The Government has clearly stated that the price offered for the business will not be the only important factor in evaluating bids—other issues such as employment of existing staff and service standards will also be very important considerations.

Since this Bill was last tabled, the Government has continued to pursue discussions and negotiations with the Public Service Association, Australian Services Union and the Employee Ombudsman regarding staff transition arrangements.

The Government has offered further enhancements which it believes establishes an employee transition package that is balanced and reasonable, particularly having regard to employees' existing conditions, and which it hopes will lead to a mutually satisfactory agreement being reached over the course of the debate of this Bill.

Schedule 2 of the Bill—which is intended to provide employees with 'safety net' conditions in respect of the sale—have not altered from the Bill as last introduced, notwithstanding the further enhancements that the Government has agreed to include in the transition package.

If necessary, the Government would seek to have the updated offer incorporated into the legislation but our priority focus is to agree a transition package with Employee Representatives in the near future and to formalise that agreement within a Memorandum of Understanding, in which case the legislation provides for such an agreement to take precedence over the safety net provisions in Schedule 2.

South Australian Racing Industry (SARI)

A vital part of the sale process has been to establish long-term formal arrangements between SARI and SA TAB, to secure an ongoing commercial role and source of revenue for the South Australian racing sector while allowing the SA TAB to remain competitive and viable in the future.

On Friday 20 October, 2000, I announced that the Government and SARI's authorised negotiating team, the Racing Codes Chairmen's Group (RCCG), successfully concluded negotiation of the commercial and financial arrangements between SARI and SA TAB post sale.

Based on a Heads of Agreement executed in June 2000, two documents have been agreed– a 'Government Agreement' which formalises the relationship between the Government and SARI going forward and a 'Racing Distribution Agreement.' The Racing Distribution Agreement between SA TAB and SARI fully documents and formalises the agreed commercial and financial arrangements between SARI and a new owner of SA TAB, to apply following the sale of SA TAB and cannot be altered by the new owner of SA TAB without SARI's agreement.

This security is enhanced by requirements within the associated Authorised Betting Operations Bill that, upon sale, the new owner of SA TAB must keep in force the Racing Distribution Agreement with SARI.

The agreed package is balanced and reasonable and, when combined with reforms currently being considered by the racing industry generally, can contribute to self-management and funding by SARI of its future operations.

Undue delays in the sale process from here will put in jeopardy the funding that SARI needs to underpin its revitalisation and moves towards self-management

Taxpayers

The fundamental driving force for the sale of SA TAB is to remove the taxpayers of South Australia from the direct commercial risks and exposures of the gambling industry.

This is not an area of business activity that the Government should be sponsoring on the taxpayer's behalf—it is neither a core area of competency nor focus of Government and, put simply, it is placing scarce financial resources at risk.

Further, a sale of SA TAB will, properly, ensure that the Government's focus is on the regulation—rather than conduct—of this gambling activity.

Interest savings on debt retired with the proceeds of the SA TAB sale will, together with the new wagering taxation regime, generate a far more secure revenue stream for the State Budget to fund critical community services.

The public also has an interest in the sale being conducted fairly and efficiently.

In this regard, Deloite Touche Tohmatsu has been appointed as Probity Auditor for the sale with a view to ensuring that public confidence is maintained in the integrity of the process. This Bill provides for the Probity Auditor's report to be tabled in both Houses of Parliament once the sale has been completed.

This measure of accountability and transparency is complemented by the requirement in the associated Authorised Betting Operations Bill that the SA TAB Licensing and Duty Agreements also be tabled in both Houses.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The application of the *Acts Interpretation Act* provision for automatic commencement after 2 years is excluded.

Clause 3: Interpretation

This clause contains definitions necessary for the purposes of the measure.

'TABCO' is to mean TABCO(A)—TAB as converted to a company under the *Corporations Law—see* clause 9—or TABCO(B)—a State-owned company nominated by the Minister by notice in the *Gazette*.

Conversion of TAB into TABCO(A) is to occur before a sale agreement may be made under clause 11. Transfer of assets and

liabilities to the 'clean' company, TABCO(B), is an option that may be taken before a sale agreement is made.

Clause 4: Application of Act

This clause applies the measure outside the State to the full extent of the extra-territorial legislative capacity of the Parliament.

PART 2
PREPARATORY ACTION

Clause 5: Preparation for restructuring and disposal

This clause defines the parameters of what is called the authorised project—a project for investigating the best means of selling the business of TAB and preparing for the sale.

The directors and employees of TAB or TABCO are required to participate effectively in the process.

Prospective purchasers may be authorised by the Minister to have access to information relevant to a potential sale. However, personal information about employees is not to be made available except to a purchaser once a sale agreement has been executed.

Clause 5: Authority to disclose and use information

This clause authorises the disclosure of confidential information in the course of the authorised project.

Clause 7: Evidentiary provision

Evidentiary aids are provided in relation to the authorised project.

Clause 8: Relationship between Minister and TAB and TABCO in restructuring and disposal period

This clause enables the Minister to give directions to and execute agreements on behalf of TAB or TABCO as the Minister considers necessary in preparation for disposal of the TAB business.

PART 3
DISPOSAL

Clause 9: Conversion of TAB to company

Provisions contained in Schedule 1 apply for the purposes of the conversion of TAB to a company under the *Corporations Law*.

Clause 10: Transfer order

This clause provides the means for restructuring TAB in preparation for sale.

The Minister is empowered to transfer assets or liabilities of TAB or TABCO to a Crown entity.

Provision is made for the order of the Minister to deal with the consequential need to change references in instruments.

Clause 11: Sale agreement

This clause authorises the actual disposal of the business of TABCO.

Two methods of sale are authorised: a direct sale of the TABCO's assets and liabilities; a sale of the shares in TABCO.

Clause 12: Supplementary provisions

These provisions support the transfer of assets and liabilities and in general terms provide for the transferee to be substituted for the transferor in relation to the transferred assets and liabilities.

Clause 13: Evidentiary provision

Evidentiary aids are provided in relation to transfers under the measure.

Clause 14: Tabling of report on probity of sale processes

The Minister is to table in Parliament a report on the probity of the processes leading up to the making of a sale agreement. The report must be prepared by an independent person engaged for the purpose.

PART 4
STAFF

Clause 15: Transfer of staff

This clause provides for transfer of all staff by Ministerial order if—

- assets and liabilities of TABCO(A) are transferred by a transfer order to TABCO(B); or
- assets and liabilities of TABCO(A) are transferred by a sale agreement to the purchaser.

Employees' remuneration and leave entitlements are unaffected and continuity of service is preserved.

Clause 16: Memorandum of understanding

The Minister is required to make an order to give effect to any memorandum of understanding about employee rights entered into between the Government and any one or more of the Public Service Association, the Australian Services Union or the Employee Ombudsman about employee rights. Provisions contained in such an order are to take effect as contractual terms binding on TAB, TABCO, a purchaser or any succeeding owner of the business.

Clause 17: Application of Schedule 2 staff provisions

Schedule 2 contains provisions relating to employee entitlements that will have effect subject to any exclusions contained in an order of the Minister giving effect to a memorandum of understanding under clause 16.

PART 5
MISCELLANEOUS

Clause 18: Amount payable by TABCO in lieu of tax

This clause makes provision for TABCO to make payments to the Treasurer in lieu of income and other taxes.

Clause 19: Relationship of TABCO and Crown

This clause ensures that TABCO will be regarded an instrumentality of the Crown but not after it ceases to be a State-owned company.

Clause 20: Dissolution of TABCO

This clause enables TABCO to be dissolved by proclamation if it is a State-owned company and all of its assets and liabilities have been transferred under the measure.

Clause 21: Registering authorities to note transfer

The Minister may require the Registrar-General to register or record a transfer under the measure.

Clause 22: Stamp duty

This clause provides for an exemption from stamp duty for transfers under the measure.

Clause 23: Interaction between this Act and other Acts

This clause ensures that transactions under the measure will be expedited by being exempt from various provisions that usually apply to commercial transactions.

Clause 24: Effect of things done or allowed under Act

This clause ensures that action taken under the measure will not adversely affect the position of a transferee or transferor.

Clause 20: Regulations

This clause provides general regulation making power.

SCHEDULE 1

Conversion of TAB to Company

This schedule contains technical provisions associated with the conversion of TAB to a company under the *Corporations Law*.

SCHEDULE 2

Staff Provisions

This schedule contains provisions establishing employee entitlements that will have effect subject to any exclusions made by an order of the Minister giving effect to a memorandum of understanding under clause 16.

The schedule provides for a transfer payment to be made to 'transferred employees', that is, employees who are transferred to the employment of the purchaser under a sale agreement or who continue in the employment of TABCO after the shares in TABCO are transferred to a purchaser. The amount of the payment ranges from 20 per cent to 80 per cent of an employee's earnings in the last financial year, depending on the employee's continuous years of service. The provision for a transfer payment does not apply to an employee employed under a fixed term contract, an executive or a casual employee unless engaged on a regular and systematic basis for the preceding year.

Retrenchment payments are provided for under the schedule:

- an employee of TAB or TABCO while in Government ownership may not be retrenched unless the employee is given 10 weeks notice (or a payment in lieu of notice) and paid the prescribed retrenchment payment.
- a transferred employee (other than a casual employee) may not be retrenched unless the employee is given notice equal to 10 weeks plus any period remaining before the end of the employee's first year as a transferred employee (or a payment in lieu of such notice) and paid the prescribed retrenchment payment.
- a transferred casual employee may not be retrenched unless the employee is given notice equal to 10 weeks plus any period remaining before the end of the employee's first 6 months as a transferred employee (or a payment in lieu of such notice) and paid the prescribed retrenchment payment.

The prescribed retrenchment payment ranges from 3 times the employee's average weekly earnings to 63 times the employee's average weekly earnings, depending on the employee's continuous years of service.

Retrenchment entitlements do not apply to casual employees unless engaged on a regular and systematic basis for 52 weeks.

Such a casual employee will be taken to be retrenched if reduced to zero hours in any month after becoming a transferred employee (that is, without the employee's consent or any proper cause).

The retrenchment entitlements are in addition to and do not effect entitlements to superannuation payments or payments in lieu of leave entitlements.

The retrenchment entitlements do not apply to employees employed under fixed term contracts or executives.

A transferred casual employee (engaged on a regular and

systematic basis for 52 weeks) must be remunerated for each month in the employee's first 6 months as a transferred employee as if the employee had been engaged for at least the employee's average monthly hours during the 6 months before the employee became a transferred employee.

SCHEDULE 3

Amendment of Racing Act

This schedule contains amendments to the *Racing Act* consequential on the conversion of TAB to a *Corporations Law* company.

SCHEDULE 4

Repeal of Racing Act, Amendment of Stamp Duties Act and State Lotteries Act and Transitional Provisions

This schedule is to come into operation on a day to be fixed by proclamation.

It is proposed that this commencement would coincide with the commencement of the proposed *Authorised Betting Operations Act* and the issuing of the major betting operations licence under that measure.

On the commencement of the schedule:

- the *Racing Act* is repealed
- consequential amendments to the *Stamp Duties Act* and *State Lotteries Act* take effect
- transitional provisions set out in the schedule also take effect.

Mr WRIGHT secured the adjournment of the debate.

AUTHORISED BETTING OPERATIONS BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to provide for the licensing and regulation of totalisator and other betting operations; and to amend the Criminal Law (Undercover Operations) Act 1995, the Gaming Supervisory Authority Act 1995, the Lottery and Gaming Act 1936 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill provides for a comprehensive and consistent new regulatory regime for betting operations to be conducted by the SA TAB, racing clubs and bookmakers in place of the existing provisions of the *Racing Act*.

It is appropriate, in the context of the sale of the SA TAB, to establish a consolidated and more robust system for the regulation of betting operations in the State.

A major feature of the Bill is that the SA TAB will be subject to a comprehensive probity, regulatory, licensing and compliance regime overseen by the Gaming Supervisory Authority (GSA) and the Liquor and Gaming Commissioner—both of whom will have expanded supervisory and enforcement functions.

The GSA and the Commissioner will have new powers to ensure the probity and integrity of betting operations.

Importantly, the Government also proposes that the new regulatory framework will require the business operator to implement GSA-approved codes of conduct for advertising and responsible gambling. These provisions give effect to the Government's response to Parliament's Social Development Committee Gambling Inquiry Report.

That means, for example, that SA TAB will be required to display information about responsible gambling and the availability of rehabilitation and counselling services for problem gamblers. SA TAB will also be required to provide point-of-sale information on player returns.

The GSA will also have extensive powers that are directed towards ensuring the probity of the owner of SA TAB, its directors, executive officers and associates. Changes in the identity of any of these groups, and dealings with the licence or major aspects of the licensed business, will require GSA approval.

Overall, the regulatory framework represents a responsible balance of commercial considerations—in particular, the need to allow the business to continue to operate and compete effectively—with Government's broader social responsibilities.

The licence issued to SA TAB under the legislation will be known as the Major Betting Operations Licence. The first licence will be issued to the SA TAB shortly after it converts to a company, but while still in Government ownership. Thereafter, a change in ownership of that company, or a transfer of the licence, as part of the sale process will require the approval of the Governor, upon the recommendation of the GSA.

The Bill sets down the authority conferred by the Major Betting Operations Licence and also provides that there will be only one such Licence issued.

An Approved Licensing Agreement, between the Minister and the Licensee, will set down the scope of the Licence more generally, and will deal with such matters as the term of the Licence; exclusivity rights; the maximum commission rates which may be earned on totalisators and other commercial matters and the detailed aspects of business regulation.

Many of the detailed commercial issues will be finalised as part of the sale process, once the preferences of bidders, and the consequential value to taxpayers, can be assessed against a range of financial, social, economic and other considerations.

Indicatively, the Government's current thinking is to offer a licence term of 99-years to the market, with a 15-year exclusivity period, in line with the Adelaide Casino model.

Also consistent with the Casino legislation, and in the interests of transparency and accountability, the Approved Licensing Agreement—and any subsequent amendments—will be tabled in Parliament, once entered into by the Minister and approved by the GSA.

The Licensee will also enter into a Duty Agreement with the Treasurer, establishing a State taxation regime and dealing with other financial matters. This agreement will also be tabled in Parliament.

Importantly, in order for the Major Betting Operations Licence to be granted, a private sector Licensee must have in place and give effect to a formal commercial agreement with the SA Racing Industry (the Racing Distribution Agreement) concerning the payments to be made to the SA Racing Industry by the Licensee for the provision of local and interstate racing product and information.

The Bill provides for licensing of racing clubs to conduct on-course totalisator betting and licensing of bookmakers and bookmakers' clerks. The substance of the regulatory framework is largely unaltered but the institutional arrangements will change, with responsibility for the issue of licences, together with associated probity and regulatory functions, proposed to reside with the GSA and the Commissioner.

This Bill establishes a comprehensive yet balanced licensing and regulatory framework for all betting operations in this State.

The Bill should give all South Australians full confidence that a privately owned SA TAB will operate to the highest standards of probity and that fairness to customers, and other matters of public interest, have been adequately addressed.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement by proclamation. The operation of section 7(5) of the *Acts Interpretation Act* (providing for commencement of the measure after 2 years if an earlier date has not been fixed by proclamation) is excluded.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

Clause 4: Approved contingencies

Betting operations authorised under the measure may relate to races held by licensed racing clubs or to approved contingencies. This clause provides for approval by the Authority of contingencies. The contingencies may be related to other races or sporting or other events within or outside Australia.

The approval is to relate to specified kinds of betting operations. This enables the Authority to approve in appropriate cases, for example, certain contingencies for totalisator betting conducted by the major betting operations licensee and different contingencies for fixed odds betting by licensed bookmakers.

The Authority may give a general approval for any form of betting on any contingency relating to an event of a specified class (for example, betting on the outcome or any combination of outcomes or the margin or margins in a series of matches) or may give a more limited approval for a particular form of betting on a

particular contingency relating to a particular event (for example, fixed odds betting on the winner of a particular match). The clause allows the Authority to adjust the type of approval as it considers appropriate.

Subclause (2) provides that the Authority must not approve contingencies unless satisfied as to the adequacy of standards of probity applying in relation to the contingencies and the appropriateness in other respects of the contingencies for the conduct of betting operations generally or the particular betting operations concerned.

Approvals may be varied or revoked. The Minister is to be given prior notice of a proposal to approve contingencies and will have power to give the Authority binding directions preventing or restricting the approval of contingencies.

Clause 5: Close associates

This clause defines the meaning of close associates so as to cover all parties in a position to control or significantly influence another.

Clause 6: Designation of racing controlling authorities

Under this clause, the Governor may, by proclamation, designate the racing controlling authorities for the various racing codes (horse racing, harness racing and greyhound racing).

For a club to be a racing club for the purposes of the measure it must be related to a racing controlling authority through its membership of the authority or its membership of a body that is a member of the authority or through registration of the club by the Authority. A racing controlling authority will be regarded as a club if it holds race meetings. The racing controlling authorities are also given a role to play in the racing distribution agreement that must be entered into between the major betting operations licensee and the racing industry.

PART 2
MAJOR BETTING OPERATIONS LICENCE
DIVISION 1—GRANT, RENEWAL AND CONDITIONS OF LICENCE

Clause 7: Grant of licence

There is to be one major betting operations licence granted by the Governor. In the first instance the licence is to be granted to TABCO(A) (that is TAB as converted to a company under the *Corporations Law*). Any later grant is to be made on the recommendation of the Authority.

Clause 8: Eligibility to hold licence

The licensee is required to be a body corporate.

Clause 9: Authority conferred by licence

This clause sets out the betting operations that may be authorised by the licence as follows:

- to conduct off-course totalisator betting on races held by licensed racing clubs;
- to conduct off-course totalisator betting on approved contingencies;
- to conduct on-course totalisator betting under agreements with licensed racing clubs on races held by licensed racing clubs and on approved contingencies;
- to conduct other forms of betting on approved contingencies (other than fixed-odds betting on races within Australia on which licensed bookmakers are authorised to conduct betting).

Part 3 governs the granting of licences to racing clubs and bookmakers.

Clause 10: Term and renewal of licence

The term of the licence is to be governed by the approved licensing agreement (an agreement that must be entered into between the Minister and a prospective licensee before the grant of the licence).

The licensee is to have no expectation of renewal but, provided a new approved licensing agreement, a new racing distribution agreement and a new duty agreement are entered into, the Minister may renew the licence on the recommendation of the Authority.

Clause 11: Conditions of licence

The measure itself fixes various conditions of licence and the approved licensing agreement may fix other conditions of licence.

DIVISION 2—AGREEMENTS WITH LICENSEE

Clause 12: Approved licensing agreement

This clause sets out the requirement for there to be an approved licensing agreement between the licensee and the Minister.

The agreement is to be about—

- the scope and operation of the licensed business; and
- the term of the licence; and
- the conditions of the licence; and
- the performance of the licensee's responsibilities under the licence or the measure.

The agreement has no effect unless approved by the Authority.

The agreement binds the Minister, the Authority and the Liquor and Gaming Commissioner (the Commissioner) and may contain provisions governing the exercise of their powers under the measure or the *Gaming Supervisory Authority Act 1995*. The agreement may also bind any other person who consents to be bound.

The agreement may contain a provision relating to the exclusivity of the licence.

The agreement is required to set out the maximum commission that may be retained by the licensee out of bets made with the licensee.

A specific authorisation is included for the purposes of section 51 of the Commonwealth *Trade Practices Act*, and the *Competition Code of South Australia*, in relation to the agreement.

Clause 13: Racing distribution agreement

This clause requires there to be a racing distribution agreement between the licensee and the racing industry about terms and conditions on which the licensee may conduct betting operations on races held by licensed racing clubs.

The agreement will include provisions relating to—

- the arrangement of racing programs and the provision of information to the licensee about races (whether held within the State or elsewhere in Australia); and
- the payments to be made by the licensee to the racing industry.

The clause also provides for the racing controlling authorities to be able to give licensed racing clubs binding directions for the purposes of enabling the racing industry to perform its obligations and exercise its rights under the agreement.

A specific authorisation is included for the purposes of section 51 of the Commonwealth *Trade Practices Act*, and the *Competition Code of South Australia*, in relation to the racing distribution agreement.

Clause 14: Duty agreement

This clause requires there to be a duty agreement between the licensee and the Treasurer. The duty agreement may (but need not) extend to a requirement to pay all or part of unclaimed winnings or totalisator fractions to the Treasurer. Provisions for interest and penalties, security and returns are included.

Clause 15: Approved licensing agreement and duty agreement to be tabled in Parliament

The approved licensing agreement and the duty agreement (and any variation of either agreement) are to be laid before both Houses of Parliament.

DIVISION 3—DEALINGS WITH LICENCE OR LICENSED BUSINESS

Clause 16: Transfer of licence

Transfer of the licence requires the approval of the Governor, which may only be given on the recommendation of the Authority.

However, transfer of the licence from TABCO(A) (that is, TAB as converted to a company) to TABCO(B) (that is, a State-owned company established under the TAB (Disposal) measure) may be approved by the Governor on the recommendation of the Minister.

The clause ensures that the transferee is bound by the approved licensing agreement, the racing distribution agreement and the duty agreement.

Clause 17: Dealings affecting licensed business

This clause sets out the kinds of transactions that the licensee must not enter into without the approval of the Authority. In general terms any transaction under which another will gain an interest in the licensed business or a position of control or significant influence over the licensee is caught.

The provision will not apply to a transaction entered into by TABCO(A) or TABCO(B) while it is a State-owned company.

Clause 18: Other transactions under which outsiders may acquire control or influence

This clause recognises that there are various transactions beyond the control of the licensee by which a person may gain a position of control or significant influence over the licensee. The licensee is required to notify the Authority within 14 days after becoming aware of such a transaction.

If the Authority is not prepared to ratify such a transaction, the Authority may make orders designed to 'undo' the transaction. The Authority's orders may be registered in the Supreme Court for the purposes of enforcement. Provision is made in Part 7 for an appeal against an order of the Authority under this clause.

Clause 19: Surrender of licence

Approval of the Authority is required for the surrender of the licence.

DIVISION 4—APPROVAL OF DIRECTORS AND EXECUTIVE OFFICERS

Clause 20: Approval of directors and executive officers

Before a person becomes a director or executive officer of the licensee, the licensee must ensure that the person is approved by the Authority.

Executive officer is defined to mean a secretary or public officer of the body corporate or a person responsible for managing the body corporate's business or any aspect of its business. The Authority may limit the range of executive officers to which the section applies in a particular case by written notice to the licensee.

The provision will not apply to directors of TABCO(A) or TABCO(B) while it is a State-owned company.

DIVISION 5—APPLICATIONS AND CRITERIA FOR DETERMINATION OF APPLICATIONS

Clause 21: Applications

This clause covers—

- an application for the grant, renewal or transfer of the licence;
- an application for the Authority's approval or ratification of a transaction to which Division 3 applies (other than the transfer of the licence);
- an application for the Authority's approval of a transaction to which Division 3 would apply if the transaction were entered into;
- an application for the Authority's approval of a person who is to become a director or executive officer of the licensee.

It sets out who may make an application and the requirements relating to an application.

Clause 22: Determination of applications

This clause sets out the criteria to be applied to applications by the Authority including requirements relating to the suitability of a person to hold the licence or to conduct, or to control or exercise significant influence over the conduct of, the licensed business.

In assessing the suitability of a person, the Authority may have regard to a wide range of factors, including—

- the corporate structure of the person; and
- the person's financial background and resources; and
- the person's reputation; and
- the character, reputation, and financial background of the person's close associates; and
- any representations made by the Minister.

The concept of close associate is defined in Part 1 and includes partners, directors, executive officers, shareholders, persons who participate in profits and the like.

DIVISION 6—INVESTIGATIONS BY AUTHORITY

Clause 23: Investigations

The Authority is required to carry out the investigations it thinks necessary to enable it to make recommendations or decisions and to keep under review the continued suitability of the licensee and the licensee's close associates.

Clause 24: Investigative powers

This clause gives the Authority various powers to enable it to obtain relevant information.

Clause 25: Costs of investigation relating to applications

Applicants are to be required to meet the cost of investigations (other than investigations relating to an application for approval of a person to become a director or executive officer of the licensee).

Clause 26: Results of investigation

The Authority is required to notify the applicant and the Minister of the results of investigations in connection with an application.

DIVISION 7—ACCOUNTS AND AUDIT

Clause 27: Accounts and audit

This clause requires the licensee to keep proper financial accounts in relation to the operation of the licensed business, segregated from accounts relevant to other business carried on by the licensee.

Clause 28: Licensee to supply authority with copy of audited accounts

The licensee is required to give the Authority a copy of the audited accounts kept under this Division and those kept under the *Corporations Law*.

Clause 29: Duty of auditor

This clause requires the auditor of the licensee's accounts to report any suspected irregularities to the Authority.

Clause 30: Non-application of Division

This Division is not to apply to TABCO(A) or TABCO(B) while it is a State-owned company.

DIVISION 8—PAYMENT OF DUTY

Clause 31: Liability to duty

This clause imposes the obligation to pay the duty as set out in the duty agreement.

Clause 32: Evasion of duty

This clause makes it an offence for the licensee to attempt to evade the payment of duty and enables the Treasurer to reassess the duty payable in the case of an attempted evasion.

DIVISION 9—GENERAL POWER OF DIRECTION

Clause 33: Directions to licensee

The Authority is empowered to give directions to the licensee about the management, supervision and control of any aspect of the licensed business. The Authority must, unless the Authority considers it contrary to the public interest to do so, give the licensee an opportunity to comment on proposed directions.

PART 3

LICENSING OF OTHER BETTING OPERATIONS

DIVISION 1—LICENCES

Clause 34: Classes of licences

The classes of licences that may be granted by the Authority under this clause are as follows:

- an on-course totalisator betting licence (for racing clubs);
- a bookmaker's licence;
- a clerk's licence authorising a person to act as the clerk of a licensed bookmaker;
- a betting shop licence authorising a licensed bookmaker to conduct fixed-odds betting at specified premises situated within the City of Port Pirie.

Bookmakers and clerks must be persons who have attained 18 years of age.

The Minister may give the Authority binding directions about authorisations for on-course totalisator betting that is not in conjunction with a race meeting.

The requirement for a racing club to hold a licence is new. The other licences reflect those currently required to be held under the *Racing Act*.

Provision is made for the regulations to exclude classes of races held by licensed racing clubs from the events on which clubs or bookmakers may accept bets. This is designed to enable 'for profit' races to be excluded.

Clause 35: Term of licence

A licence is to be for a term specified in the licence and may be renewed in accordance with the regulations.

The Minister may give the Authority binding directions about the term of an on-course totalisator betting licence.

Clause 36: Conditions of licence

The Authority is empowered to impose conditions of licence and to vary the conditions by written notice to a licensee.

The Authority is required to attach conditions to an on-course totalisator betting licence fixing the commission that may be retained by the licensed racing club. The Minister may give the Authority binding directions relating to such conditions.

Clause 37: Application for grant or renewal, or variation of condition, of licence

This clause sets out requirements for applications.

Clause 38: Determination of applications

This clause sets out the criteria to be applied to applications by the Authority, namely, requirements relating to the suitability of a person to hold the licence and, in the case of an on-course totalisator betting licence, the adequacy of the standards of probity that will apply to races held by the racing club.

In assessing the suitability of a person, the Authority may have regard to a wide range of factors, including—

- the person's financial background and resources; and
- the person's reputation; and
- the character, reputation, and financial background of the person's close associates; and
- any representations made by the Minister.

DIVISION 2—LIABILITY TO PAY DUTY

Clause 39: Liability to duty

The regulations will impose a requirement to pay duty on licensed racing clubs and licensed bookmakers. This may (but need not) extend to a requirement to pay unclaimed winnings or totalisator fractions to the Treasurer. Provisions for interest and penalties, security and returns are included.

Clause 40: Evasion of duty

This clause makes it an offence for a licensee to attempt to evade the payment of duty and enables the Treasurer to reassess the duty payable in the case of an attempted evasion.

PART 4

REGULATION OF BETTING OPERATIONS

DIVISION 1—BETTING OPERATIONS OTHER THAN BOOKMAKING

Clause 41: Approval of rules, systems, procedures and equipment

The major licensee and licensed racing clubs are required to have rules governing betting operations conducted by the licensee, and related systems and procedures, approved by the Commissioner. The Authority can require other systems and procedures, or equipment, to also be approved by the Commissioner.

Clause 42: Location of off-course totalisator offices, branches and agencies

Before establishing an office, branch or agency, the major licensee is required to obtain the Authority's approval of its location. The Minister may give the Authority binding directions preventing or restricting the approval of the location of offices, branches or agencies.

Clause 43: Prevention of betting by children

The major licensee and licensed racing clubs are required to have systems and procedures approved by the Commissioner designed to prevent bets from being made by children.

Clause 44: Prohibition of lending or extension of credit

The major licensee and licensed racing clubs are prohibited from extending credit in connection with the making of a bet.

Clause 45: Cash facilities at certain premises staffed and managed by major betting operations licensee

The major licensee is prohibited from providing, or allowing another to provide, a cash facility within a part of premises that is staffed and managed by the licensee and at which the public may attend to make bets.

A cash facility is—

- an automatic teller machine; or
- an EFTPOS facility; or
- any other facility, prescribed by regulation, that enables a person to gain access to his or her funds or to credit.

Clause 46: Player return information

The major licensee and licensed racing clubs are required, in accordance with determinations made from time to time by the Commissioner, to provide information relating to player returns at places at which the public may attend to make bets with the licensee, on betting tickets issued by the licensee and otherwise as required by the Commissioner.

Clause 47: Systems and procedures for dispute resolution

The major licensee and licensed racing clubs are required to have systems and procedures approved by the Commissioner for the resolution of disputes about bets or winnings arising in the course of the licensee's betting operations.

Clause 48: Advertising code of practice

The major licensee and licensed racing clubs are each required to adopt a code of practice approved by the Authority on advertising.

Clause 49: Responsible gambling code of practice

The major licensee and licensed racing clubs are each required to adopt a code of practice approved by the Authority relating to signs, information and training of staff in respect of responsible gambling and the services available to address problems associated with gambling.

Clause 50: Major betting operations licensee may bar excessive gamblers

The major licensee is given powers to deal with situations where the welfare of a person, or the welfare of a person's dependants, is seriously at risk as a result of excessive gambling.

The major licensee may bar the person—

- from entering or remaining in a specified office or branch staffed and managed by the licensee;
- from making bets at a specified agency of the licensee;
- from making bets by telephone or other electronic means not requiring attendance at an office, branch or agency of the licensee.

A person may apply to the Commissioner for a review of a barring order.

This provision is similar to that applying in relation to gaming machines.

Specific provision is included to protect the major licensee or an authorised person against claims for damages or compensation in connection with a decision or failure to exercise or not to exercise powers under this clause.

Clause 51: Alteration of approved rules, systems, procedures, equipment or code provisions

This clause allows the Authority or the Commissioner (as the case requires) to require a licensee to make an alteration to approved rules, systems, procedures, equipment or code of practice provisions.

DIVISION 2—BOOKMAKING OPERATIONS

Clause 52: Restriction on use of licensed betting shop

This clause continues the provision in section 108 of the *Racing Act* preventing the betting shop at Port Pirie from operating when horse races are being conducted at a racecourse within 15 km of the shop.

Clause 53: Cash facilities at licensed betting shop

Cash facilities are not to be available at the betting shop at Port Pirie in the same way that cash facilities are not to be available at premises staffed and managed by the major licensee at which the public may attend to make bets.

Clause 54: Licensed bookmakers required to hold permits

This clause continues the requirement in section 111 of the *Racing Act* for the acceptance of bets by licensed bookmakers to be authorised by permit.

The permits are to be issued by the Commissioner.

Clause 55: Granting of permits

This clause contemplates the granting of permits to accept bets made on a specified day and at a specified place (compare sections 112 and 112A of the *Racing Act*).

The granting of permits for racecourses is dependent on consultation with the relevant licensed racing club.

The granting of permits for other places is dependent on consultation with the person or body occupying or controlling the place. The Minister is empowered to give the Commissioner binding directions about the granting of such permits.

Clause 56: Permit authorising telephone bets etc.

As currently contemplated in section 112(6) of the *Racing Act*, this clause allows for permits authorising the acceptance of bets by telephone or other electronic means.

Clause 57: Conditions of permits

The Commissioner is empowered to attach conditions to permits (as in section 112(3) and (4) of the *Racing Act*).

Clause 58: Revocation of permit

The Commissioner may revoke a permit (as in section 112B of the *Racing Act*).

Clause 59: Operation of bookmakers on racecourses

This clause is the equivalent of section 113 of the *Racing Act* and gives a bookmaker with the appropriate permit an entitlement to accept bets at a racecourse if the bookmaker has paid the appropriate fee to the licensed racing club.

Clause 60: Prevention of betting with children by bookmaker

Licensed bookmakers are required to have systems and procedures approved by the Commissioner designed to prevent bets from being made by children.

Clause 61: Prohibition of certain information as to racing or betting

This clause makes it an offence for information about probable race-results and betting with bookmakers to be communicated so as to prevent SP bookmaking. It takes the place of sections 119 and 120 of the *Racing Act*.

Clause 62: Rules relating to bookmakers' operations

The Authority is empowered to make rules relating to the operations of licensed bookmakers. The clause takes the place of section 124 of the *Racing Act*.

PART 5
ENFORCEMENT
DIVISION 1—COMMISSIONER'S SUPERVISORY RESPONSIBILITY

Clause 63: Responsibility of the Commissioner

This clause provides that the Commissioner is responsible to the Authority to ensure that the operations of each licensed business are subject to constant scrutiny.

DIVISION 2—POWER TO OBTAIN INFORMATION

Clause 64: Power to obtain information

This clause enables the Authority or the Commissioner to require a licensee to provide information that the Authority or Commissioner requires for the administration or enforcement of the measure.

DIVISION 3—INSPECTORS AND POWERS OF AUTHORISED OFFICERS

Clause 65: Appointment of inspectors

This clause allows for the appointment of Public Service inspectors and for the provision of identification cards by the Commissioner.

Clause 66: Power to enter and inspect

The powers under this clause are provided to the Commissioner, the members and secretary of the Authority, inspectors and police officers (collectively called authorised officers). The circumstances in which the powers may be exercised are set out in subclause (2). A warrant is required in respect of entry to a place in which there are not any operations of a kind authorised under the measure being conducted.

PART 6
POWER TO DEAL WITH DEFAULT OR BUSINESS FAILURE
DIVISION 1—STATUTORY DEFAULT

Clause 67: Statutory default

This Division gives the Authority various powers to deal with statutory default on the part of a licensee.

A statutory default occurs if—

- a licensee contravenes or fails to comply with a provision of the measure or a condition of the licence; or
- an event occurs, or circumstances come to light, that show a licensee or a close associate of a licensee to be an unsuitable person; or
- operations under a licence are improperly conducted or discontinued; or
- a licensee becomes liable to disciplinary action under the measure or on some other basis.

It is made clear that the races held by a licensed racing club are to be considered to be operations under the licence.

Clause 68: Effect of criminal proceedings

Proceedings under this Part (apart from the issue of an expiation notice) may be in addition to criminal proceedings. However, the Authority is required, in imposing a fine, to take into account any fine that has already been imposed in criminal proceedings.

Clause 69: Compliance notice

The Authority may issue a notice to a licensee requiring specified action to be taken to remedy a statutory default. Non-compliance with such a notice is an offence attracting a maximum penalty of $100 000 in the case of the major betting operations licensee and $20 000 in any other case.

Clause 70: Expiation notice

The Authority may issue an expiation notice to a licensee alleging statutory default and stating that disciplinary action may be avoided by payment of a specified sum not exceeding $10 000 in the case of the major betting operations licensee, and $1 000 in any other case, within a period specified in the notice.

Clause 71: Injunctive remedies

The Minister or the Authority may apply to the Supreme Court for an injunction to prevent statutory default or to prevent recurrence of statutory default.

Clause 72: Disciplinary action

The Authority may take disciplinary action against a licensee for statutory default as follows:

- the Authority may censure the licensee;
- the Authority may impose a fine on the licensee not exceeding $100 000 in the case of the major betting operations licensee and $20 000 in any other case;
- the Authority may vary the conditions of the licence (irrespective of any provision of the approved licensing agreement excluding or limiting the power of variation of the conditions of the licence);
- the Authority may give written directions to the licensee as to the winding up of betting operations under the licence;
- the Authority may suspend the licence for a specified or unlimited period;
- the Authority may cancel the licence.

The licensee must be given a reasonable opportunity to make submissions. Provision is made in Part 7 for an appeal against a decision of the Authority to take disciplinary action.

Clause 73: Alternative remedy

This clause makes it clear that the Authority may, instead of taking disciplinary action, issue a compliance notice.

DIVISION 2—OFFICIAL MANAGEMENT

Clause 74: Power to appoint manager

The Minister is empowered to appoint an official manager of the business conducted under a licence if the licence is suspended, cancelled or surrendered or expires and is not renewed, or if the licensee otherwise discontinues operations under the licence.

Clause 75: Powers of manager

This clause sets out the powers of the official manager to run the licensed business.

DIVISION 3—ADMINISTRATORS, CONTROLLERS AND LIQUIDATORS

Clause 76: Administrators, controllers and liquidators

This clause puts an administrator, controller or liquidator in a similar position to that of the licensee.

PART 7
REVIEW AND APPEAL

Clause 77: Review of Commissioner's decision

A person aggrieved by a decision of the Commissioner under the measure may, within 30 days after receiving notice of the decision, apply to the Authority for a review of the decision.

Clause 78: Finality of Authority's decisions

The Authority's decisions are final except as follows:

- an appeal lies to the Supreme Court against a decision to take disciplinary action against a licensee; and
- an appeal lies to the Supreme Court against an order made under clause 18(4); and
- an appeal lies, by leave of the Supreme Court, against a decision of the Authority on a question of law.

Clause 79: Finality of Governor's decisions

The Governor's decisions are final.

PART 8
MISCELLANEOUS

Clause 80: Lawfulness of betting operations conducted in accordance with this Act

This clause ensures that betting operations conducted in accordance with the measure (including operations of a person of whom the major betting operations licensee is an agent under a transaction approved by the Authority) are lawful and do not, in themselves, constitute a public or private nuisance.

Clause 81: Further trade practices authorisations

Further specific authorisations are given for the purposes of section 51 of the *Commonwealth Trade Practices Act* in relation to agreements, arrangements or instruments relating to the racing industry or betting operations under this measure.

Clause 82: Payments to racing clubs from duty paid by bookmakers

This clause continues the requirement under section 114 of the *Racing Act* for 1.4 per cent of the amount bet with bookmakers in relation to traditional racing to be returned to the relevant racing club or body conducting the races.

Clause 83: False or misleading information

This clause makes it an offence to provide false or misleading information under the measure.

Clause 84: Offences by body corporate

This is a standard clause making each member of the governing body and the manager of the body corporate criminally responsible for offences committed by the body corporate.

Clause 85: Reasons for decision

Reasons for decisions under this measure need not be given except as follows:

- the Authority must, at the request of a person affected by a decision, give reasons for a decision if an appeal lies against the decision as of right, or by leave, to the Supreme Court;
- the Commissioner must, at the request of the Authority, give reasons to the Authority for a decision of the Commissioner under this Act.

Clause 86: Power of Authority or Commissioner in relation to approvals

This clause enables approvals under the measure to be of a general nature and subject to conditions.

Clause 87: Confidentiality of information provided by Commissioner of Police

This clause protects the confidentiality of information provided by the Commissioner of Police.

Clause 88: Service

This clause provides for the methods of service of notices or other documents under the measure.

Clause 89: Evidence

This clause provides evidentiary aids.

Clause 90: Annual report

The Commissioner is required to report to the Authority and the Authority is required to report to the Minister. The Authority's report is to be tabled before both Houses of Parliament.

The Authority's report is to contain—

- details of any statutory default occurring during the course of the relevant financial year; and
- details of any disciplinary action taken by the Authority; and
- details of any directions given to the Authority or the Commissioner by the Minister; and
- the Commissioner's report on the administration of the measure together with any observations on that report that the Authority considers appropriate.

Clause 91: Regulations

This clause provides general regulation making power for the purposes of the measure. In particular, it allows for *ex gratia*

payments by the Treasurer in relation to unclaimed winnings if paid to the Treasurer under the measure.

SCHEDULE 1

Transitional Provisions

Clause 1: Racing controlling authorities

The controlling authorities for the various racing codes designated under the *Racing Act* continue as racing controlling authorities for the purposes of this measure.

Clause 2: Bookmakers, clerks and licensed betting shops

This clause provides for the continuation of licences for bookmakers, bookmakers' clerks and for the Port Pirie betting shop. Provision is made for the continuation of permits granted to bookmakers.

Approved events and rules for bookmaking under the *Racing Act* are continued as approved contingencies and bookmakers rules under Part 4 of this measure.

Bonds lodged by bookmakers are continued in force.

Clause 3: Financial arrangements with racing industry

Under this clause the existing financial distribution to the racing industry from bets made with TAB is to be continued for TABCO while it holds the major licence and is a State-owned company.

Clause 4: Financial arrangements with football league

Under this clause the existing financial distribution to the South Australian National Football League from bets made with TAB is to be continued for TABCO while it holds the major licence and is a State-owned company.

Clause 5: Existing agreements with interstate totalisator authorities etc.

This clause ensures the continued lawfulness of operations under interstate totalisator pooling agreements made under the *Racing Act* and in force at the commencement of this measure.

SCHEDULE 2

Consequential Amendments

Clause 1: Amendment of Criminal Law (Undercover Operations) Act

These are technical amendments to take account of the amendments to the *Lottery and Gaming Act* and the repeal of the *Racing Act* under the TAB (Disposal) legislation. Unlawful bookmaking remains serious criminal behaviour for which undercover operations may be approved.

Clause 2: Amendment of Gaming Supervisory Authority Act

The amendments are consequential on the expansion of the role of the Authority and are made with a view to avoiding the need for further amendment if further functions are given to the Authority under legislative schemes in the future.

The opportunity has been taken to make amendments—

- to make it clear that the Authority is an instrumentality of the Crown but not subject to Ministerial direction or control;
- to ensure that the Authority may obtain from the Commissioner a report on any matter relating to the operation, administration or enforcement of an Act under which functions are conferred on the Authority;
- to make it clear that the Authority may conduct meetings or proceedings, and allow persons to participate in proceedings, by telephone or other electronic means;
- to enable the Authority to delegate to a member, deputy member or the Secretary of the Authority or the Commissioner any of the powers or functions of the Authority under the Act or a prescribed Act (other than the conduct of an inquiry or review or appeal);
- to correct a reference in section 16 to employees of the Authority (the effect of section 16 as amended will be to prevent the members of the Authority and the Commissioner from participating in gambling activities to which the Authority's statutory responsibilities extend);
- to ensure that restrictions do not apply to the appropriate passing on of confidential information to officials and the Commissioner of Police.

Clause 3: Amendment of Lottery and Gaming Act

These amendments are consequential on the new regulatory scheme and remove references to the *Racing Act*. The Act is amended to make it clear that it binds the Crown. A new offence is created to ensure that agents or others who act dishonestly in the course of conducting a lottery are subject to a criminal penalty. Divisional penalties are also converted.

Clause 4: Amendment of Workers Rehabilitation and Compensation Act

Currently under section 58(2)*(b)* sporting injuries suffered by an employee authorised or permitted under the *Racing Act* to ride or drive in a race as defined in that Act may be compensable. The amendments are consequential and maintain the status quo.

Mr WRIGHT secured the adjournment of the debate.

SANDALWOOD ACT REPEAL BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to repeal the Sandalwood Act 1930. Read a first time.

The Hon. I.F. EVANS: I move:

That this bill be now read a second time.

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

Leave granted.

History

The *Sandalwood Act 1930* is 'An Act to fix the maximum amount of sandalwood which may be taken from the land within the State, and for purposes incidental thereto.' The second reading speech of 12 August 1930 stated that 'the purpose of the Bill is to invest the Government with power to control the output of sandalwood from this State.' As a largely financial motivation, it therefore represented Government intervention in the form of industry protection on the supply side of the market for sandalwood.

Sandalwood is defined in the *Sandalwood Act 1930* as 'the wood of any tree of the genus *santalum* or the genus *fusanus* and any other species of aromatic wood which is or may be used as a substitute for sandalwood.' The species of sandalwood growing in South Australia is *Santalum spicatum*. Harvesting of sandalwood was an important industry from before the turn of the century and up to the 1930s. However, virtually no legal cutting of sandalwood has occurred since the 1930s. There is a small but growing sandalwood woodlotting industry in South Australia, however, remnant natural populations across their former range continue to require protection.

General Considerations

The review of legislation under the National Competition Policy Agreement has confirmed that the *Sandalwood Act 1930* should be repealed, given that the provisions of the *Native Vegetation Act 1991* and *National Parks and Wildlife Act 1972* provide adequate protection for naturally occurring sandalwood within South Australia. The licensing system, established for the taking of naturally occurring sandalwood under the *Sandalwood Act 1930*, is therefore redundant.

This Bill has been drafted to repeal the *Sandalwood Act 1930*. The passage of this Bill will remove an obsolete Act from the statute books as protection for sandalwood is adequately covered by subsequent legislation.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Repeal

This clause repeals the *Sandalwood Act 1930*.

Mr WRIGHT secured the adjournment of the debate.

RACING (PROPRIETARY BUSINESS LICENSING) BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to provide for the licensing of bodies other than clubs conducting races on which betting is to occur; to amend the Gaming Supervisory Act 1995 and the Racing Act 1976; and for other purposes. Read a first time.

The Hon. I.F. EVANS: I move:

That this bill be now read a second time.

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

Leave granted.

On 3 August 1999 the Government announced its policy position on proprietary racing. The key components to the policy announcement included a commitment to introduce legislation, which would

provide for the regulation of licensees to enable them to conduct proprietary racing in South Australia.

Current legislation does not prohibit proprietary racing. However, if it commenced under current legislation, it would do so unlicensed and without appropriate probity checks.

The Government has always recognised that this was a substantial reform within the racing industry and for that reason undertook to ensure that anyone engaged in proprietary racing would need to satisfy the government beyond any doubt that they were a fit and proper person. The approach adopted by government in this area is not dissimilar to those wishing to pursue a license to undertake casino gaming in this State.

South Australia has long enjoyed a reputation for excellence in its proud racing tradition. However, as all members would be aware, it is not good enough to rest upon those laurels. In an increasingly globalised environment underpinned by rapid growth in high technology there is always the need for industry to recognise and exploit new opportunities as they arise.

Traditionally the Government's relationship with the racing industry has always been a very close one. The fundamental reason for this has been to ensure the integrity of the racing and wagering product for the public. It has become evident to all those involved in the racing industry that racing has reached a level of maturity whereby it is no longer essential for government to have such a direct role. The Government has supported the racing industry in its pursuit for greater autonomy in this State as has been evidenced by recent legislation which provided for the corporatisation of the existing statutory authorities that control racing.

This Bill constitutes a further strategic reform initiative designed to support the growth of the racing industry within the new economy.

The *Racing (Proprietary Business Licensing) Bill 2000*, a first for any Australian State, provides for the licensing and strict regulation of racing events when conducted by bodies other than traditional racing clubs or controlling authorities or clubs involved in picnic races. Just as there was a need for Government to ensure the integrity of the traditional racing industry in its early days, this Bill vests substantial powers in the Gaming Supervisory Authority and the Liquor and Gaming Commissioner to ensure that applicants for proprietary racing licences are and remain at all times fit and proper persons to conduct such businesses.

The Bill also seeks to ensure the integrity of the racing event through vesting the power to approve the racing rules, systems, procedures and equipment on an ongoing basis in the Liquor and Gaming Commissioner.

The Bill also does not stop there. It incorporates provisions in the public interest requiring proprietary racing licensees to adopt an advertising code of practice approved by the Gaming Supervisory Authority.

It is the Government's belief that this Bill also provides the potential for substantial economic benefits for South Australia, including the breeding industry, trainers, jockeys, reinspersons and other local industries that benefit from such a capital intensive industry. Given the nature of these diverse activities, regional South Australia particularly stands to benefit.

As stated above, the requirement to hold a licence for races on which there will be betting will be subject to exceptions in favour of the traditional racing clubs (that is, clubs regulated by the controlling authorities), controlling authorities and clubs conducting picnic race meetings. In the latter case, any exemption provided for a picnic race meeting will be subject to the precondition that the Gaming Supervisory Authority has approved the races for betting operations.

Under this Bill, if a corporation contracts with a racing club or a racing controlling authority for the club or authority to conduct racing at facilities provided by the corporation on a fee for service basis, the corporation and the club or authority will not be required to hold a licence or to pay a licence fee.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement by proclamation. The operation of section 7(5) of the *Acts Interpretation Act* (providing for commencement of the measure after 2 years if an earlier date has not been fixed by proclamation) is excluded. This is to provide flexibility with respect to commencement of the Schedule.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

Clause 4: Close associates

This clause defines the meaning of close associates so as to cover all parties in a position to control or significantly influence another.

PART 2

PROPRIETARY RACING BUSINESS LICENSING

DIVISION 1—GRANT OF LICENCE

Clause 5: Requirement for licence

This clause makes it an offence for a person to carry on a business in which the person conducts races on which betting is to occur (whether in this State or elsewhere) except as authorised by a proprietary racing business licence.

The maximum penalty provided is $100 000.

Race is defined to mean horse races, harness races, greyhound races and other races of a kind prescribed by regulation.

The clause does not apply to races conducted by the traditional racing clubs or racing controlling authorities or to races conducted at race meetings exempted by proclamation (picnic race meetings).

Clause 6: Eligibility to hold licence

A licensee is required to be a body corporate.

Clause 7: Grant of licence

A licence is to be granted by the Governor, on the recommendation of the Gaming Supervisory Authority (the Authority).

Clause 8: Term and renewal of licence

The term of a licence is to be governed by the approved licensing agreement (an agreement that must be entered into between the Minister and an applicant for a licence before the grant of the licence).

A licensee is to have no expectation of renewal but, provided a new approved licensing agreement is entered into, the Governor may renew the licence on the recommendation of the Authority.

Clause 9: Conditions of licence

The measure itself fixes various conditions of licence and the approved licensing agreement may fix other conditions of licence.

DIVISION 2—AGREEMENT WITH LICENSEE

Clause 10: Approved licensing agreement

This clause sets out the requirement for there to be an approved licensing agreement between a licensee and the Minister.

The agreement is to be about—

- the operation of the licensed business; and
- the fees, or periodic fees, payable for the licence and arrangements for security for payment, payment by instalments and interest and penalties for late payment or non-payment by the licensee; and
- the term of the licence; and
- the conditions of the licence; and
- the performance of the licensee's responsibilities under the licence or the measure.

The agreement has no effect unless approved by the Authority.

The agreement binds the Minister, the Authority and the Liquor and Gaming Commissioner (the Commissioner) and may contain provisions governing the exercise of their powers under the measure or the *Gaming Supervisory Authority Act 1995*.

Clause 11: Agreement to be tabled in Parliament

This clause requires a copy of the approved licensing agreement (and any variation of it) to be laid before both Houses of Parliament.

DIVISION 3—DEALINGS WITH LICENCE OR LICENSED BUSINESS

Clause 12: Transfer of licence

Transfer of a licence requires the approval of the Governor, which may only be given on the recommendation of the Authority.

The clause ensures that the transferee is bound by the approved licensing agreement.

Clause 13: Dealings affecting licensed business

This clause sets out the kinds of transactions that a licensee must not enter into without the approval of the Authority. In general terms any transaction under which another will gain an interest in the licensed business or a position of control or significant influence over the licensee is caught.

Clause 14: Other transactions under which outsiders may acquire control or influence

This clause recognises that there are various transactions beyond the control of a licensee by which a person may gain a position of control or significant influence over the licensee.

A licensee is required to notify the Authority within 14 days after becoming aware of such a transaction.

If the Authority is not prepared to ratify such a transaction, the Authority may make orders designed to 'undo' the transaction. The Authority's orders may be registered in the Supreme Court for the

purposes of enforcement. Provision is made in Part 6 for an appeal against an order of the Authority under this clause.

Clause 15: Surrender of licence

Approval of the Authority is required for the surrender of a licence.

DIVISION 4—APPROVAL OF DIRECTORS AND EXECUTIVE OFFICERS

Clause 16: Approval of directors and executive officers

Before a person becomes a director or executive officer of a licensee, the licensee must ensure that the person is approved by the Authority.

Executive officer is defined to mean a secretary or public officer of the body corporate or a person responsible for managing the body corporate's business or any aspect of its business. The Authority may limit the range of executive officers to which the section applies in a particular case by written notice to the licensee.

DIVISION 5—APPLICATIONS AND CRITERIA FOR DETERMINATION OF APPLICATIONS

Clause 17: Applications

This clause covers—

- an application for the grant, renewal or transfer of a proprietary racing business licence;
- an application for the Authority's approval or ratification of a transaction to which Division 3 applies (other than the transfer of a licence);
- an application for the Authority's approval of a transaction to which Division 3 would apply if the transaction were entered into;
- an application for the Authority's approval of a person who is to become a director or executive officer of a licensee.

It sets out who may make an application and the requirements relating to an application.

Clause 18: Determination of applications

This clause sets out the criteria to be applied to applications by the Authority including requirements relating to the suitability of a person to hold a licence or to become a close associate of a licensee.

In assessing the suitability of a person, the Authority may have regard to a wide range of factors, including—

- the corporate structure of the person; and
- the person's financial background and resources; and
- the person's reputation; and
- the character, reputation, and financial background of the person's close associates; and
- any representations made by the Minister.

The concept of close associate is defined in clause 4 and includes partners, directors, executive officers, shareholders, persons who participate in profits and the like.

DIVISION 6—INVESTIGATIONS BY AUTHORITY

Clause 19: Investigations

The Authority is required to carry out the investigations it thinks necessary to enable it to make recommendations or decisions and to keep under review the continued suitability of a licensee and a licensee's close associates.

Clause 20: Investigative powers

This clause gives the Authority various powers to enable it to obtain relevant information.

Clause 21: Costs of investigation relating to applications

Applicants are to be required to meet the cost of investigations (other than investigations relating to an application for approval of a person to become a director or executive officer of a licensee).

Clause 22: Results of investigation

The Authority is required to notify the applicant and the Minister of the results of investigations in connection with an application.

DIVISION 7—GENERAL POWER OF DIRECTION

Clause 23: Directions to licensee

The Authority is empowered to give directions to a licensee about the management, supervision and control of any aspect of the licensed business. The Authority must, unless the Authority considers it contrary to the public interest to do so, give the licensee an opportunity to comment on proposed directions.

PART 3

REGULATION OF LICENSED BUSINESS

Clause 24: Approval of racing rules, systems, procedures and equipment

This clause requires rules governing racing conducted by the licensee, and related systems and procedures, to be approved by the Commissioner. The Authority can require other systems and procedures, or equipment, to also be approved by the Commissioner.

Clause 25: Advertising code of practice

This clause requires a licensee to adopt a code of practice on advertising approved by the Authority.

Clause 26: Alteration of approved rules, systems, procedures, equipment or code provisions

This clause allows the Authority or the Commissioner (as the case requires) to require the licensee to make an alteration to approved rules, systems, procedures, equipment or code of practice provisions.

PART 4

ENFORCEMENT

DIVISION 1—COMMISSIONER'S SUPERVISORY RESPONSIBILITY

Clause 27: Responsibility of the Commissioner

This clause provides that the Commissioner is responsible to the Authority to ensure that the operations of a licensed business are subject to constant scrutiny.

DIVISION 2—POWER TO OBTAIN INFORMATION

Clause 28: Power to obtain information

This clause enables the Authority or the Commissioner to require a licensee to provide information that the Authority or Commissioner requires for the administration or enforcement of the measure.

DIVISION 3—INSPECTORS AND POWERS OF AUTHORISED OFFICERS

Clause 29: Appointment of inspectors

This clause allows for the appointment of Public Service inspectors and for the provision of identification cards by the Commissioner.

Clause 30: Power to enter and inspect

The powers under this clause are provided to the Commissioner, the members and secretary of the Authority and inspectors (collectively called authorised officers). The circumstances in which the powers may be exercised are set out in subclause (2). A warrant is required in respect of entry to a place in which there are not any races being conducted by a licensee, or any operations being conducted under a licence.

PART 5

POWER TO DEAL WITH DEFAULT OR BUSINESS FAILURE

DIVISION 1—STATUTORY DEFAULT

Clause 31: Statutory default

This Division gives the Authority various powers to deal with statutory default on the part of a licensee.

A statutory default occurs if—

- a licensee contravenes or fails to comply with a provision of the measure or a condition of the licence; or
- an event occurs, or circumstances come to light, that show a licensee or a close associate of a licensee to be an unsuitable person; or
- a licensee becomes liable to disciplinary action under the measure or on some other basis.

Clause 32: Effect of criminal proceedings

Proceedings under this Part (apart from the issue of an expiation notice) may be in addition to criminal proceedings. However, the Authority is required, in imposing a fine, to take into account any fine that has already been imposed in criminal proceedings.

Clause 33: Compliance notice

The Authority may issue a notice to a licensee requiring specified action to be taken to remedy a statutory default. Non-compliance with such a notice is an offence attracting a maximum penalty of $100 000.

Clause 34: Expiation notice

The Authority may issue an expiation notice to a licensee alleging statutory default and stating that disciplinary action may be avoided by payment of a specified sum not exceeding $10 000 within a period specified in the notice.

Clause 35: Injunctive remedies

The Minister or the Authority may apply to the Supreme Court for an injunction to prevent statutory default or to prevent recurrence of statutory default.

Clause 36: Disciplinary action

The Authority may take disciplinary action against a licensee for statutory default as follows:

- the Authority may censure the licensee;
- the Authority may impose a fine not exceeding $100 000 on the licensee;
- the Authority may vary the conditions of the licence (irrespective of any provision of the approved licensing agreement excluding or limiting the power of variation of the conditions of the licence);
- the Authority may suspend the licence for a specified or unlimited period;

· the Authority may cancel the licence.

The licensee must be given a reasonable opportunity to make submissions. Provision is made in Part 6 for an appeal against a decision of the Authority to take disciplinary action.

Clause 37: Alternative remedy

This clause makes it clear that the Authority may, instead of taking disciplinary action, issue a compliance notice.

DIVISION 2—ADMINISTRATORS, CONTROLLERS AND LIQUIDATORS

Clause 38: Administrators, controllers and liquidators

This clause puts an administrator, controller or liquidator in a similar position to that of the licensee.

PART 6
REVIEW AND APPEAL

Clause 39: Review of Commissioner's decision

A person aggrieved by a decision of the Commissioner under the measure may, within 30 days after receiving notice of the decision, apply to the Authority for a review of the decision.

Clause 40: Finality of Authority's decisions

The Authority's decisions are final except as follows:

· an appeal lies to the Supreme Court against a decision to take disciplinary action against a licensee; and
· an appeal lies to the Supreme Court against an order made under clause 14(4); and
· an appeal lies, by leave of the Supreme Court, against a decision of the Authority on a question of law.

Clause 41: Finality of Minister's decisions

The Minister's decisions are final.

PART 7
MISCELLANEOUS

Clause 42: False or misleading information

This clause makes it an offence to provide false or misleading information under the measure.

Clause 43: Offences by body corporate

This is a standard clause making each person who was a member of the governing body or the manager of the body corporate at the time the offence was committed criminally responsible for offences committed by the body corporate.

Clause 44: Reasons for decision

Reasons for decisions under this measure need not be given except as follows:

· the Authority must, at the request of a person affected by a decision, give reasons for a decision if an appeal lies against the decision as of right, or by leave, to the Supreme Court;
· the Commissioner must, at the request of the Authority, give reasons to the Authority for a decision of the Commissioner under this Act.

Clause 45: Power of Authority or Commissioner in relation to approvals

This clause enables approvals under the measure to be of a general nature and subject to conditions.

Clause 46: Confidentiality of information provided by Commissioner of Police

This clause protects the confidentiality of information provided by the Commissioner of Police.

Clause 47: Service

This clause provides for the methods of service of notices or other documents under the measure.

Clause 48: Evidence

This clause provides evidentiary aids.

Clause 49: Annual report

The Commissioner is required to report to the Authority and the Authority is required to report to the Minister. The Authority's report is to be tabled before both Houses of Parliament.

The Authority's report is to contain—

· details of any statutory default occurring during the course of the relevant financial year; and
· details of any disciplinary action taken by the Authority; and
· the Commissioner's report on the administration of the measure together with any observations on that report that the Authority considers appropriate.

Clause 50: Regulations

This clause provides general regulation making power for the purposes of the measure.

SCHEDULE
Related Amendments

Clause 1: Amendment of Gaming Supervisory Authority Act

The amendments are consequential on the expansion of the role of the Authority. They are made in a manner avoiding the need for further amendment if further functions are given to the Authority under legislative schemes in the future.

The opportunity has been taken to make amendments—

· to make it clear that the Authority is an instrumentality of the Crown but not subject to Ministerial direction or control;
· to ensure that the Authority may obtain from the Commissioner a report on any matter relating to the operation, administration or enforcement of an Act under which functions are conferred on the Authority;
· to make it clear that the Authority may conduct meetings or proceedings, and allow persons to participate in proceedings, by telephone or other electronic means;
· to enable the Authority to delegate to a member, deputy member or the Secretary of the Authority or the Commissioner any of the powers or functions of the Authority under the Act or a prescribed Act (other than the conduct of an inquiry or review or appeal);
· to correct a reference in section 16 to employees of the Authority (the effect of section 16 as amended will be to prevent the members of the Authority and the Commissioner from participating in gambling activities to which the Authority's statutory responsibilities extend);
· to ensure that restrictions do not apply to the appropriate passing on of confidential information to officials and the Commissioner of Police.

Clause 2: Amendment of Racing Act

The Racing Act is amended to ensure that the concept of racing in that Act can be limited to traditional racing, ie, excluding specified categories of racing by regulation. Betting operations conducted by TAB in relation to such excluded categories of racing would be conducted under Division 4 of Part 3 (Totalizator betting on other events) and provision is made for the regulations to fix the percentage of the totalizator pool that would be required to be set aside by TAB for administrative and operating expenses, capital expenses and payment into the Recreation and Sport Fund.

Mr WRIGHT secured the adjournment of the debate.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (APPOINTMENTS TO TRUSTS AND BOARDS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

Country Arts South Australia (CASA) is seen as a national leader in the provision of arts programs to country areas. It assists country-based artists to exhibit their work, supports indigenous arts projects and other community cultural development projects, and provides financial assistance for students in country schools to take part in a range of arts activities in Adelaide.

CASA has been highly successful in bringing a wide range of visual and performing arts experiences to country audiences across South Australia, achieving over 74 000 attendances at performances and 121 000 attendances at exhibitions last financial year. This equates to approximately every person in country South Australia being touched in some way by the arts.

Under the *South Australian Country Arts Trust Act 1992*, a Trustee cannot hold office for more than 6 consecutive years.

This provision, combined with other sections of the Act, can have the effect of limiting the eligibility of the Presiding Trustee of Country Arts SA and the Presiding Members of the Country Arts Boards to less than one complete term in that position. For example, a Trustee having served two terms (two years each under the Act) who is then appointed Presiding Trustee or Presiding Member (a term of three years under the Act) cannot complete that term—and their skills, knowledge and experience are lost.

Presiding Trustees and Presiding Members are generally selected from among Members who have served more than one term as an ordinary Member or Trustee.

The proposed amendments will allow for:

- the reappointment of the Presiding Trustee for a total of two terms of three years each, ie up to six years in addition to any time served (up to six years) as an ordinary trustee;
- the reappointment of the Presiding Member of a Country Arts Board for a total of two terms of three years each, ie up to six years in addition to any time (up to six years) served as an ordinary member.

The Government expects that these amendments will enable CASA to make better use of the skills and experience of its trustees and board members in leadership positions.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Terms and conditions of office

Clause 3 amends section 6 of the principal Act with the effect of enabling a person to hold office as presiding trustee of the South Australian Country Arts Trust for a maximum of 6 years and to hold office as trustee (other than *ex officio* or presiding trustee) of the Trust for a maximum of 6 years.

Clause 4: Amendment of s. 22—Terms and conditions of office

Clause 4 amends section 22 of the principal Act with the effect of enabling a person to hold office as presiding member of a Country Arts Board for a maximum of 6 years and to hold office as member (other than presiding member) of such a Board for a maximum of 6 years.

Ms HURLEY secured the adjournment of the debate.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to make changes to the *Harbors and Navigation Act 1993* to implement a number of improvements to current arrangements for jet ski expiation fees, penalties for non-compliance with safety equipment requirements, composition of the State Crewing Committee and to clarify the State's extraterritorial powers in relation to trading vessels.

On 19 October 1999 it was announced that the Government would implement a number of recommendations from an independent report on the review of the effectiveness of jet ski regulation.

In response to these recommendations, a number of amendments to the Harbors and Navigation Regulations 1994 were put in place last summer and, as a result, councils have reported an improvement in the use of jet skis and behaviour of riders along the metropolitan coastline. The establishment of further restricted areas for use of these craft have been considered by local councils and, if warranted, further amendments to the regulations will be made prior to the 2000-2001 summer period.

Another recommendation related to the enforcement of the jet ski regulations by local government, and a purpose of this Bill, is to further facilitate that process.

Section 6(4) of the *Expiation of Offences Act 1996* enables an officer or employee of a council, who is authorised by or under an Act to exercise powers as an inspector (or other authorised person) for the purposes of the enforcement of a provision of that Act, to give an expiation notice for an alleged offence against that provision. It also provides that the officer or employee does so on behalf of the council – that is, the council is the issuing authority in such cases. Section 17(2) of the *Expiation of Offences Act 1996* then entitles the council to any expiation fee collected on an expiation notice issued by or on behalf of the council.

The proposed amendment to section 12 of the *Harbors and Navigation Act 1993* will make it clear that council officers or employees may be appointed as authorised persons for the purpose of enforcing provisions of the *Harbors and Navigation Act 1993*, thus attracting the operation of section 6(4) of the *Expiation of Offences Act 1996* and the financial consequences outlined above.

As the Government will have no involvement in the issue of an expiation notice by a council, it is appropriate that the council retain the whole expiation fee.

The Bill also makes a minor amendment to section 14 (Powers of an authorised person) to clarify that not all of these powers need be assigned to an authorised person. Any limitations would be indicated on the instrument of appointment. This provides the ability to limit local councils to the enforcement and issue of expiation notices in specified areas of the legislation. It is intended that, initially, councils will be limited to enforcement of the provisions applicable to jet skis.

Members will recall the capsize of the catamaran yacht 'Agro' off Kangaroo Island earlier in the year and the protracted search for the vessel and survivors. This incident highlighted the importance of carrying specified safety equipment, such as an Emergency Position Indicating Radio Beacon (an EPIRB) on board a vessel as an aid in the location of a stricken vessel and rescue of the vessel's occupants.

The vessel 'Agro' did not carry the required EPIRB and the search and rescue operation was therefore directed to an area where floating debris had been observed by an aircraft that flew over the general area. As a result the survivors were subjected to the elements longer than was necessary. The cost of the search and rescue also escalated accordingly and was estimated at approximately $230 000.

This incident, and the estimated cost of the search and rescue effort, prompted a review of the penalties in the *Harbors and Navigation Act* for a failure to carry safety equipment specified in Schedule 9 of the regulations.

The Bill amends the expiation fees applicable for not carrying required safety equipment and establishes a specific offence, with an expiation fee of $400, for not carrying an EPIRB when required by regulation to do so. With a basic 121.5 MHz EPIRB costing approximately $250, this penalty should be a sufficient incentive now and in the immediate future for a vessel operator to purchase an EPIRB at a price less than the penalty.

The State Crewing Committee is appointed by the Governor to determine the minimum number and qualifications of crew required for intrastate trading vessels and, as necessary, to review crewing determinations if the operations of a vessel are to change. This work is to ensure the safety of the vessel, crew and any passengers on the vessel.

The Committee consists of five members appointed by the Governor two of which are Master Mariners, and one a Marine Engineer nominated by the Minister responsible for the *Harbors and Navigation Act*. In addition two are to be persons who have, in the opinion of the Governor, appropriate qualifications and experience to be members of the Committee and nominated by maritime or waterfront unions.

The life style of the marine industry has historically not been attractive to women and, as a consequence, there are few women in Australia (and none in South Australia) with the current prescribed level of qualifications or marine experience to qualify for membership of the Committee. However, it is pleasing to note that more women are gradually entering the marine industry and its professions. There are several women in South Australia who hold at least a Master Class 5 Certificate of Competency.

The Bill amends the membership of the State Crewing Committee to provide one position (rather than the current two) for a Master Mariner and a further position for a person with Master's certificate of competency (of any class) nominated by the Minister. The Bill also specifies that at least one member of the Committee must be a woman and at least one member a man.

Apart from making membership of the Committee more accessible to women, the changed qualifications will broaden the relevance and experience of the Committee.

The division of responsibility for shipping and navigation between the Commonwealth, States and the Northern Territory was agreed as part of the arrangements that are generally called the Offshore Constitutional Settlement (OCS).

The issue of multiple jurisdictional responsibility for vessel safety has been under national consideration since approximately 1988 as an impediment to the interstate trading vessel sector of the marine industry.

A number of small commercial vessels engage in interstate voyages which, under the current regulatory framework, places them within three regulatory systems during the course of a short interstate voyage, namely:

- their home State/Territory administration;
- the Commonwealth during the course of the interstate voyage;

· the safety administration in the receiving State/Territory.

Such a bureaucratic burden on industry is an unintended consequence of the current division of regulatory responsibility between the Commonwealth and the States and is an impediment to sectors of the marine trading vessel industry.

In April 1999 the Australian Transport Council (ATC) agreed to change jurisdictional arrangements for safety regulation of trading vessels (i.e. not fishing or pleasure craft) from 1 January 2001. Under the revised arrangements States/Territories will be responsible for trading vessels of less than 500 gross registered tons engaged in intra or interstate trade.

An amendment to the Commonwealth *Navigation Act 1912* to bring about the change in marine safety jurisdictional arrangements is to be introduced into Federal Parliament to enable operation of the revised arrangements from 1 January 2001.

The Bill amends the *Harbors and Navigation Act 1993* to make it clear that the State Act applies extraterritorially to the extent that it is constitutionally able. This means that any changes to Commonwealth jurisdictional arrangements will automatically flow through to be covered by State law.

The Bill also includes a schedule converting divisional penalties throughout the *Harbors and Navigation Act* to monetary amounts.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of s. 6

This clause substitutes a new section 6 in the principal Act making it clear that the Act operates extraterritorially to the extent that it is able.

Clause 4: Amendment of s. 12—Appointment of authorised persons

This clause amends section 12 of the principal Act to make it clear that council officers or employees may be appointed as authorised persons under the Act (with the consent of the council) and that the instrument of appointment may limit the powers of an authorised persons to the enforcement of specified provisions of the Act or to enforcement within a specified area of the State.

Clause 5: Amendment of s. 14—Powers of an authorised person

This clause makes a minor amendment to section 14 of the principal Act to make it clear that the powers of an authorised person listed in that section are subject to any condition contained in the instrument of appointment.

Clause 6: Insertion of s. 39A

This clause inserts definitions for the purposes of Division 3 of Part 6 of the principal Act.

Clause 7: Amendment of s. 40—State Crewing Committee

This clause amends the membership of the State Crewing Committee to provide that, whilst one appointed member must still be a Master Class 1, one appointed member may now be a master of any class. The clause also provides that one appointed member of the Committee must be a woman and one a man.

Clause 8: Amendment of s. 41—Nomination of members by owner

This clause amends section 41 to make it clear that the owner of a vessel can nominate a master of any class as a member of the Committee, and is not obliged to nominate a Master Class 1.

Clause 9: Insertion of s. 42A

This clause provides that a vacancy or defect in the appointment of a member of the Committee does not affect the validity of a decision of the Committee.

Clause 10: Amendment of s. 65—General requirements

This clause changes the expiation fees applicable on breach of section 65 of the principal Act.

Clause 11: Insertion of s. 65A

This clause inserts a new provision requiring a vessel of a class specified in the regulations to have an emergency position indicating radio beacon that is in good working order. The penalty for contravention of the provision is a fine of $10 000 or an expiation fee of $400.

Clause 12: Amendment of s. 66—Power to prohibit use of unsafe vessel

This clause makes a consequential amendment to section 66 (to encompass the requirement under proposed section 65A).

Clause 13: Amendment of s. 68—Requirement of survey

This clause makes a consequential amendment to section 68 (to encompass the requirement under proposed section 65A).

Clause 14: Transitional provision

This clause provides for appointed members of the State Crewing Committee to vacate their offices on commencement of clause 7, so that new members can be appointed.

SCHEDULE

Amendment of Penalties

The schedule replaces divisional penalties throughout the principal Act with monetary amounts.

Ms HURLEY secured the adjournment of the debate.

FIRST HOME OWNER GRANT (NEW ZEALAND CITIZENS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The *Inter-governmental Agreement on the Reform of Commonwealth-State Financial Relations* (the 'IGA') provides that, to offset the impact of the Good and Services Tax, the States and Territories will assist first home buyers through the funding and administration of a new, uniform First Home Owners Scheme.

The IGA provides that the States and Territories make legislative provision for a First Home Owner Grant (the 'grant') consistent with the principles as set out in Appendix D of the IGA. One such principle states that eligible applicants must be natural persons who are Australian citizens or permanent residents who are buying or building their first home in Australia.

The *First Home Owner Grant Act 2000* ('the Act') was assented to on 29 June 2000, and came into operation on 1 July 2000. Consistent with the principles set down in the IGA, the Act provides that only persons who are Australian citizens pursuant to the *Australian Citizenship Act 1948* (Cwth) or permanent residents pursuant to the *Migration Act 1958* (Cwth) can receive the grant.

After enquiries were made by New Zealand citizens permanently living in Australia as to their eligibility, it became apparent that such persons are not permanent residents for the purposes of the *Migration Act*, as they hold special category visas which allow them to remain in Australia permanently whilst not having the technical status of a permanent resident. Therefore, in order to be able to receive the grant, New Zealand citizens must become Australian citizens, which necessitates a residency period in Australia of two years.

This issue was subsequently raised with the Commonwealth Government.

In a letter dated 7 July 2000, the Assistant Treasurer, Senator the Honourable Rod Kemp, advised that the Commonwealth Government supported the extension of the grant to include New Zealand citizens who reside permanently in Australia under a special category temporary visa.

The Commonwealth will meet the cost of amending the eligibility criteria in this manner under the guarantee arrangements.

Queensland and the Northern Territory have already passed amendments to remove this anomaly and the remaining jurisdictions have advised that their respective Governments will be moving amendments to their relevant legislation.

It is proposed that the Bill will operate retrospectively from 1 July 2000 so as not to disadvantage New Zealand Citizens permanently residing in Australia vis a vis other permanent residents.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the commencement date for the measure is 1 July 2000, the date on which the principal Act came into operation.

Clause 3: Amendment of s. 3—Definitions

Clause 3 amends the definition section of the principal Act. Clause 3*(a)* clarifies the meaning of 'Australian citizen'. Clause 3*(b)* adds to the definition of 'permanent resident' any New Zealand citizen who holds a special category visa within the meaning of s. 32 of the *Migration Act 1958* of the Commonwealth, with the effect of enab-

ling such citizens to satisfy the second eligibility criterion in respect of an application for a first home owner grant under the principal Act.

Mr FOLEY (Hart): The opposition rises to support the government's amendments to the home owners grant scheme to enable New Zealand citizens of Australia to have access to the home owners grants. I must say that when discussing this with my caucus colleagues there was some spirited debate as to the merits or otherwise of this bill.

Ms Hurley interjecting:

Mr FOLEY: No, it is just on the *Notice Paper*, isn't it?

Ms Hurley interjecting:

Mr FOLEY: Well, I am happy to do it. I am sorry. I thought it was on the *Notice Paper*.

The DEPUTY SPEAKER: Has the member for Hart concluded his contribution?

Mr FOLEY: No sir, I am continuing with my contribution. As usual, I am right across everything that is going on in my portfolio. I am happy to proceed.

As I was saying, this matter caused much consternation and debate in our caucus as to the merits or otherwise of extending such a generous taxpayer funded assistance package to people who are not Australian citizens. However, it would be fair to say that my caucus colleagues in the end resolved that we would support it, given that it is commonwealth money, not ours, and that if we do not support it the commonwealth would find another way of paying it. All other states, we understand, have also agreed to it.

It enabled our caucus to have a good debate about the merits or otherwise of some of our relationships and some of the benefits that are offered to citizens of New Zealand upon having residency in Australia but not taking out Australian citizenship. I am sure many members on both sides of the House would have a variety of views on that. It was a good internal debate. I will not canvass the arguments here in the parliament. However, we resolved in the end that we would support this piece of legislation.

The bill simply makes available $7 000 to New Zealand citizens. While I am on it, it is probably worth making the point that the housing industry at present is suffering the ill effects of the GST. Some of the economic data that is now being presented nationally would indicate that the building industry in Australia is experiencing a significant downturn in varying degrees around Australia. No-one is any doubt that the main reason for it is the enormous activity leading up to the introduction of the GST, and now we are dealing with the after affects of that skewing of the normal economic activity as it relates to the housing industry. Let us hope that that industry is able to ride through this very difficult period, because very few industries offer more stability and strength to our economy than does the domestic housing and construction industry. When that industry is affected by adverse impacts such as the GST, that changes the nature of the economic cycle in which housing and construction is operating, thereby creating a high degree of uncertainty.

As we know, there is uncertainty for home buyers in terms of when they actually sign for their homes, but there is also uncertainty for the subcontractors and the employees that work within the building and construction industry.

It is interesting to note that yesterday the published inflationary impacts of the GST are not as high as expected in some areas, but they have clearly put an inflation spike into our current economy. Let us hope that that effect is short lived and that we can keep a low inflation environment. However, I must say that I have fears as to whether or not that can be achieved.

I note today in reports that the GST impact has been put at approximately 6.1 per cent in terms of its additional cost to the housing industry. That is a sizeable increase. This $7 000, of course, in South Australia will go part way towards off-setting that but, as I said at the outset, I suspect that our colleagues in NSW and Victoria would be receiving a fair amount of pressure from the community because a $7 000 assistance package for buying a home in South Australia is clearly not the same as a $7 000 package in NSW, where housing costs in many cases are twice those of South Australia. Anyway, that is an issue for people in other states. With those few words, the opposition supports this bill and is happy for it to proceed to the third reading.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Hart for his comments. As he has said, this amendment allows those New Zealand citizens who are permanent residents in Australia and stay under a special category temporary visa to be able to access this first home owner grant scheme, thereby allowing them to receive a $7 000 grant which would help them to purchase a home.

I will comment on a couple of things that the member for Hart has said. The GST, as he said, brought forward demand for housing by people who were close to saving enough to build a home; it brought forward that demand so that they would save the 10 per cent on GST. What we have now is basically a slump, so to speak, in the demand for housing because that demand was brought forward.

I believe that, as a result of my conversations with people in the building industry, probably by January or February the demand will increase because it would then be dealing with the normal number of people who would be expected to be building homes next year. Hopefully, we will come out of that trough and get back to the stable level of demand for housing. With those few words, I thank the opposition for its support for the bill and hope that it proceeds to a further reading.

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

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 186.)

Ms KEY (Hanson): The Construction Industry Training Fund is in my view an excellent model for industry training. This is an initiative from 1993, one of its architects being the Labor Party, in particular, the Leader of the Opposition, Mike Rann. The fund relies upon an industry-based levy. Funds are used for skills development and training of employees within the civil, commercial and residential sectors of the industry.

Part of the rationale for this fund was to support sustainable skill development of industry to ensure that South Australia would attract valuable new construction contracts and work. Presently, all forms of building and construction work over the value of $5 000 are levied at .25 per cent of the total value excluding land purchase and financing costs of a building project. The levy is collected by many South Australian local councils, principal industry associations and the board as part of the building approval process. I under-

stand that an on-line facility will soon be available to enable this levy to be paid.

The CITB fund supports existing workers, young apprentices and trainees in the industry. Currently, Western Australia, Tasmania, Queensland and the Australian Capital Territory have these funds. During the 1999-2000 financial year, the board oversaw some $7.6 million worth of training in the building and construction industry, and it is projected that this financial year some $9 million worth of investment in training will be expended.

I note in the board's 1999-2000 annual report that many activities and achievements have been detailed, and I particularly state that this organisation has facilitated training for over 19 500 people in the building and construction industry; funding assistance to over 860 young South Australians who are undertaking apprenticeships and traineeships; and research to look at identifying the skills and needs of the industry and best practice in delivery of training.

The board has also established a new VET in schools' project incorporating some 115 high schools and involving 250 building and construction businesses. I note that in the Auditor-General's Report—on which we have been spent a lot of time in the past few days—that the scheme is recognised by the South Australian Auditor-General and that it is seen to be conducting itself in a satisfactory manner. I refer particularly to the Auditor-General's Report, pages 151 and 152.

The bill before us today is the result of not only a review but also extensive industry consultation. The amendments serve to streamline the operation of the fund and have a number of important changes within them. There has been an opportunity through this bill to amend the definitions, in particular that of 'building approval', which will now be defined as it is within the Development Act 1993, and 'local council' will be as defined in the Local Government Act 1999. The definition of 'project owner' will be revised to remove particular reference to work carried out by a government authority and take in multifaceted projects besides staggered projects that are common to the building industry. I look forward to the minister's comments with regard to the composition of the board, particularly the appointment of the board, and in committee I will certainly ask the minister to confirm his latest negotiations in that area.

The clause 22 amendment deals with the estimated value of building and construction work and the levy obligations with respect to various building and construction components. There is also the issue of treatment of plant and equipment and what should be and will not be levied. Clause 23 deals with exemptions, and the bill raises the current levy threshold from $5 000 to $15 000. I am advised that this will alleviate the unnecessary administrative burden on small business and private home owners and minimise administrative overheads for the board. I am also told that it is anticipated that this amendment will reduce administration and paperwork by some 27 per cent while reducing the estimated income collected by 3 per cent.

Exemptions previously granted to state and local government authorities will no longer apply as the majority of building work carried out is contracted out. Also, exemptions to state and local government authorities contravene competitive neutrality in that, pursuant to section 16 of the Government Business Enterprise (Competition) Act 1996, government business activities are subject to private sector equivalent regulation. There is also an amendment to section 24, 'liability of project owner to pay a levy'. This amendment provides for a more flexible approach for businesses to make their levy payments. The act will allow a levy to be paid in monthly or periodical instalments, as determined by the board. This also makes provision for certain classes of project owners to be exempted from payment.

Clause 34 is an amendment with regard to powers of entry and inspection which is aimed at facilitating the board's levy collection responsibilities under the act. It will take the emphasis away from prosecution to information collection for levy assessment and collection purposes. Additionally, it will do this in an environment which protects the individual's common law privilege against self-incrimination. Clause 38 involves a review of the act and recommends that there be another review after 1 January 2003.

Schedule 1 deals with the revision of penalties and the expressed monetary amounts. Schedule 1A is a new schedule which provides for a scheme to determine the estimated value of the levy and how it will be dealt with under the schedule. The treatment of plant and equipment is also amplified. The Schedule 2 amendment refers to the employer associations, and that needs to be updated as a result of changes that have been made over the past three years to some of the names of the organisations; and schedule 3 contains a reference to employee associations. I understand that the minister is now very clear about what the acronym 'CEPU' stands for and will have the correct legal identity within the legislation so as not to offend the CEPU or its members.

So, in summary, the opposition supports not only the fund but the amendments that have been put forward, and in committee I will seek some amplification from the minister on some of the questions that have been raised with me during the consultation phase.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution. This has been an outstandingly successful fund and scheme. I was involved when I was shadow minister and the Hon. Susan Lenehan was handling this legislation. I was pleased to support it then and to get the support of my colleagues in getting it through this place and also in another place. Some people had reservations because they believed that the market will train people. I am not so optimistic. The market can do some things, but it does not necessarily train the number of people we want trained in the building industry or elsewhere. Over time, this scheme has demonstrated that it is effective, and I must say that, as a local member of Parliament, I have never had one complaint about this fund from someone having a house built. Indeed, there is merit in seeing this scheme extended to other industries, because too many industries want to piggyback off others in terms of training. They want to pinch people who have been trained by others and not make any contribution from within the industry. This fund is generated from a small levy on the construction of buildings. To that end, it helps upskill the people who are in the construction industry—the existing work force—and it does that in the order of thousands of people.

Importantly, more than 800 apprentices in this state are supported through this scheme. Those who want to harm this scheme should go out and tell the community that they want to see the 800 plus apprentices turned out on the street. I am sure that they would not get a very positive reaction from the community. One or two builders are, in my view, misguided but they are obviously entitled to their view. They claim that they personally pay the levy. That is a nonsense; they do not personally pay it at all. Some believe that the moneys are not

well spent. Initially it cost a bit more to administer this fund, but over time the administration costs have been reduced to what one would consider to be an appropriate level. Setting up a fund like this and administering it initially will be a little more expensive. However, once you have set up your initial infrastructure, rate collection, and so on, you will get the benefits over time. In lay terms the bill is a rats and mice bill. It does not significantly alter the thrust of the levy or the fund. It tidies up some aspects of the levy and where it is applied, as well as local government.

I do not want to delay the House. I have been very impressed by the commitment of the board that administers this fund, Mr Richard McKay and the CEO Doug Strain, and the staff. It is a fairly small operation in terms of the administration, but it has been outstandingly successful in upskilling the people in that industry and consequently ensuring that consumers constructing buildings, and so on, get a better product. Other states may wish to copy this measure—and in some cases they have copied it. As I said earlier, I would like to see some other industries follow this model and realise that training is not a cost but an investment, and we have seen the results of that in relation to this fund. I commend the bill to the House and indicate my ongoing strong support for the fund.

The Hon. M.K. BRINDAL (Minister for Water Resources): I would like to thank both the shadow minister for her contribution, as well as the member for Fisher. As he pointed out in his speech, I know the member for Fisher had a long time commitment and involvement in this area. I know also that in the briefings leading up to this bill entering this Chamber, the member for Fisher was both searching and analytical in his approach to the bill as, indeed, was the shadow minister, and I acknowledge that. I thank members for their contributions and indications of support. The matters referred to by the shadow minister have been attended to and will be addressed in amendments in the committee stage of the Bill. I share the member for Fisher and the shadow minister's enthusiasm for the approach that this bill represents. I know that it has not been without its critics now and in the past. I agree with the member for Fisher when he says that training is an investment in the future of an industry. We are in times of change, and I would like to quote a Chinese proverb, 'May you live in interesting times.' These are, indeed, interesting times.

Traditionally, there were agencies of government that provided huge training services—the Housing Trust, the South Australian Railways and ETSA. Many government agencies provided a training base for the state of South Australia. Those bases are now largely outsourced. So for the first time industry has to look to itself to reinvigorate itself and to have the level of expertise it needs to have to offer a service to the public; for instance, we all need plumbers, but it is no good ringing up somebody who purports to be a plumber but who is not a plumber. If I own a plumbing business, part of my need in that plumbing business is to see the ongoing training of young plumbers, carpenters or gyprockers. If I own a small business, I need people who can help me make a profit by being skilled in the trades of that business. This concept says to an industry, through its customers, 'When you use this industry, a small part of what you pay will be dedicated to the ongoing training for the future of that industry.' At the risk of offending the shadow minister, that is a most Liberal proposition. It is user pays. It is an industry looking after itself and guaranteeing its place into the future, and it is playing its part in the wellbeing of the nation.

An honourable member interjecting:

The Hon. M.K. BRINDAL: It's not almost a socialist principle. The shadow minister confuses socialism with decent liberalism. It is one of her problems. She should be on this side of the House; she just does not realise it. I conclude by saying this to all members of this House—and in particular those two who have contributed—no bill is perfect. I doubt that, when we complete the passage of this bill through the House, it will represent absolute perfection. This is a further step further, and in years to come this process will be better defined. While I know a few members of this House still have residual nagging about some of the ways that some of the things work, I say to all members: this is another step forward, and if we achieve this, it will be a positive outcome. If in achieving this we find other things that need correcting, direction or refining then, as is this House's wont and proper function, we will do those things. This represents a good second step—perhaps not the end but a good second step. In particular, I thank the member for Fisher and the shadow minister for their contributions and commend the bill to the House.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Page 3, lines 32 to 34; and

Page 4, lines 1 to 9—Leave out subsection (1a) and insert—

(1a) If the minister does not receive a nomination under subsection (1)(c) or (d) within a reasonable time after requesting that a nomination be made, the minister may, by notice in writing, request the relevant associations to nominate a person within a time (being not less than one month) allowed in the notice and if a nomination is not made within that time, then the minister may select a person for appointment to the board in lieu of a nominee of the relevant associations (and a person so selected may then be appointed to the board as if he or she had been nominated by the associations under this section).

I apologise that the amendments standing in my name have inadvertently just been circularised. I acknowledge they should have been circularised before. I believe they specifically address the matters which the shadow minister raised in her second reading speech and, in the spirit of cooperation and that bipartisanship which her leader refers to so often, I hope she will acknowledge that this government is indeed the one that is bipartisan and is acting in concert with both sides of the House. I commend these amendments to members.

Ms KEY: I acknowledge the bipartisanship. There are only a few of us in here at the moment, so I guess we can operate without too many problems. I would like the minister to confirm matters in respect of the composition of the board and the section we are amending. The letter I received from the minister last night clarifies section 5, 'Composition of the board', and the minister's role in relation to the composition of the board. In the letter the minister said:

- The fund is managed and administered by a statutory board principally comprising members nominated by industry. The bill will not change this.
- The regulations to the current act require that for persons nominated by employee and employer associations, it is necessary for 'majority agreement' between the relevant associations recognised in the act to be gained.
- In the past these associations have worked cooperatively, this arrangement has been satisfactory. However, where the associations have not done so, the arrangement was found to be wanting.

- Currently in such a situation the minister is unable to exercise any flexibility and thus a potential deadlock could occur.

In relation to your concern that the minister may use this power to intervene inappropriately, I need to assure you that this would be a last resort measure and only utilised by the minister in extreme circumstances. This technical aspect is not unusual in legislation of this sort and serves to protect industry in the event of an unresolvable situation.

Will the minister confirm those words? I note that the minister is suggesting—and I presume this is reflected in the amendment—that we retain subsection (1a) in an amended form which allows ministerial involvement. That is, if the minister does not receive a nomination under subsection 1(c) or (d) within a reasonable time after requesting that a nomination be made by the minister, the minister may by notice in writing request the relevant associations to nominate a person, or to nominate another person (as the case may be) within a time (being not less than one month).

The minister also deletes paragraph (b). Paragraph (b) provides the minister with the discretionary power to refuse to appoint if the minister considers that a nomination under subsection 1(c) or (d) is inappropriate; that is, if a nomination is made but the minister considers the nomination is inappropriate, then the minister may select a person for appointment to the board in lieu of a nominee of the relevant associations, and a person so selected may be appointed to the board as if she or he had been nominated by the associations under this section. In short, what the minister says is that by deleting paragraph (b) we remove any concern of potential political interference.

The Hon. M.K. BRINDAL: I thank the shadow minister for her compliment in that she obviously assumes I am one of the most highly intelligent ministers in this chamber, because the complexity of her question leaves me a bit stifled. I confirm that the shadow minister, the member for Hanson, read into the *Hansard* record parts of a letter which I sent to her yesterday (25 October). I confirm that I wrote that letter. I confirm the contents of that letter and that what she read into the *Hansard* record was correct. I also state in this House that that letter, to my knowledge and belief, is exactly what is intended under this act and, if at any time in the future she is worried that I have not fulfilled the spirit and intent of that letter, I welcome her to come back into the chamber and challenge me on the grounds that I have misled her, and therefore the parliament, in this debate. I cannot give a more categorical undertaking than that.

Therefore, as to all the things that the shadow minister was asking, yes, I confirm. The gist of the amendment was exactly as she stated it. Not only do I know that but I have been informed by reliable experts in the field. As the honourable member stated—and I will restate—the purpose of the addition is solely that, if having gone to them twice and not had them reply in due time, it is a matter of absolute last resort and not a matter which can be kicked into play by some minister who wants to dictate or take over the board. It is a matter of absolute last resort and is a sensible measure in a last resort. I confirm all those things.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

Ms KEY: The clarification I seek with regard to the amendment of section 23 relates to a question asked by my colleague the member for Taylor regarding the levy and the change to the threshold, the levy being increased from $5 000 to $15 000. I have a copy of the letter that the minister sent to the member for Taylor regarding her concern about the possibility of work within a project being segmented or compartmentalised so that builders could avoid the payment of the levy. As I understand it, the minister has provided some clarification on this point. However, would the minister emphasise the advice he has given to the member for Taylor?

The Hon. M.K. BRINDAL: Yes. Raising the threshold does a number of things: it alleviates unnecessary burden on small businesses and private home owners; it also minimises the board's administrative overheads for what would be quite small collections; it reduces the levy payments by 27 per cent, while reducing the income by only 3 per cent—so it is a very good mechanism which will help everyone; it will be of benefit to local councils in many of the small jobs that they do; and it further reduces the number of breaches which, after all, will then be on minor jobs.

I think the matter that the shadow minister wants me to amplify is the fact that, if someone were artificially to disaggregate a major construction, say, of $150 000, into 10 or 11 projects—they would have to be each less than $15 000—the board has the power to look and reaggregate and say, 'No, this is not on. It is not for you to say this is 11 projects, each under $15 000. We are saying it is a $150 000 project, so a levy is payable.' I think that answers the shadow minister's question.

Ms KEY: My other question on section 23 relates to the exemptions that were previously granted to the state and local government authorities that no longer apply. I think that the minister has already said that the bulk of work carried out by some of those enterprises has now been contracted out and will probably be picked up by the act, in any case. Will the minister amplify the reasons with regard to the local government authorities?

The Hon. M.K. BRINDAL: The bulk of building and construction work carried out by local and state government authorities is, as the shadow minister indicated and I think the whole House would be aware, contracted out. The levy is therefore already payable by the contractor. Works performed in-house are usually at the lower cost end, and we believe that that previous question about $15 000 will carry into the exempt class many of the sorts of things they do. They will be the repair of a couple of potholes, and such things. Extensive training—and this is—

The CHAIRMAN: Order! Will the people in the gallery either take their seats or leave the gallery?

The Hon. M.K. BRINDAL: Thank you for that: it would be a pity for the people not to have a view. It is important (and I think the shadow minister is aware of this) that one of the very good things about the board for which it is to be commended is that, while the state government and, indeed, local government were non-contributory to the scheme, they have accessed it.

In the case of local government, and especially some local government authorities in country areas, if you actually work out what they would have had to contribute to the scheme for the benefit they were already receiving, it is far more than they would ever spend within their budgets on capital works. So, this scheme has been to this state a positive for local and state government, and a positive to which they had not contributed. That really needs to be said.

The CITB, the LGA and local councils have been cooperative for many years, and a memorandum of understanding has fostered that goodwill. As the shadow minister knows, one of the things that delayed this bill by at least a few days was, although no fault of the Local Government Association, trying to get sign-off from all the councils. The

LGA does its best but, when dealing with 68 councils, it is not easy to get all the answers in and collated very speedily.

As the shadow minister knows, we have a degree of goodwill now from the local government sector for waiting. Agreement has already been reached on a new MOU, which will account for any of the changes we have. This will be covered by a new memorandum of understanding between the board and the Local Government Association. In fact, it picks up what has been a shortcoming in the bill.

In my opinion, they will probably continue to get as a sector more than they pay in, as they do now, but at least they will be paying something where, at present, they are paying nothing. Incidentally, we are applying the same rule to state government, to our own agencies, where they still do the work in-house, as we are applying to local government. I think it is a good clause and a move forward, not to antagonise local government, not to place an extra burden on them but to actually come up with a scheme that is transparent and works for the whole of the construction and building sector rather than for selective bits.

Ms KEY: I understand that in the negotiations the minister gave certain assurances to the LGA with regard to the date of operation, which may be different from the proclamation of this act. Secondly, some assurances have been given with regard to the future composition of the board. Will the minister amplify those understandings that I believe he has with the LGA?

The Hon. M.K. BRINDAL: In terms of the phase-in date, I can confirm that we have agreed with local government that, simply by delaying the proclamation of the exemption amendment until 1 July 2001, both the state government agencies and local government will have a valuable planning opportunity of eight months. So, we will do that.

I can also confirm that the LGA is currently represented on the board's statutory committees and further representation will be considered at the expiration of the term of the current ministerial appointment. I do not give a categoric undertaking on that, but I do say that it is under active consideration.

Clause passed.

Clauses 7 to 14 passed.

Clause 15.

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

Page 7, line 23—Leave out all words in this line and insert—
Communication, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

Amendment carried; clause as amended passed.

Clause 16, schedule and title passed.

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

That this bill be now read a third time.

Mr LEWIS (Hammond): My remarks on the bill as it comes out of committee will be as relevant as it is possible for them to be in the circumstances. Let me make the observation that the bill is not listed on the *Notice Paper* on which the House is working and that, notwithstanding my sincere belief that the Liberal Party is a cowboy outfit, I do not want the parliament to become one as well.

For most of the committee debate, it was not possible for me even to hear what was being said through the speaker in my office. My concern is that small employers who do not have a large number of employees nonetheless, whenever they engage in a contract that is regarded as relating to a construction project, must contribute to this levy, and they all complain to me that they get no benefit from it.

Secondly, without its ever having been intended, local government dipped their snout in the trough during the period after the act in the first instance was proclaimed from 1993, and they did so without having made a contribution. They probably took $200 000 or $300 000 out of it, for their purposes, in training people who they claimed were involved in the construction industry. That made it necessary for us to introduce the amendments contained in the bill before the House.

I do not mind that: I believe that people who get an advantage ought to make a contribution, in much the same way as people who get an advantage out of voting in South Australia ought to be paying taxes in South Australia and not, as has been suggested by Minister Armitage, in the virtual electorate arrangement.

The principle still applies. This legislation addresses that anomaly and a virtual electorate would need to collect taxes from people, even though they do not live in South Australia, if they want to vote here. Local government now will make a contribution, not that local government as I understand it would ever have complained had it in law been asked to make a contribution. We do now ask it. It would have been quite happy about that, I understand. It is just that someone who was reading through the legislation saw the possibility for their council to be able to get assistance in training the personnel they were employing on what they regarded as construction work and took the opportunity to do so. With all that in mind, I hope the minister will direct the people who are responsible for the administration of the construction industry training fund to consult closely with the smaller contractors who are the backbone of serving the great number of jobs of small value which sustain this state and ensure that their interests are properly served in consequence of the contribution that they have been making and will continue to have to make under the act as it stands and under the provisions of the bill.

Bill read a third time and passed.

ELECTRICAL PRODUCTS BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 125.)

Ms HURLEY (Deputy Leader of the Opposition): This bill deals with energy labelling and replaces the 1988 act, which required energy and safety labelling but did not set any minimum standards; that is, a product that fell below energy use standards could still be sold provided it had the appropriate label and sticker on it. This bill adds a provision whereby traders are not permitted to sell appliances that do not meet minimum energy standards. That is the main thrust of this bill and one with which the opposition wholeheartedly concurs. Previously energy labelling was more or less a voluntary procedure, at least to a minimum standard, but now it is a mandatory requirement for a certain minimum level. This is fully in compliance with the Prime Minister's statement entitled 'Safeguarding the Future—Australia's Response to Climate Change'. In that statement the Prime Minister says, under 'Codes and standards':

The government will also work with the states, territories and industry to develop energy efficiency codes and standards for housing and commercial buildings, appliances and equipment.

It goes on to say more specifically, under the heading 'Energy performance codes and standards for domestic appliances and industrial equipment':

> The measure will reduce greenhouse gas emissions by improving the energy efficiency of appliances and equipment. The program enhances and extends existing energy efficiency programs. It involves the development of minimum energy performance standards for new appliances and equipment, regulating or developing codes of practice to ensure their adoption and, where appropriate, labelling or rating appliances and equipment to help consumers in their selection.

The bill allows for that to occur in consultation with the other states and puts into place the associated administration and enforcement requirements.

The Prime Minister's statement also referred to energy efficiency codes and standards for housing. I digress a little and deal with that as well. Under the heading later in the statement 'Household greenhouse action' the Prime Minister's statement says:

> Household greenhouse action will bring together the various spheres of government, key industries and professional organisations in broadly based partnerships to develop integrated, consistent and effective strategies to address residential greenhouse emissions. Demonstration projects and the development of best practice guides will be undertaken to promote energy efficiency services and products as a key concern in housing design, redevelopment and use. Energy efficiency rating schemes will be integrated into relevant approval processes for new homes and major renovations.

The whole concept of emphasis on energy efficiency in our houses and electrical appliances is extremely important and one to which I give my wholehearted support. We see in South Australia in summer that the current electricity generation is having difficulty keeping up with the requirements of the spike in demand during summer. One way to ensure that people's electricity bills are kept down and that generation needs are kept to a minimum, and therefore that greenhouse gases are kept to a minimum, is to ensure that we make the best use of the valuable energy we produce by making our appliances, equipment and houses energy efficient, which is an important part of that process.

The former Munno Para council, which has now merged with the Elizabeth council to become Playford council, did indeed float a proposal that new developments in the Munno Para council would be required to take into account energy efficiency guidelines and, where feasible, would face north-south and take advantage of other energy efficiency design features. That was never implemented, unfortunately, because housing developers in the area were concerned that it would affect their competitiveness in terms of price, that it would be difficult to reorganise the way they worked and the way they built houses. I can certainly understand that position. If you go it alone and create a situation where builders may be less competitive in a certain council area that would certainly skew the market.

The push by the states to operate in unison to do the energy efficiency labelling for electrical appliances is a good model for a future push to ensure that housing is built in the most energy efficient way possible. It is something we will be forced into at some stage as energy becomes increasingly dearer and more difficult to sustain in our greenhouse conscious environmental era. It would be a good thing for this state to be at the forefront in leading that push, at least partly because of the problems we have with the use in summer of a great deal of energy. I applaud the Prime Minister's statement in highlighting that.

There are other provisions in the bill. There is an exemption from the neutral recognition requirements to allow products coming in from New Zealand or other places (although I think that New Zealand is the only one where we have such an agreement) which do not meet the minimum energy standards or safety requirements and that is a reasonable thing. It introduces the idea of expiation fees so that a small fee can be applied if a trader does not comply with the laws and regulations. There is a very useful new penalty of continuing offences so that, if a trader continues to flout the law or regulations, heavier penalties can be applied continually.

It also introduces the concept of annual reporting and, again, in terms of measuring where the state is going with respect to energy efficiency, I think an annual reporting requirement is a very good thing. Hopefully, we will continue to make a good deal of progress in relation to energy efficiency guidelines. I think that these are very sensible measures that build on the good work begun in 1988. I look forward to seeing many more energy efficient products in the marketplace. One of the current brochures put out by the Energy Information Centre which indicates energy efficiency of refrigerators and freezers, in fact, contains a list of products which would fail the minimum energy performance standards. It is interesting that those products are still on the market and are still able to be bought. I am not aware of whether there might be some sort of price advantage with respect to those products that would mean that people would ignore the energy star rating and would buy them for the lower capital cost. I certainly do not expect that moving to this minimum energy efficiency requirement will greatly increase the cost of domestic products. I think technology is now such that those sorts of products can be produced at about the same price and that there would not be a prohibitive mark-up for householders. Indeed, although some products on this list would fail, the overwhelming majority pass and, in fact, under the star rating, have a good energy rating.

I think it only appropriate that consumers be protected from buying those products that do not pass the minimum energy standards and that traders are not even allowed to offer them up for sale. I think that consumers are very much aware of this issue and that they do look at the energy rating of products, and I think it would give them much more comfort to know that there is a minimum standard beyond which products would not be sold. I also note that, fortunately, very few of the products that do not meet the minimum energy requirements are, in fact, Australian: most of them are overseas products, with one or two exceptions. So, it will be possible for consumers to buy Australian products at a reasonable cost in full confidence that it meets a reasonable standard of energy consumption.

Mr HILL (Kaurna): I also support the legislation. I guess it is a small but useful step on the pathway to reducing greenhouse gases. Members would be aware, of course, that this is part of the overall strategy to reduce greenhouse gas which was agreed to as part of the Kyoto convention, at which Australia was a signatory. Senator Robert Hill, who represented Australia, managed to get, I suppose some would argue (he would argue), a good deal for Australia in that, rather than a reduction in greenhouse gas we received an increase in the amount of greenhouse gas we can produce, unlike just about every other country on the planet. I suppose he took the same sort of enthusiastic approach at that conference that he is taking in the electorate of Unley at the moment to ensure that Mark Brindal is not successful in that forum. We know about the impact of greenhouse gas in our

society, but I would like to put on the record some of the statistics that have been provided to me—

Mr Scalzi interjecting:

Mr HILL: I beg your pardon? I'm sorry, Mr Deputy Speaker, I thought I heard something approaching wit; but I was wrong. In relation to greenhouse gas, these are some of the facts. Over the last 140 years, the greatest temperature change on the planet has been in the last 20 years. The 1990s was the warmest decade on record. CSIRO predicts a 2 degree increase in the world's temperature in the next 50 years and a 3.5 degree increase by the end of this century, 2100, which is larger and faster than any time in the last 10 000 years, and the present concentrations of carbon dioxide probably have not been exceeded in the last 15 million years.

Some people might say, 'So what?' The impact of this is quite dramatic. In particular, it will have a dramatic impact on South Australia's agricultural base. There is a risk that pests, diseases, algal blooms and droughts are all likely to increase; river flows are likely to dry up. If the Minister for Water Resources is worried about the Murray River in relation to salinity and water flow, he will really have something very dramatic to worry about if the temperature rises by that predicted 5½ degrees, because the water flow could dry up by something like 15 or 20 per cent in some systems.

Of course, a range of other things may occur. The temperature will rise, and it is likely to rise at a greater rate in Australia and in South Australia than it is globally. It is predicted that, if the temperature rises 1 degree globally, it is likely to rise 1.6 degrees in coastal areas. So, that obviously will have a big impact on us. Rain patterns will change, sea levels will rise—and we are particularly vulnerable here in Adelaide, in South Australia.

I have mentioned water resources and agriculture and I also mention just briefly the impact that global warming—the greenhouse gas—will have on endangered species. The Climate Action Network of Australia found that nearly all of 42 south-east Australian animals and bird species that it surveyed would be affected by a reduction in their range of environments, and that 24 of the 42 species, including the red-tailed cockatoo, the Mallee fowl and the bilby, would suffer a complete or almost complete loss of current habitat.

So, this is something that is worth doing not just because it is good for agriculture but also because it is obviously very good for the environment. It will be very good for South Australia. No doubt, the impact of having star ratings on electrical products in South Australia will not change that markedly, but it is an important part of the process.

The Office of Energy, which is in the minister's department, produces a useful document entitled Energy South Australia. In its publication in June this year, under the heading 'Australia, the clear winner', there is a table showing consumption of greenhouse gases per head of population on a global basis. Given the impending (at that stage) Olympic Games, they have rated the countries one against the other, and Australia came out at the top of the chart as the country that produces more greenhouse gas per person than any other country on the planet. It found that Australians emit something like 26.7 tonnes of greenhouse gases per person per year. I was staggered to read that that is 25 per cent more than people in the United States, which came in third behind Luxembourg. It states that Australia needs to do a lot more to reduce emissions. I make the point that this is one small step.

The deputy leader referred to the need to have housing rated in the same way, and I concur with her. I think that that is an inevitability. I note that in Great Britain at the moment there is a requirement with respect to housing to introduce double glazing to reduce the loss of heat and to provide better insulation. That is obviously an expensive option but one that Great Britain has decided it must follow. Obviously, it is treating this process very seriously.

That raises the question about what else we are doing in South Australia. At the time of the ETSA privatisation legislation a bill was introduced and passed through this House relating to the Sustainable Energy Authority, which was supposed to come into action, I understood, at the time that the Electricity Trust was privatised. That has not occurred. I was interested to read, in answer to a question in the other place, that the Treasurer indicated that the reason why it had not occurred is that there is no money out of the privatisation process to make it occur: it will now have to go into the budget process. I was rather surprised about that, because we had all been promised, I think, $2 million extra a day that we could use to pursue these fantastic and useful initiatives. I think that when the SEA legislation came into this place the total budget being suggested was only $1 million, so presumably half a day's savings from the ETSA privatisation would have been enough to get this thing going. Although $1 million is not nearly enough to make it work properly, it would have been good to see it up and running. We will now have to wait until next years' budget to see whether the sustainable energy authority actually gets off the ground.

I have been trying for some time to find out what is going on in this area, and I have written to both the environment minister and the environment minister to get briefings. I asked them questions in estimates about greenhouse gas policy and I was trying to establish or trying to get an understanding of the relationship between the Minister for Minerals and Energy's department and that of the environment minister because there seemed to be overlapping responsibilities.

I was not being critical; I just wanted to understand what was going on so I wrote to both ministers. The Minister for Environment and Heritage kindly arranged for a meeting, and I was briefed by his officers some months or so ago about what was going on in his department. I say this to the minister in the chamber, and I do not blame him at all, because he probably does not know, but I wrote to him back in July asking for a briefing. I received a letter back from his department in August saying that they wanted more information about what I wanted a briefing on. So, I rang one of his officers on 22 August and provided that information, but I have heard stony silence since.

So, I would ask the minister if he could talk to whichever officer spoke to me (I can give him her name afterwards) and tell her to pull her finger out and arrange for me to find out what is going on in your department about these very important matters about which I have a great deal of interest and concern. As I say, this is a small, useful and worthwhile step. We do support it.

Just to follow up one final point that was made by the deputy leader, who indicated that there may be a cost penalty involved in having higher star rated products, I refer to a document put out by Energy Efficiency Victoria called 'Your guide to energy smart appliances' and it compares what are known as galaxy award winning appliances—I guess they are the five star to two star appliances, and it compares the

running costs and the greenhouse gas savings of those products over a 10 year period. It makes the point across nine products that there are total potential savings in fuel consumption of some $6 670 over a 10 year period and a potential saving in greenhouse gas of 38.1 tonnes.

I will give a couple of examples: a five star airconditioner compared to a two star product would save an average household $430 over a 10 year period and reduce the amount of greenhouse gases by three tonnes. A freezer would save $220 and 1.6 tonnes. A gas ducted heater would save a staggering $3 860 and 19.8 tonnes. So, there are savings as well in the usage side. I think that is the message we need to get across to the community. Not only do you do something for the environment but also you can do something for yourself because it is actually cheaper if you use less fuel.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the Deputy Leader of the Opposition and the member for Kaurna for their support of the bill and for indicating to the House that the opposition strongly supports the bill. In fact, they use some rather marvellous descriptive words. The deputy leader told us the opposition 'whole-heartedly' supports the bill. I do not think I have ever heard such a passionate embrace of such a piece of legislation before this chamber from the deputy opposition leader. I am overwhelmed by her enthusiasm and likewise that of the member for Kaurna, who tells us that it is a 'small but useful step on the pathway to reducing greenhouse gas emissions'. I certainly agree with the member for Kaurna in those sentiments.

However the member for Kaurna did, in his brief address to the House, mention something that does need to be replied to, and that is the subject of a briefing. I only wish that the member for Kaurna had come to me to express his concern. However, the member for Kaurna can sometimes be just a tad mischievous. I now move:

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

Motion carried.

The Hon. W.A. MATTHEW: As I was saying, the member for Kaurna was just being a tad mischievous, as is often his wont.

Mr Hill interjecting:

The Hon. W.A. MATTHEW: You rang me? The member for Kaurna interjects that he rang me. I am always happy to talk to the member for Kaurna. He is effectively an electoral next-door neighbour.

The DEPUTY SPEAKER: Order! I ask that the conversation across the chamber cease.

The Hon. W.A. MATTHEW: If the member for Kaurna can advise me of the nature of the briefing he needs, I am always pleased, as many other members of the opposition know, to ensure that such briefings are provided and, as in fact the deputy leader knows, I do not insist on being there with my officers holding their hands. They are capable, intelligent people and are capable of providing briefings and answering all manner of questions that the member for Kaurna may wish to put to them.

If the member for Kaurna wishes to have briefing on the role of the Office for Energy Policy and its responsibilities and any overlaps involving their office and that of the Department for Environment and Heritage, his wish will be granted and such a briefing will be facilitated. However, the actual request from the member for Kaurna to me was one for a briefing on energy policy. I assumed that he wanted us to help him write the Labor Party policy on energy. There is not one yet. I am waiting for it. Just like Christmas, it is coming, and I look forward to the policy coming from the honourable member.

However, I am happy to facilitate the briefing in order to help him along his way, but in the future if the honourable member wants a briefing, asks me and is specific about the nature of the briefing, instead of asking for the world, we will always be happy to facilitate and expedite it. I give him an undertaking on the record here that, as soon as I leave this chamber today, I will put in place arrangements for his briefing, and I will be interested to hear back from the member afterwards. He can come and speak to me (I do not bite) and I can hear from him whether he his happy with the content of the briefing material given. I thank the opposition for their support of this legislation.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Ms HURLEY: Clause 5(1)(b) refers to a standard or part of a standard for safety or energy performance. I have been advised that the provision for part of the standard is because sometimes these standards deal with myriad other things apart from the applicable energy or performance standard. Can I ask, because this clause relates to the Governor, where the advice comes from as to which part of a standard is applicable and how that will operate? Does part of a standard apply, is what I am asking.

The Hon. W.A. MATTHEW: I am sorry, I am not quite sure of the honourable member's question. Is the honourable member asking where the advice to the Governor comes from?

Ms Hurley: Yes.

The Hon. W.A. MATTHEW: As the honourable member would be aware, the Office of Energy Policy has staff who undertake assessment of products. At this stage, from memory, there are two staff. The staff involved are former employees of ETSA who were transferred to the Office of Energy Policy when the responsibility for electrical products was assumed by that section of government. Those staff are experienced in the area of electrical products; they have been undertaking the work for many years. Those staff provide not only advice in relation to the safety and performance of products but also advice into the categories of performance that products should be given and advice whether products should be banned, allowed, modified, etc.

It is those staff, principally, who would be responsible for providing that advice and, indeed, any other advice that may, from time to time, be determined as being necessary and that can be seconded into the department or, in fact, purchased by the department as the need may arise.

Mr HILL: I hope that I am not pre-empting the full briefing I am about to get, but could the minister indicate standards in relation to clause 5. I am assuming that the standards will be a star rating system that indicates certain levels of consumption. Is that correct; and can the minister explain a little about how that operates and what the lowest acceptable star rating will be?

The Hon. W.A. MATTHEW: The reason for my delay is that I was seeking advice on a web site address to which I could refer the honourable member. I do not have that address with me and I will undertake to provide that separately to the honourable member. As a consequence of the

reaching of agreement between ministers around Australia having responsibility for energy and, therefore, for these matters, a national web site was launched a couple of months ago that has an energy star rating.

Mr Hill interjecting:

The Hon. W.A. MATTHEW: It is a consistent web site for the whole of Australia. It effectively allows someone to determine the energy performance of a product right down to dollar level before they purchase. I do not mind sharing with the committee that I recently had cause to purchase a dishwasher. I was able to—

An honourable member interjecting:

The Hon. W.A. MATTHEW: It is a fact of life that, in my household, I often get saddled with the workload of washing dishes. While I have two children who are able to do so, they seem to be very expert at ensuring that I am the one who is there when the dishes need to be washed and wiped. I felt that this wonderful purchase may assist in enabling me to spend more time on my work and, as a consequence, I had the need to—

Mr Foley interjecting:

The Hon. W.A. MATTHEW: My wife would argue that I have been the dishwasher.

The CHAIRMAN: Order!

The Hon. W.A. MATTHEW: I had the opportunity to do so and naturally I wanted to buy an energy efficient appliance. That web site was excellent. It was able to guide me through the best choice of dishwasher based on energy performance. While the dishwasher that I selected was slightly dearer on purchase price, the web site was able to demonstrate that I would be able to save over a period of 12 to 18 months as a result of the energy efficiency of my product, not only in terms of electrical use but also in terms of water use. It is a very impressive web site and I will ensure that I provide to the member for Kaurna that web address. So, a star rating system applies to the energy performance aspect of appliances. Safety and performance standards are obviously different again.

Clause passed.

Clause 6.

Ms HURLEY: Clause 6(2) refers to the new part of this bill and the registration of a product to indicate its compliance with the energy performance standard. Could the minister explain how the product becomes registered; who covers the cost of the registration and compliance and who is authorised to perform those tests?

The Hon. W.A. MATTHEW: This is, effectively, a continuation and reinforcement of an existing process. If a new electrical product is to be classified, the cost of that classification has to be met by the person who wants to put the product onto the market. In terms of who can make that classification, the classification is, to all intents and purposes, made by the Technical Regulator or by persons to whom he delegates that authority, more particularly by persons to whom a Technical Regulator has delegated authority to make that assessment.

Ms HURLEY: My understanding is that the manufacturer is required to test their product, not the trader, and that the manufacturer—

The Hon. W.A. Matthew interjecting:

Ms HURLEY: So, it is the manufacturer. The manufacturer performs the test on his product, so who does that testing? Is it the manufacturer or an outside person; is the organisation that performs the testing required to be an authorised organisation; and what controls are placed on the testing and rigorousness of that testing?

The Hon. W.A. MATTHEW: I was not sure earlier of the extent of detail that the deputy leader wanted. Effectively, testing of manufactured product is undertaken by laboratories accredited by an organisation called NATA.

Ms Hurley interjecting:

The Hon. W.A. MATTHEW: If the deputy leader knows the answer, why did she ask the question in the first place? I am pleased she walks away happy.

Clause passed.

Clauses 7 to 11 passed.

Clause 12.

Ms HURLEY: Subclause (2) provides that, where a trader needs to be inspected, a warrant may be issued by a magistrate: it was previously a justice. Can the minister explain the reason for that change?

The Hon. W.A. MATTHEW: I am advised that requiring the warrant to be issued by a magistrate is in keeping with more recent thrust in legislation. It is a change that was put in place by Parliamentary Counsel, and I am further advised that it also gives more credence to the warrant in the eyes of the receiver. I am duty bound to listen to such learned advice and to enact it accordingly.

Clause passed.

Remaining clauses (13 to 26), schedule and title passed.

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

That this bill be now read third time.

Before closing on this bill, in order to demonstrate in good faith to the member for Kaurna how seriously we take his desire to be briefed, I have been advised that the address of the web site, to which he referred is located at www.energyrating.gov.au. I know how nimble his fingers are over the keyboard and how much he likes searching the internet, so I am sure he will find that to be a useful site. I thank the opposition for its support of this bill.

Bill read a third time and passed.

ADJOURNMENT

At 5.17 p.m. the House adjourned until Tuesday 7 November at 2 p.m.