HOUSE OF ASSEMBLY

Thursday 7 December 2000

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

PETROLEUM ACT REGULATIONS

Notice of Motion, Private Members Bills/ Committees/ Regulations, No. 1: Mr Condous to move:

That the principal regulations under the Petroleum Act 2000, made on 21 September and laid on the table of this House on 4 October, be disallowed.

Mr CONDOUS (Colton): I advise that I no longer wish to proceed with this notice of motion.

Motion lapsed.

ROAD TRAFFIC (SPEED LIMITS IN BUILT-UP AREAS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

I wish to make only some brief comments. First, the reason for introducing this bill is to bring this matter to a resolution. It has been around for a long time and has aroused a lot of community interest and debate, and I am trying to have the issue resolved as quickly as possible. Other states have moved to deal with this issue and I think it is appropriate that we do so here in South Australia.

I surveyed my constituents on this issue a few months ago and there is general support for a 50 km/h provision in residential areas. Parliamentary Counsel kindly drew up some different versions and in committee I propose that the version that has been circulated at my direction should be slightly amended to delete a reference to multi-lane roads, because that is somewhat restrictive. I will also be seeking to amend the bill so that it does not relate to country areas, or at least, where that is the case, that it is an optional provision for country councils. I do so after discussion with some country members; I have not discussed it with all of them but many have indicated that they do not believe that the measure is appropriate in country towns, and I am quite happy with that. I do not wish in any way to seek to control the lives of people who live in country towns on an issue such as this.

I communicated the proposals to the RAA, the LGA and some of the larger councils, particularly those closest to my electorate, and I am pleased with the response that I have had from the LGA and the RAA. I do not wish this to be taken as their official final position but the RAA has indicated that it prefers an alternative approach, and later today I will be giving notice seeking leave to introduce a bill to vary the Australian Road Rules, which is an alternative way of tackling this issue. So, contingent on what happens to my bill in relation to the Road Traffic Act, I will seek to deal with the matter through variation to the Australian Road Rules.

In its response to my communication, the RAA thanked me for the opportunity to consider the draft bills and indicated its position as one of support for a general urban speed limit of 50 km/h, stating that its preference is for the 'default option'; that is, where a road is unmarked then, by default, it is 50 km/h. The RAA believes that alternatives are too restrictive, particularly in relation to what they call 'collector roads' and certainly in relation to multi-lane main roads. As I have indicated, I am happy to amend my bill to delete the reference to multi-lane main roads. I have asked Parliamentary Counsel whether there is a legal definition in relation to collector roads—distributor roads—which the RAA believes need to be considered, but its general position is that it favours the default speed limit, so that, if no sign is displayed, the speed limit is 50 km/h. In discussing this issue with some of my colleagues, their view is that it is appropriate to have signage because people may be confused if there is no sign. However, I guess over a period of time people would come to understand in the metropolitan area that if you turn off what is a main road then you are entering a 50 km/h zone.

The LGA in its response—and once again I make clear that this is not its final position, but I appreciate the preliminary response—indicated that it will meet in January to consider some of these issues. My bill, clearly, unless something miraculous happens, is not likely to be processed before then. This will give the LGA and the RAA as well as others in the community the opportunity to consider the issues. In the response to me from the LGA, Brian Clancy, Director, Legislation and Environment, says that some of the issues that the LGA wants to pursue include the broad issue of common limit or allowance for local variation and responsibility for signage. Clearly, the cost of signage is significant if you have to signpost each road in a residential area. I suspect that is one of the reasons the RAA is keen to have the default provision where, in effect, you would not need to signpost a 50 km/h road because, by default, it is 50 km/h if there is no sign.

The LGA also indicates that another issue is whether to include or exclude non-metropolitan areas or allow inclusion on a voluntary basis. I indicated earlier that I am more than happy if country councils do not want it. I am not seeking to impose it on them. However, I suppose if some councils in the country want to have it on an optional basis I am quite comfortable with that as well. The LGA also indicated its desire for consultation with councils before a regulation is made to vary the limit. That is only fair and reasonable. It has also indicated its interest in the national position and whether a common approach is likely as per the Australian road rules, hence my indication that later today I will give notice of a contingent action involving varying the road rules if the parliament regards this initial approach as less desirable. The other point that the LGA made is that it assumes that it will still be possible to have a lower speed limit if that is desired. That is certainly allowed by way of the bill that I have introduced today.

We have in the metropolitan area a variation of approaches to residential speed limits. We are all familiar with Unley. I sympathise with the people of Unley because that area tends to collect the traffic coming from outlying areas into the city, and so I can appreciate that they have a problem there. I do not believe 40 km/h is the appropriate limit, though. I think 50 km/h based on worldwide experience and standards is the appropriate speed limit. I think the sooner we can get to a standardised approach throughout the metropolitan area the better. I know my council, the City of Onkaparinga, is looking at requests by people for various reduced speed limits in that area. Once again, if we do not move quickly and clarify this situation we will end up with a giant dog's breakfast of speed limits around the city and speed and traffic control measures.

A report in the *Advertiser* recently highlighted this issue and quoted Melissa Mellen, who was classified as a road traffic engineer and road safety expert working for Murray F. Young and Associates. She indicated in evidence to the parliamentary committee on road safety that the 40 km/h safety zone was not realistic, and to quote from the article in the *Advertiser* of Saturday 18 November (page 27):

> You could put up any sign you like but some people will still drive at 100 km/h.

She further said:

> A study of speed zones in the Unley Council showed motorists cut speed by an average of only 2 km/h.

I think part of the problem is that there is no consistency across the metropolitan area. There is no common expectation. People are driving in and out of council areas—for example, they drive into Unley where it is 40 km/h and then back into another council area where it is 60 km/h—and therefore you do not have this consistent reinforcement in the mind of the motorist. It is not surprising that when people go into Unley—although I notice that many of the offenders tend to be people who live in that area—their mind-set is not for 40 km/h. I think we would all agree that when you turn off what, in effect, is a main road into a residential street you instinctively tend to slow down a bit. I think 50 km/h is the appropriate limit. Over time, in the metropolitan area at least, and in those country towns who wish to embrace it, I think it would become virtually an automatic reaction: you turn off the main road and ease off 10 km/h to provide added safety for the people living in those streets, particularly children, but not just children, of course.

As I indicated at the start, I really want to get this on the public agenda, get it under way, and get the issue resolved. I am not seeking any glory or credit, but it is an issue, and I am sure every member in here, certainly those in the metropolitan area, have this issue brought to their attention almost on a daily basis, with people complaining about speed limits and speedsters in their residential streets. What I am proposing would give a very effective way of policing it. I am not saying councils should have the power to be de facto police. I am not convinced of that argument, That should be left to the police. However, a 50 km/h zone provision I believe would allow for proper and adequate policing. It is a sensible measure. I believe that 40 km/h is too much of a reduction.

At the end of the day, if some people want to have a variation, I guess that option is there. But I would hope that over time and with the support of this legislation we move to a standardised 50 km/h provision in residential streets, unless special circumstances apply where a council or the government could implement variations—maybe in a shopping area—but obviously continue the provisions which relate to schools, preschools and so on.

I do not need to detain the House. I think the measure is fairly self-explanatory, but I reiterate that I will be moving an amendment to delete reference to multi-lane roads because I think that is restrictive. There are many single lane roads in our metropolitan area where 60 km/h is appropriate. I will also move, in relation to country communities, that they not be bound by this provision unless a council wishes to be included. I indicate once again that I will give notice for a bill to vary the Australian Road Rules, which is the alternative way of tackling this issue. I am unable to do it under the Road Traffic Act so I need to give notice of the opportunity to do it under the Australian Road Rules.

I commend the bill to the House and look forward to members' contributions. It will be out in the community for all interested persons and parties to have an input. Let us see whether we can bring about sensible modification of the road rules and the Road Traffic Act in South Australia.

Ms KEY secured the adjournment of the debate.

CONTROLLED SUBSTANCES (CULTIVATION OF CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 751.)

Mr VENNING (Schubert): The member for Hammond in his second reading contribution talked mainly about the effects cannabis and other drugs have on the health of users. I do not dispute that and I support his comments. However, I am disappointed that the member for Hammond did not go far enough. I made comment in this House three weeks ago in relation to what I think about this, and the member for Hammond moved very quickly to bring this bill in. I have been very interested to see what is in it. I am disappointed because I do not believe that the member for Hammond addresses the problem at all, and certainly not the serious areas.

I think the member for Hammond has overlooked one of the most glaring problems associated with drugs, and that is organised crime and the message we give with our current legislation. We have seen an alarming increase in home invasions, and I believe this is largely due to perpetrators wanting to steal cannabis plants or the proceeds from the sale of these plants. I believe the member for Hammond has gone soft with this bill, and that is most uncharacteristic of him. He usually goes all the way and often has to back off. In this instance he is uncharacteristically soft.

What about the ramping up of penalties? The member does not address this area at all. Does he know what the current penalties are that stand on the statute? I can tell all members for their interest that the penalties are pretty soft. It is like getting hit over the head with a feather. As an example, I refer to section 31(2)(b) of the act which, for the possession or consumption of a drug of dependence and a prohibited substance, provides:

> . . . in any case—a penalty not exceeding $2 000 or imprisonment for two years, or both.

In my opinion, that fine should be at least $5 000 to ramp up the deterrent. The member for Hammond wants to amend section 32, which looks at the manufacture, sale and so on of drugs. What about the cultivation of this product? He has not gone far enough. The honourable member also wants to amend section 45A by deleting 'simple cannabis offence'. We should delete the whole section completely, stop talking about expiation notices and have every drug offence dealt with as a criminal offence and the offenders put through the courts. We are too soft on drugs and on the people who look to profit from them. I understand that drug use and abuse certainly adversely affects the users' health, as the honourable member has said, and I support the honourable member's remarks on that. However, it is the criminal element in the whole sorry affair on which we also need to concentrate. Whether we allow three or 10 plants, or anything in between, criminals will still syndicate growers to accumulate a mass of cannabis to be sold on the black market.

I have been told of an existing practice of a so-called legitimate company that will sell a person the hydroponic and irrigation gear to grow the product, and then supply the seed and the fertiliser, the profits being split 50-50. I have had several reports of companies such as this. We know there is every encouragement for companies to do it. Do members know that with modern hydroponic techniques you can grow at least three very virulent cannabis plants out of every pot in a year? Out of one plant you can make about 5 000 joints, or smokes, so you do not have to be Einstein to work out how many you can make in a year from the so-called legal number of three plants. In a year you can grow nine plants, which is 45 000 joints produced from one backyard in a year. How many back yards are there in Adelaide with a couple of dope plants? I put to you, sir, that there are thousands.

The criminals trade cannabis in the eastern states for heroin and bring it back to sell on our streets. We all know it is going on: the police know it is going on, and they have urged us to take action. The Commissioner saw fit to make a public comment. But still we sit here and either say nothing or, in this case, take a very limp-wristed or soft approach.

What message are we sending to our community, our children and our youth when we condone the growing and smoking of cannabis by issuing an expiation notice when and if people getting caught? It is no worse than getting a parking fine or speeding ticket. It is a total joke. The bill does not go far enough in the fight against organised crime.

Ms Key: Why don't you ban booze?

Mr VENNING: It is against standing orders to react to interjections, but the honourable member asked about alcohol. We can argue correctly that certain forms of alcohol can be advantageous to one's health, especially red wine, in which, I suppose, I have a vested interest. I speak from experience, and I do not believe that my health has not been harmed in any way at all by my moderate intake of good quality red wine. It may be assisting me in my overweight state.

However, it can be argued strongly that cannabis is detrimental to one's health, particularly one's mental health and anxiety levels. As the member for Hammond has said, it is quite clear that it does affect one's health adversely. The amount of evidence coming out which illustrates just that is overwhelming. So, I refute the interjection completely. I do not believe we need any more drugs of dependence such as this, certainly those which lead to the use of heavier drugs and to the importation of heroin to our state.

We are earning the reputation of being the drug capital of Australia. That concerns me because certainly Adelaide used to be the most crime free state in Australia. That is changing, and this expiation notice for drugs is probably one of the main reasons. I commend the member for Hammond for introducing the bill. But it does not go far enough in the fight against organised crime.

Mr Lewis: Well, you can amend it.

Mr VENNING: I will not support the bill in its present form and I intend to amend it. I will use the Christmas break to discuss this with the member for Hammond. I note his interjection that we can amend it. I appreciate that offer of assistance. I made my comments in this place three weeks ago, and I said then that I would await with some interest the honourable member's bill. It appears that he beat me to the line with his bill. I do not hold it against him, but it was smart politics.

Mr Lewis interjecting:

Mr VENNING: I don't care in the least. I will not refute what the member says, as long as the outcomes are the same. I do not care. I am not here to ingratiate myself on this. This is an issue about which I feel strongly. In one's political career there are certain things that one would like to achieve, and this is just one of them.

Mr Lewis interjecting:

Mr VENNING: I hear the honourable member's offer of cooperation. I will certainly spend time with him in the next six to eight weeks, maybe even on the bowling green, in order to come up with an amended bill. I have a very strong opinion about this matter. I discussed it with my colleagues, and they have chosen to sit on it for the time being while they consider the position. The member for Hammond has brought it to a head, and I commend him for that. I look forward to working with him to amend his bill, which I then hopefully will support.

Mr HAMILTON-SMITH (Waite): I feel inclined to rise on this bill. In so doing, I reflect back to my role as Chair of the Select Committee on a Heroin Rehabilitation Trial and on all the evidence given to that select committee as it completed its work. I am not a great supporter of cannabis use. It is a blight on our society, and it ranks, along with the other drugs of abuse and with alcohol, as a major disaster for public health not just physically but also psychologically.

One of the great tragedies of modern life in this country and in most developed countries is that drugs seem to have taken a hold of the community, particularly young people, and in many cases destroyed their lives. And cannabis is a major part of that problem.

We on the select committee heard evidence that over 70 per cent of street crime is drug related; that is, 70 per cent of house break-ins, car thefts, bag snatches and assaults were in one way or another drug related, and often involved people who were trying desperately to get the money to feed their habit. We could introduce the death penalty for some of these offences and people would still break, enter and steal in order to feed their drug addiction: it is that desperate.

There is no simple answer to the problem. However, there are smaller answers and small steps along the way. One is to embrace unusual and perhaps unexpected avenues as a step along the road to solving the problem. The heroin rehabilitation trial select committee looked at some of those avenues.

Focusing on the issue of marijuana, I have considerable sympathy with some aspects of what the member for Hammond is trying to achieve. I would not go as far as did my colleague the member for Schubert in pursuing with greater vigour individual offenders in relation to marijuana use. It would not be helpful to incarcerate or more heavily fine or pursue young people, or people of any age, who are using marijuana. In many ways they are the victims and not the offenders. They are being sucked into a vortex which, in many cases, they do not completely comprehend. They have started the slide down a slippery pole which in many cases may lead to further addiction and further drug abuse. They in many cases are the people who need help the most, and for that reason I support the present practice of expiation for fines for offenders in regard to the use of marijuana. We have adopted a sensible and liberal approach to that. Perhaps we need to expand our approach to get more of those people who are fined into some sort of rehabilitation process, but we have the balance about right there.

I fully agree with the member for Hammond and the member for Schubert in relation to the cultivation of plants

for commercial sale. I do not think that there can be any misapprehension about the fact that the decision made years ago by this parliament to allow people to manufacture—and that is what it is—up to 10 plants at home, supposedly for their own use, was a great mistake by this parliament. I say that because we have simply spawned a network of commercial operations in homes around the state where people manufacture commercial quantities of marijuana for sale using the well-known criminal drug distribution networks—bikie gangs, etc.—for no reason other than for personal profit. Police will tell you, as they told our select committee, that 10 marijuana plants hydroponically grown in the right conditions could almost fill this chamber in which we sit. Three or four plants could almost fill a normal size room in a suburban house, with the right hydroponic conditions and given the right circumstances for growth.

There is no way that I can be convinced that those sorts of commercial operations are for personal use. They have made South Australia a manufacturing centre for drugs and a manufacturing base for commercial quantities of marijuana which is sold on the streets of Adelaide, and interstate, for profit. I think that is a great travesty and a huge mistake. We should never have gone down that road, and we ought to stop it. The way we ought to stop it, in my personal view, is by increasing penalties for growing marijuana plants, particularly by removing the 10 plant rule. I may be able to live with a one or two plant rule for personal use—I may, but I would need some convincing—provided hydroponics were not part of that manufacturing process.

Basically, I am not a supporter of marijuana use, and I think that demand and supply rules apply here. If it is expensive to purchase and use, then demand will decrease: it will not stop, for the reasons I mentioned earlier, but it will decrease. If there is a plentiful supply, then demand will increase. It is basic market rules. We ought to be constraining the supply of marijuana and making it more expensive so that fewer of our school kids feel inclined to give it a go. I am not a supporter of smoking tobacco; I think it is quite injurious to your health, although I have to admit that I was once a smoker in my teens but stopped smoking when I was 22. But, for that reason alone, it does not make sense to smoke marijuana: you injure your health whenever you pick up a cigarette and throw pollution down into your lungs. It simply does not make sense.

I believe that this parliament has to put its hand on its heart and ask itself what is best for the community and what is best for young people. If we really want to stop home invasions, most of which are drug related (people breaking into homes looking for cash and marijuana plants grown as a consequence of our fabulous 10 plant rule); if we really want to stop street crime; if we really want to stop people from getting on top of the slippery pole with marijuana and alcohol (because the two usually go together) and then starting the slide down into amphetamines and other harder drugs of addiction, then let us do nothing. But I appeal to members of this House to consider the member for Hammond's bill. It may not be the right bill for this House to pass, but I believe that the spirit of it deserves careful consideration. I hope that at some time in the next year or so this parliament acts to tighten its approach to marijuana plants to stop this terrible commercialisation and this terrible rape and pillage of our young people by drugs. Something has to be done.

I want to look more closely at the member for Hammond's bill. I will not say that I will necessarily support it. I want to talk to my government colleagues to see if we can come up with something that might be more comprehensive. We may even be able to improve upon the member for Hammond's bill. However, by and large, the spirit of the bill is something for which I have some sympathy. I qualify my remarks by pointing out that I do not think we should be attacking users: we should be attacking those people who seek to profit from the commercial production of marijuana. As I have indicated, the bill has some merit.

Ms BREUER (Giles): I will speak only very briefly on this issue, but I believe it is one of the biggest issues of our times and one that we must examine very carefully. I support many of the comments that have been made previously. Marijuana is seen as being acceptable by young people—even by people of our generation. I remember, when I was a teenager, that we certainly played around with alcohol and had our experiences with it. Marijuana was just starting to appear on the scene then, and I managed to resist it because there just was not enough around. However, nowadays, it is a fact of life for young people. I have worked with young people for many years and had a lot of involvement with them, and I know the effects that marijuana can have on their lives. It seems to have a far more devastating effect than alcohol, which is a problem in itself.

I saw a young man who got caught up with marijuana when he was at school. He dropped out of school, having done appallingly, drifted along in life for many years and now, 10 years later, he has only just started to take hold of his life and do something positive. He still has a marijuana problem, because it is a problem: he is not addicted to marijuana because statistics say that you cannot become addicted to it, but you can certainly become dependent on it. Giving up marijuana is a major experience: I believe it is worse than giving up cigarettes and worse than giving up alcohol. This person is completely dependent on marijuana and, while he has tried to get it out of his life, he has not succeeded very well.

I know a young woman in the prime of her life—a teenager—who is caught up in the scene now. She has great talent and great potential but she has been caught up by peer group pressure, believing it was smart to have a go and to smoke marijuana. All her friends are in the same category and are doing the same thing without realising the harm they are doing to their beautiful bodies and the harm they are doing to their lives generally.

I am totally opposed to marijuana being completely legalised. We have legalised alcohol. We can go out and have a drink—and I think that all of us here can relate to that. I think that only very few of us would not be guilty of going out regularly and having a drink, because we know that it is legal and acceptable. If we were to legalise marijuana completely, then we are saying to people that it is okay, just as it is with cigarettes and alcohol.

I am not sure that this bill will do what it sets out to do, but I think that we must look at this issue very carefully over the next few years, because it is taking over our young people's lives.

Ms KEY secured the adjournment of the debate.

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARK LANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 268.)

Mr HAMILTON-SMITH (Waite): The government will be opposing this bill introduced by the member for Hammond. I feel a little disappointed in pointing that out to the member for Hammond, having just said so many nice things about his controlled substances bill. But with respect to this particular bill, we feel that the member for Hammond has it wrong. We will be opposing the bill on the grounds that the proposals will hinder rather than enhance community responsive approaches to management of our Adelaide parklands. We oppose it on the grounds that the provisions are not aimed at protection of future amenity and popular use of Adelaide park.

This government believes that our parklands are too precious to be subjected to the draconian regime proposed in the bill. We have too much respect for the rights and interest of future generations of South Australians to support any measure that purports to protect their interests but, in reality, precludes them from describing and defining their vision for the parklands in a way that has meaning for those future generations. This proposal is somewhat simplistic because it has added nothing new to the alleged protective measures which the member for Hammond has previously tried to introduce in the House.

The member suggests that this bill presents the only solution without giving any heed or amendment to the range of issues which have been identified and which I outlined in my last response to this proposal. I have previously outlined examples of the confusion and ambiguity that would arise from the operation of the clauses now presented again to the House for its attention. The reappearance of clauses which are so clearly impractical and which seek to turn this parliament from houses of law-makers to houses of property managers are apparent. I note that some changes have been made in the definition of activities that come under the ambit of this bill; however, these are minor and still suffer the deficiency of ambiguity.

Clause 1 of the bill contains a definition of the Adelaide parklands which is wide ranging and, I suggest, incapable of determination. Has the member for Hammond consulted the Surveyor-General about the practicality of using Light's plan as a definition of the parcels and areas of land that will be included in the parklands? Has he considered which plan is to be the definitive version? Has he consulted with adjoining councils which may or may not be content to find parts of their current local government areas suddenly transferred into the area controlled by the Corporation of the City of Adelaide? I think not.

Light's vision was for an encircling parkland. The government's proposals remain true to that vision. However, it would be completely impractical to use Light's plan today. Survey technology and definition has advanced considerably since the techniques of the 1830s. I understand that concerns expressed about the external and internal lines depicted by Colonel Light cannot be accurately matched with the cadastre of 2001. There have been changes in definition, and even the description of roads. For example, the extension of King William Road, if aligned to Light's plan, would now run through Government House.

Clause 2 of the honourable member's bill establishes a joint authorisation process between the parliament of South Australia and the Adelaide City Council for development in leasing or licensing within the Adelaide parklands. I must, at this point, retract a little from the government's earlier statement that this bill presents a re-statement of earlier proposals. It does contain some change in proposing a greater specification of building activities but, again, it fails the test of clarity. Quite ingenuously, the bill proposes to control all building (that is, any form of structure, be it creation of shaded areas, toilet facilities or other public amenities, such as lighting or footbridges), except for existing buildings where there is to be no increase, or no significant increase, to the area or height of the structure.

The question of what constitutes a significant or insignificant increase is ignored, and the bill proposes no mechanism for determining this. Clause 3 of the honourable member's bill is new and presents an astoundingly retrograde approach to legislation. On the one hand, the member for Hammond's second reading explanation urges us to take responsibly our role as legislators, whilst on the other hand he proposes a clause that denies this responsibility to future legislators. An entrenchment clause is both disrespectful and pre-emptive of the communities that will elect future legislators to take part in the law-making processes of this state.

By seeking to bind a future parliament, it breaches a longstanding principle that these future parliaments should be free and will be free to make laws that take account of the expectations of their communities at that time. This is more aggressive than retrospective legislation. There is, moreover, a fine shade of trickery in the subclauses when taken overall. This is neither the time nor the place to debate whether or not there should be compulsory voting. However, in a single sweep of the legislative pen, the member for Hammond proposes to change the very basis of our electoral approach by excluding any referendum held in accordance with this bill from the provisions of compulsory voting—and I see members opposite chuckling in agreement with me on this point.

The sleight of hand occurs in the final subclause where the result of the referendum is dependent on the majority vote: not of those who voted but of those who were eligible to vote—very intriguing. I do not believe that this is good law. I do not believe that it addresses the issues which have arisen in the public consultation and which have been initiated in relation to the government's proposals, and which have been circulated both as a discussion paper and as a consultation bill for public comment. We are already on the issue.

I remind members that the consultation bill has an extended period for public consultation and that this legislation pre-empts the opportunity for the whole community to comment on the other option which is now in the public arena. The Adelaide parklands comprise a rich heritage of built structure, developed areas and natural open spaces—there for our enjoyment and our use. It is their very diversity in facility, amenity and use which makes them public spaces to be valued for their ability to support such a range of popular recreational activities. We all value the parklands as a whole. Any legislation which protects them must be holistic and enduring for future communities and their expectations. This bill is not. The government has shown that its actions are.

Ms THOMPSON secured the adjournment of the debate.

CITY OF ADELAIDE (ADVERTISING AT ADELAIDE OVAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 272.)

Mr HAMILTON-SMITH (Waite): The government will oppose this bill introduced by the member for Hammond and does so on the basis that the proposal is redundant. For the benefit of members, I read the relevant sections of the minutes of the Development Assessment Committee of the Corporation of the City of Adelaide at a special meeting held on Tuesday 14 December 1999 at 5.35 p.m., which was attended by the Lord Mayor and councillors Brine, Harbison, Hayward, Huang, Kirk, Moran and Taylor. The following motion was moved by Councillor Harbison and seconded by Councillor Hayward:

That:

(a) The development, the subject of the application from SACA to construct four permanent light towers to replace retractable towers at Victor Richardson Road, North Adelaide, as shown on plans designated DA/816/1999 by the City Strategy Division be granted provisional development plan consent subject to the following conditions:

1. The development herein granted provisional development plan consent shall be undertaken in accordance with the plans and details accompanying the application to the satisfaction of council, except where varied by conditions below (if any).
2. The towers shall be painted in the colour Australian standard N22 cloud grey.
3. Those responsible shall consult and comply with any requirements of the police department and the corporation's traffic section in respect of car parking and any road restrictions required for extraordinary events such as sports, concerts and the like.
4. Those responsible shall consult and comply with any requirements of the Environment Protection Authority in terms of noise emissions for extraordinary events such as sports, concerts and the like.
5. Those responsible shall consult and comply with any requirements of the corporation's health section in respect of the need or otherwise to provide additional sanitary facilities for extraordinary events such as sports, concerts and the like.
6. Appropriate measures shall be taken to control any likely adverse impact of the amenity of the locality due to any noise or traffic nuisance, the emission of light or otherwise.
7. Immediate remedial measures shall be taken if, in the opinion of council, impairment is being caused to the amenity of the locality due to noise or traffic nuisance, the emission of light or otherwise.

And this is the important one:

8. The light towers shall not be used for any form of advertising or for the attachment of telecommunication masts, aerials, etc.

It continues:

9. Any change to the colour of the towers will require the approval of Heritage South Australia.
10. The proposal shall comply with any requirements of the Adelaide Airport Limited. It is the applicant's responsibility to determine any such requirements before commencing work. For the purpose of this condition seven days' notice must be given prior to crane operations.

Other conditions related to the time frames for the commencement and completion of the work in order for the approval to remain current. For clarity, I will read the relevant condition (numbered (b)2 in the minutes of that meeting), as follows:

Pursuant to the provisions of regulation 48 of the regulations under the Development Act 1993, this consent/approval will lapse at the expiration of 12 months from the operative date of the consent/approval unless the development has been lawfully commenced by substantial work on the site of the development within such period, in which case the approval will lapse within three years from the operative date of the approval subject to the proviso that, if the development has been substantially or fully completed within those three years, the approval will not lapse.

The House should note that the motion was put and carried, with dissent recorded for Councillor Moran. I am advised that 'lawful development' has substantially commenced, which means that SACA is within time for the provisional development plan consent. I also understand that the development—that is, the erection of the permanent light towers—will be fully completed within the time frame set by the Adelaide City Council's Development Assessment Committee.

As I was travelling to work just two weeks ago in the morning, while listening to talk-back radio, I recall hearing Deputy Mayor Harbison on the radio with an ABC commentator discussing the issue of the permanent light towers. It was a bright and sunny morning, and the conversation on the radio, at about 9.15, went something like this:

ABC commentator: Deputy Mayor, there seems to be outrage at these fixed light towers. There is a lot of community concern about it. What do you think?

Deputy Mayor Harbison: Well, actually, not everyone is opposed to the permanent light towers. There are some people who think they are great. A lot of young people have said to me that they find the permanent light towers very exciting.

ABC commentator: That is very interesting, Deputy Mayor. I never quite thought of it like that—that these fixed towers could be very exciting.

Deputy Mayor Harbison: Oh yes, oh yes. A lot of people think they are very exciting. They think it means there's something very loud and very interesting and very exciting about to happen.

ABC commentator: That is amazing. How is it that such towers could make people feel that way?

Deputy Mayor Harbison: Oh yes, oh yes, large erections like this often indicate that something very exciting is about to happen.

Whereupon I burst out laughing and nearly crashed my car. It was a very humorous moment: I expected to see cars driving off the road all over Adelaide. It was just one of those funny things that happens on the way to work.

The only way in which the prohibition of advertising could be varied would be by the lodgment of a new development application by SACA. As members would be aware, this would require public notification of the proposal, assessment of objections and review against the Development Plan. In other words, the Development Act 1993 provides an existing process for safeguarding the public interest without the need for the special purpose legislation proposed by the member for Hammond. For that reason, the government does not support the bill.

Ms THOMPSON secured the adjournment of the debate.

PARLIAMENTARY SUPERANNUATION (TRANSFER OF OLD SCHEME MEMBERS TO THE NEW SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 580.)

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I indicate that I will not be supporting this bill, for a couple of reasons. One of the issues is that, when we all come into this place, we do so knowing the rules as they exist at the time. I know that the commonwealth government changes over a period of time with respect to superannuation at the federal level—and I am now speaking about superannuation—not public service superannuation—rules according to the public and taxation. I have always felt that that retrospectivity should not apply.

This also is reinforced by the heads of government agreement signed between the commonwealth and state governments to exempt specified public sector schemes from the operation of the Superannuation Industry Act 1983. One of the principles relates to the security of the members' accrued superannuation entitlements, in that they must not be adversely affected by changes to the governing rules. So, that underpins also that commonwealth heads of government agreement between the states and the commonwealth.

As I said, when people come into this place, they give up employment and entitlements in terms of superannuation, and other entitlements are considered at the time in terms of making the decision to enter parliament, and I do not believe that they should be changed.

Mr FOLEY (Hart): The opposition also will oppose this legislation, for many of the reasons outlined by the Minister for Education. The last parliament of this state acknowledged that some changes perhaps needed to be considered, and the former Premier, of course, put them forward. The parliament supported those changes to the parliamentary superannuation scheme.

The issue of retrospectivity is a very important one. There are members in this House on all sides of politics, including members in another place, who chose to pursue a career in state parliament, and did so in the knowledge of the wages and conditions that applied at that time, and it would be wrong for this place to change those arrangements midstream. It should be—

Mr Lewis interjecting:

Mr FOLEY: The member for Hammond says that it should have been done when we received the large wages hike. I do not know where the member for Hammond was in his own party room on this issue. He has chosen to introduce this bill into the parliament, perhaps in the twilight of his career, for reasons that only he can explain.

The point of the exercise is that it has more to do with politics than it has to do with sound policy. Politicians are in a no-win situation. We will be criticised for whatever we do and do not do. That is a fact of life when it comes to a career in politics and to the actuarial issues involved in trying to rearrange or unwind the previous scheme for members to be automatically put into the new scheme.

Let us also bear in mind that, if this legislation were to pass both houses of parliament, the starting date would be 1 January. That would create a whole host of other logistical problems for this place, notwithstanding what may happen. The member for Hammond feels passionately about this matter. As I said, why did the member for Hammond not raise this at some other point during his 20 years in this place? I have not heard the member for Hammond raise this issue previously. I may be wrong, but I do not think I have. I do not know how often he raised it in the Liberal Party room when he was a member of that party. Perhaps you, Mr Speaker, and others could enlighten me on that fact. This is a political stunt, and we will oppose it accordingly.

Mr McEWEN (Gordon): I have now seen a force stronger than self-interest: I have now seen bipartisan self-interest.

Members interjecting:

Mr McEWEN: They guffaw across the chamber, but they know that outside this place the public will see this for what it is. Somebody must have decided that their snouts were too long and the trough was too deep and, therefore, it was necessary for this to be changed. That must have been the reason behind introducing a new superannuation scheme: there could have been no other reason. Having done that, they then decide they will do it only for someone else and not for themselves. It will be very difficult for people remaining in the old scheme to now justify the fact that they have put in place another scheme, and I acknowledge the fact that a few people in this place were principled at the time and chose to join the new scheme. One of those was obviously the member for Hammond, who now stands—

Mr FOLEY: I rise on a point of order, Mr Speaker. I have to ask for your ruling, sir, as to whether or not the member for Gordon has imputed improper motives to those members who chose not to elect to go into the new scheme. The words just used by the member for Gordon reflect poorly on those of us who chose not to do that. I ask you to rule on that, sir.

The SPEAKER: Order! The chair has some sympathy for the member for Hart's point of order. The member for Gordon cannot impute improper motives of such a nature in the course of his remarks. I bring the member back to the bill.

Mr LEWIS: I rise on a point of order, Mr Speaker. If it is improper to impute such motives to the member for Gordon, was it not improper for the member for Hart to impute a motive to me that I did it as a stunt?

The SPEAKER: Order! The honourable member has been here long enough to know that the point of order must be taken at the time the remark in question is made, not well after the event.

Mr McEWEN: I apologise if I have imputed any ill intent to those who remain in the old scheme. The public will need to decide why members changed the scheme for others and not for themselves. They will judge all members in this place. I compliment the member for Hammond who at the time did publicly change to the new scheme. I find it amazing that it is good enough to change it, but not for those in the old scheme.

Mr HANNA (Mitchell): I speak as a member of the so-called new scheme, unlike the minister and the members for Light and Hart who I presume are members of the old scheme. It would have been fair for members to state whether they are in the new or old scheme in the course of this debate. I rise to support the principle that, where entitlements—whether it be salaries, superannuation or anything else—are to be reduced, generally speaking it should be prospective. For example, if we were suddenly going to take away the parliamentary salary and reduce it to nothing, no doubt some members simply would not have run for office on that basis, and we are talking about the same principle when we talk about changing the superannuation scheme.

If the so-called Independent members of parliament or any members of parliament want to talk about reducing the entitlements of some members, let them have the courage of their convictions and bring in a bill that will reduce the superannuation entitlements of members who are here now; in other words, create a new scheme—newer than the new scheme—which has even fewer entitlements and which will apply to future members, because if you are serious—

Mr Lewis interjecting:

The SPEAKER: Order! The member for Hammond has had his turn.

Mr HANNA: —in saying that the level of superannuation is too high, then clearly the logical thing to do is reduce it, but the fair thing to do is to reduce it prospectively. I say quite frankly that that is something to which I would be happy to

give consideration. However, that means that the members who are pushing the member for Hammond's bill need to cop it themselves; in other words, their own actions would have to match their rhetoric. It is not fair to go back into the past and reduce people's entitlements. It is on that issue of retrospectivity that I am happy to go along with opposition to the member for Hammond's bill even though it is of absolutely no benefit to or has no impact on me at all.

Mrs MAYWALD secured the adjournment of the debate.

PARLIAMENTARY PROCEDURES AND PRACTICES

Adjourned debate on motion of Mrs Maywald:

That a select committee be appointed to inquire into parliamentary procedures and practices.

(Continued from 16 November. Page 581.)

Mr MEIER (Goyder): I understand fully what the member for Chaffey is seeking to rectify by moving this motion. In fact, it is not a new suggestion. Soon after the last parliament was elected in 1993, the then government, which as members would recall had a significant majority of 36 members to 11 members, sought to change the parliamentary practices, including the hours that parliament sat and the way it conducts its business. The then parliamentary Liberal Party set up a committee and sought to look at a variety of ways of modifying the current procedures. I still have some of that documentation and, assuming this select committee is established, I will be happy to make that available to the committee. There is no doubt that the way we sit is unusual.

I must admit that I was very naive when I first came into parliament some years ago and, even though I was a country member, I was under the impression that I would be able to travel home if not every night at least possibly every other night. I assumed that we started at perhaps 9 o'clock and finished at about 5 o'clock, as in the case of a normal working day. However, I got a rude shock. I soon found out that, being a country member, I would be away from home for weeks at a time on occasions. I was lucky to get home at weekends. In those days, quite often a member of parliament was required to fill in for a shadow minister and attend a function where it was felt that at that stage the opposition should be represented. Of course, since those days the roles have been reversed and it is case of a member representing the government. Of course, ministers get two, three, four, five, even a dozen invitations for the one night. So, all members of parliament have to carry out the duties of the whole parliament.

I have a lot of sympathy for wanting to change the current procedures and I wish the committee all the best in its deliberations. The trouble is we have a situation where cabinet or shadow cabinet has to meet one day of the week, which is usually Monday and which is probably the best day. We have a situation where standing committees have to meet and they usually meet Wednesday mornings, although we also have committees meeting on Thursdays and Fridays as well. We also have a situation where the respective major parties have to meet either in Caucus or at their party meeting, and traditionally that seems to be on a Tuesday morning, occupying the whole of that time. In fact, it is interesting today that, because we had not met until this morning, certainly our party endeavoured to limit the party meeting to 1½ hours, and it was a totally inadequate amount of time—even two hours would not have been sufficient. We have to accommodate that.

We also have the situation where ministers meet with delegations—and I dare say shadow ministers meet with delegations—so we have to try to accommodate that. Then we have people such as the member in another place, the Hon. Nick Xenophon, suggesting that we are not sitting enough days of the year. I have commented on that before. It is hard enough for me to service my electorate satisfactorily with the amount of days we sit now. People who think that the real representation is in parliament, I guess technically are correct but, in practice, they are wrong. The real work is done in the field, at the grass roots level.

In fact, I know the member for Gordon supports the proposition that far too much time is wasted in this House by people speaking on a variety of matters, and I have to agree with him in some areas. In fact, he has even moved a private member's motion that speeches be incorporated in *Hansard*. I have to disagree with that because I do not write my speeches, so how could I incorporate an unwritten speech in *Hansard*? I would say that that would be an impossibility but, anyway, we will deal with that on another occasion. I am sure that some changes will be able to be made and I hope it will have my support, but there are so many problems and it is very difficult to sort it out.

I guess we could go down the line that the federal parliament has gone—and it is sitting more. I think it has two weeks on and two weeks off, but what complaints are being fed around the electorate—'We never see the member.' We will have that criticism if we sit longer, so that has to be weighed up as well. Or, if every member is prepared to take the risk, then of course candidates who are standing against us will have a field day in the lead up to the election because they will be able to doorknock while we are in parliament. They are not easy decisions to make. At the same time, we now have the situation where the member for Chaffey has a delightful young daughter, who is now two years old, and the member for Taylor, I am sure, has a delightful young son, who is now three weeks old. It makes life that much more complicated to have a family member that needs to be accommodated within the precincts of parliament.

Members interjecting:

Mr MEIER: I know what life was like when I was first elected and I had one lad five and one lad three, I think—

Mr Hamilton-Smith: Now they are 40!

Mr MEIER: No, not quite that old, thank you. I remember on the night of the election the computer got the figures wrong; in fact they predicted that the Country Party had won my seat by a landslide—they had somehow interposed the figures. What did my five year old say? He said, 'That is excellent, dad, at least now I will be able to continue to play with Craig across the road and we will not have to shift'—that was his thinking. Father ripped his life apart by coming into parliament and, unfortunately, most members have found that our family lives have suffered enormously because we have come into parliament, but I guess that is a sacrifice that members have to make. In many cases, I am sure they had no idea. I for one had no idea what sacrifices I would have to make when I came here. I have learnt over the years that what I imagined to be a fairly normal lifestyle is totally different and it is probably no easier for members who live in the city.

I wish this select committee all the very best. As I said earlier, I will be happy to feed some information into it. I would have loved to have sat on it as the Government Whip, but I am very happy with the members who will be proposed

shortly. The main thing is that the issues be considered and, hopefully, some sensible changes can be made and thereafter implemented, if the House agrees.

Mr HANNA (Mitchell): I will speak briefly in support of the motion to set up the select committee. I am aware that the House may see fit to appoint me to the committee, if the motion is passed. I want to say briefly that I am feeling rather defeatist in respect of the outcome of the committee and the likelihood of any substantial changes being adopted by the members of the House. However, I do believe it is worth trying. What we will come up against is the fact that any particular change will not suit a number of people. Just this week I have canvassed a number of members in relation to a variety of changes to standing orders, in particular in respect of sitting times, and obstacles just keep being thrown up.

Even though the member for Goyder has spoken sincerely just then, his attitude is typical of the obstacles that will be thrown up in front of the select committee if any substantial changes are proposed. However, if selected for the committee, I will apply myself enthusiastically and diligently to the work of the committee because I do feel strongly that this place does not run efficiently or sensibly, in many respects, and that the practices and procedures of the House really do need to be changed not only to meet public expectation but to make life easier for us as a group of people who need to make the decisions we make.

Ms BREUER (Giles): I was very interested to hear the comments from the Whip because I fully support what he was saying. I only want to speak briefly on this, but I know the member for Flinders and I probably live the farthest from here and perhaps spend the most time travelling to get to parliament. I was talking to the member for Chaffey and I think in the last month I have probably spent maybe five nights at home in Whyalla. Last weekend I even took my daughter with me to Sydney and Canberra because I wanted to see her, which is very difficult when your family is so isolated.

One of the issues for the member for Flinders and me is the travel time. The member for Flinders, I presume, would take seven hours to get to Adelaide if she drove. Luckily we have a reasonably efficient system with Kendell Airlines. However, for example this weekend, I am here for two days—hopefully, only for two days. I have to stay over on Saturday for a function on Saturday night and on Sunday I have to be back in Whyalla for a function. There are no flights on Sunday mornings, so I had to drive to Adelaide last night and I have to drive back early Sunday morning to attend that function.

These are the inconveniences of being country members and I certainly hope that this select committee is able to deal with some of those issues and realise that some country members may not be an hour away, but that we are talking about considerable hours of travel to get to and from Adelaide. There are many other issues. I know in the past it has been stated that country members do not really want to come in for more than three days a week. Certainly, I would feel much more comfortable if we came here for four or five days in one week and then had the next week off. It would suit me far more than the current practice, so I think the whole system needs reviewing. I also agree with the member for Chaffey that some practices we have in this place do not seem to be the most efficient.

I certainly support the committee. I am pleased to see that the committee has two members from country electorates who are able to have a say for country members, but I know that many issues are relevant also to city members.

Mr HAMILTON-SMITH (Waite): I support the motion and join my colleagues in so doing. I hope some good comes of it because I think there is scope to reform the procedures and practices of the House. I am intrigued by the debate that has been raging about sitting and not sitting and whether or not the House should sit longer. I believe that probably a lot more time could be wasted in here. We could probably double the number of sitting days yet not be any more productive. The waffle would probably extend out to fill the available space. Having said that, I believe the House needs to sit often enough to consider all matters before it without having to sit well beyond midnight and experience some of the marathon sessions that we have had. Clearly, there needs to be a review, and I hope the select committee achieves a lot in doing so.

I hope it also looks at way in which we put our practices and procedures to the people of South Australia. I think the practice of going to the people of South Australia and saying, 'The parliament is sitting (or not sitting)' is not the correct way in which to approach the people. We should take the approach that 'the parliament is working in parliament' or 'the parliament is working in its electorates'. The implication or the impression is that if we are not sitting in parliament we are not working—and every member knows that is not the case.

Whether in opposition or in government, members are often twice as busy when not here as they are when they are here. I think the way in which we sell or put our activities to the people of South Australia ought to be included within the ambit of the select committee's work. I agree with my colleagues about long evening sessions and I hope that we find some resolution.

While on my feet on the issue of parliamentary reform, I cannot let the opportunity go by without making some comments in respect of the broader issue of parliamentary reform. It is a matter of considerable concern to me and I know to many other members in this place. Some time ago I produced to the parliament a discussion paper on reforms which I sent to all members of parliament. I was disappointed to receive only a few replies, although, interestingly, from all sides of the House. I was a little disappointed that I did not receive more feedback.

My prognosis is that this parliament needs dramatic reform, in particular upper house reform. I think a lot of red herrings and hidden agendas are connected to the whole issue of parliamentary reform. People are opposed to the idea of upper house reform and, of course, the best way to deal with that is to throw around a whole lot of superfluous issues about reforming the lower house. That would deflect attention from the real problem.

The real problem is that the government of the day is determined here in this House; the team with the largest number of seats down here gets to form government. This is where the Premier and key ministers sit. This is the place in which major decisions are made in a Westminster parliament.

The upper house was never intended to be an alternative power base. The House of Lords is not. The House of Lords does not block legislation. The House of Lords does not stand in the way of an elected government that is being prevented from governing. Until we rectify our Constitution, if neces-

sary, and sort out our parliamentary arrangements so that the elected government of whatever political persuasion can govern, without being edited in the upper house, we will continue to have difficulty with our parliamentary arrangements.

I am of the view that the upper house performs an important and valuable role. I am happy with its current composition in terms of the number of members, as I am happy, quite frankly, with the way in which members are elected, because a parliament needs to be able to represent minor parties. I think the upper house is the place for that to occur. It is wholly reasonable that that be the case.

A lot of waffle is going around out there about changing the way in which people are elected to the upper house, fiddling around with the idea of multiple electorates, fiddling with quotas, and so on, most of which has a hidden agenda of advantaging one party or another. The bottom line is that we need an upper house. It was intended, largely, as a house of review. It performs a number of valuable functions. It adds to the talent pool upon which oppositions and governments can draw to fill their frontbench. It aids and assists the committee process and makes the parliament a manageable place. Frankly, I do not think we could do without it.

In my view, the problem is with the powers of the upper house. It is quite simple: the upper house should not be able to block government legislation, full stop. The upper house should be able to cause delay; to cause scrutiny; to cause further debate; to refer government legislation to committee; and to bring to the public's attention issues that may not have been fully exhibited during debate in the lower house. However, it should not be able to stop the government in the lower house from governing. To a large degree that has been happening, and it needs to be fixed.

Those people who would disagree with my view would argue that the upper house, by and large, has not rejected government legislation and, by and large, it has been supportive. I say that is absolute waffle. Some government legislation has been so heavily amended and cut about that, by the time it gets to upper house to take account of minor party, single issue candidate concerns, it bears little resemblance to the government's original intentions.

Mr LEWIS: I rise on rise on a point of order, sir. I draw attention to standing order 122.

The SPEAKER: I do not uphold that point of order. The member for Waite.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The government cannot gets its agenda through an upper house, irrespective of which party is in office, when it has continuously to do deals with minor candidates who will conspire with an opposition to block and frustrate a government's agenda. To those who would say that that is good if you are in opposition and therefore we should support the current arrangements, because it helps us to gang up on a government and frustrate its activities if we happen to be in opposition, I simply say that, if in opposition, does a government not provide a better target and competitor if it is free to implement its agenda, by and large, and sink or swim on its successes or failures than it does to have a mediocre outcome of endless compromise which flows from back room deals and compromised negotiations conducted late at night in order to get things through?

Surely, it would be better to let any party opposed to you govern and sink or swim on its merits. Indeed, I put that that would be a better outcome for South Australia. My proposition, although it may not fall within the ambit of this select committee, is that sooner or later this parliament will have to face up to the real issue, that is, the power of the upper house to block and obstruct a government's ability to govern; that the upper house is necessary and should be retained—and I would argue in its current form and with its current electoral arrangements—but the Constitution should be amended to limit its powers so that it can delay but not block government legislation.

I would argue that a delay of up to a year would be appropriate to cause further scrutiny, to sufficiently hold up a government's agenda and to make it seriously negotiate with the upper house, but that it should not at the end of the day be able to obstruct the government's bill.

I am open to debate about whether it should be a year, 18 months or six months, but after that period of delay the upper house should simply get out of the way and let the government of the day get on with the business of governing. If it does not, we will finish up in this state with an endless string of hung parliaments, an endless string of compromises, an endless string of wishy-washy policies, irrespective of which party is in power. That needs to be fixed.

Mr MEIER (Goyder): I move:

That standing orders be so far suspended as to enable Other Motions to be postponed until Notice of Motion No. 6 has been disposed of.

The SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

The bells having been rung:

The SPEAKER: I have counted the House and, as there is now present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

An honourable member: Yes.

The SPEAKER: Does any member wish to speak to the motion?

Mr LEWIS (Hammond): I rise to speak against this proposition because on the last occasion upon which the House was sitting to consider private members' business we deferred consideration of Other Motions on exactly the same motion and we never got to Other Motions on that day to deal with any of those matters. Standing orders give us an apportionment of time to which I believe the House should adhere, otherwise there is no point in members putting Other Motions, Notices of Motion, on the *Notice Paper*. Whenever it suits the government to avoid debating any of them, it simply concocts a story that we need to suspend standing orders to put on Orders of the Day, where in this case we are debating Private Members Bills/Committees/Regulations. There are other motions which warrant our consideration and which are in the interests of the public at large, and we ought to appropriately use the time as defined.

The government had plenty of opportunity to recall the parliament on Tuesday and Wednesday of this week, using it as private members' time, when we could have dealt with some of these matters, including the large number of committee reports that are still awaiting attention on the *Notice Paper*. But, no, the government did not do that: it was running scared; it could not face question time, it has no spine, and it does not have any answers. I am still waiting for answers to the questions I have asked since this session of parliament resumed. I have not had an answer to any questions without notice that I put to the Premier. There are

still unanswered questions that were put to the Premier and other ministers during the course of the estimates committees.

Mr MEIER: On a point of order, sir, question time has nothing to do with the motion I have moved.

The SPEAKER: I do not uphold the point of order. The member for Hammond.

Mr LEWIS: I am distressed that we now find that we are simply unable to get the government before Christmas to respond to questions asked in estimates committees. We now find we are unable to get the government to consider any of the motions of the kind to which we are supposed to dedicate an hour and which involve matters of grave concern to constituents and members such as myself. Notwithstanding some people's wish to have one or other matter dealt with today, noon has come and it is too bad. We do not get to make that decision. The matters listed under Private Members Bills/Committees/ Regulations ought to be debated as standing orders determine. I am not impressed at all by the proposition to continue to suspend standing orders in this manner and I urge all members to oppose the motion, because it denies the opportunity to debate the matters in question listed under Notices of Motion.

Question—'That the motion be agreed to'—declared carried.

Mr LEWIS: Divide!

While the division was being held:

The SPEAKER: Order! There being only one member for the Noes, I declare the vote carried in the affirmative.

Ms HURLEY (Deputy Leader of the Opposition): The opposition is cooperating in the setting up of the select committee proposed by the member for Chaffey, although, certainly on my part, fairly reluctantly, since we have already had the experience of the 1994 Women in Parliament Inquiry—to which I, and various other people, made a submission—which was an inquiry that went absolutely nowhere. There was much toing and froing and the same sort of issues that have been canvassed today were canvassed back in 1994. Despite that, a series of very useful recommendations were made about procedures of parliament. Since 1994, what has been done about those recommendations? Absolutely nothing. The government has not moved, one iota, on any of those recommendations. I do not expect that this government will be any different with this select committee. The will of the government is needed to enforce changes in the way parliament operates and this government does not, obviously, have that will and I do not expect that to change in the near future.

There are difficulties in changing the operations of government, and no system will suit everyone. Carmen Lawrence did it when she became Premier in Western Australia and it was immediately changed when the Liberals, under Richard Court, got in. Paul Keating made a series of changes to federal government, but—

The Hon. R.L. Brokenshire interjecting:

Ms HURLEY: Why should it be bipartisan? Paul Keating made changes in federal parliament. Most of them, fortunately, have been retained by the current Howard government, but not all. Other parliaments have made these changes. The only reason no changes have been made to our parliament is that this government does not have the ability, or the will, to do so. This government has the ability, and the will, to impose reform on other sections of our society and economy. The government has imposed reform, for example, on barley growers, on dairy farmers, all across—

The Hon. R.L. Brokenshire interjecting:

Ms HURLEY: Have you spoken to dairy farmers lately? There have been reformations in the structure and functions of organisations such as SACBH, which is now AusBulk. It is all right for this government to promote and require those sorts of changes, but it does not have the courage or authority over its own members of parliament to do that. I certainly would very much like to see changes but I do not expect that this government will ever have the ability to bring in those changes. I think that a Labor government has to be elected—a Labor government with the will and the ability to make changes in the efficiency and operation of this parliament.

Mr VENNING (Schubert): I rise to support this motion to set up a select committee into—

The SPEAKER: Order! There are too many audible conversations. I ask members to keep their voices down and give the member for Schubert a go.

Mr VENNING: Thank you, Mr Speaker, for your protection. I support the motion for a select committee inquiring into parliamentary procedures. I think it is always good to assess what one does and whether we can, by changing a few things, make our procedures better and more efficient. We have discussed sitting days for many years since I have been here, and that is 10 years. I am a country member and I heard what the member for Giles said earlier. Country members always spend a lot of time travelling and I have always said that if we could sit more days when we are here I would support that. I know it is difficult to sit five days, because cabinet must meet and there are various things that sitting members must do in their electoral offices, but I think that at least four days ought to be considered for some sitting weeks, and extend those hours.

I do not believe that the House should ever sit beyond 10 o'clock in the evening, because after a while it becomes legislation by exhaustion. But, sometimes, that is the only way you can get legislation through—to sit here and exhaust people into passing legislation. Otherwise, and I have been guilty of it myself, we have wafflefests that go on for hours and hours, for no other reason than to hold up legislation. I know that the hours of the night are often used to finalise some of our legislation, but I do not believe we should sit beyond 10 o'clock. Even though I operate quite well at night and not so well early in the morning, I believe that 10 o'clock is a reasonable time for most people to be heading home after a busy day in this place.

I hope that we will be discussing the mode of members' voting. I know that many other parliaments have different ways of voting. I wonder, rather than our arranging pairs in this place, whether we could arrange our votes by proxy. Sometimes members cannot be here, whether it be for ill health, compassionate reasons or having babies (and this is now the common practice in this place), and I wonder, rather than having to make a pair with that person, whether we could vote by proxy. Of course, that would have to be very strictly legitimised and formalised. If a member cannot physically be here, should that member forfeit his or her right to have a vote on a motion in this place?

In relation to bills, any new member coming into this place would wonder about the debate in this place. Some of the most passionate debates that we hear make no difference, because the decisions are usually made before we come into this place. As a new chum full of enthusiasm and vitality, it is stunning to realise that, irrespective of how excellent your debate is, a decision is made outside of this place. So you

wonder why we sometimes spend hours and hours debating issues and the decision is a foregone conclusion. The member for Gordon has already made comments about that. I know that we, as members of parliament, have constituents to consider and they want to know our opinions and we like to put our comments on the record, but it should not be for hours and hours and almost in a filibuster style. So, certainly, we need to consider our constituents at all times. We have to be accountable, particularly in this House. We are accountable to our constituents and they need to know what we are doing, what we are saying and what our point of view is.

I expect that the upper house is coming to the same review as well. I heard comments—particularly from the member for Waite, and others—about the actions of the upper house being able to block legislation of this House. I agree 100 per cent that the upper house should be a committee house and a committee house only. In this day and age, to have two houses is inefficient, confusing, time wasting and expensive. I know that many of my colleagues do not agree with me and I have stuck my head out and been on a limb in this matter, but I have not changed my opinion and, the further we go, the further I believe that I am right. I certainly support the member for Waite's proposal to limit the powers of the upper house and to make that house a committee house. Alternatively, its franchise could be changed to have an electoral base so that one Legislative Council member could be appointed for every two House of Assembly electorates.

That would give these members an actual constituency but, most importantly, they would have to face their electors rather than being protected by a party ticket, as they are at the moment. It is very difficult at the moment to target a member of parliament in the Legislative Council because they are elected by their political parties and, certainly, one cannot target individuals under that scheme.

Also, failing that, I would support a reduction in numbers to the upper house, which would cause different things to happen. However, the bottom line is that, if we achieve none of these measures, I would go to the Labor Party policy book, read what it says about upper houses and agree with the Labor Party and abolish the upper house.

An honourable member: They've changed it.

Mr VENNING: Have they changed the book? I was not aware of that.

An honourable member interjecting:

Mr VENNING: They did not want to implement the policy. The bottom line is to abolish it. There are three other options, and I will support any of them. Hopefully, this review may deliberate on some of these issues. Certainly, I hope that this review will look at our sitting times. Perhaps we could consider sitting through our meal times, particularly when we are on a wafflefest. We can waffle through a meal time—

Mr McEwen: Not that you would ever do that.

Mr VENNING: No. I could be accused of being a waffler, but I hope it is not seen as my usual style. So much of what we say is repetitive; that is the biggest problem. One's constituents read what he or she said; they will not read what one's colleagues said in order to get the gist. So often you must repeat what has already been said. I also wonder whether cabinet could sit during parliamentary sitting times. I believe that it could, particularly if we are in the middle of a wafflefest. There could be times when we could sit five days a week. The member for Gordon travels a long way to be here, so if he is here for five days we could certainly knock over some business very quickly in that number of days.

However, I do not believe that is practical, but there would be opportune times, particularly at this time of the year, when we could catch up on our legislative program. Certainly, I believe that all these matters should be considered by a select committee. I hope that the committee will keep a very open mind on this matter. There is a fine line between traditions with which we are familiar in this place and achieving efficiencies in order to get through the legislative program and make this place work better.

Certainly, I get pretty cross when I hear members—particularly one member in the upper house—saying that we ought to be sitting more often because we are not addressing the material. We are hanging around here all hours of the night waiting for the Legislative Council to get through business. So, before members of that house say to us that we should be sitting longer, members in that house ought to be sitting longer so that they get through the business when we are waiting for legislation, and not as occurred yesterday: I believe that it addressed private members' business.

I predict that tonight we will be here to all hours, in fact, even tomorrow, just waiting. This sort of thing should be stamped out. This is legislation by exhaustion. Unless we sit around, waiting with some sort of urgency, nothing seems to come down from the upper house.

That issue ought to be addressed. There ought to be time lines on the upper house so that it cannot continually delay legislation. I certainly believe that legislation passing through this to the other house ought to be given a strict time limit. If the upper house does not address legislation, it should be taken as an agreement.

Certainly, this will be a challenging select committee. I would like to be a part of it but I do not believe there is room for all of us. It would be a very interesting select committee and I certainly look forward to its deliberations.

Ms CICCARELLO (Norwood): I welcome the opportunity, if this motion is passed, to be part of this select committee. I have made my opinion known on a number of occasions, not only in this House but outside. I have been very critical of the parliamentary process. I was interested that the member for Gordon placed a motion on the *Notice Paper* that our Address in Reply debate should be inserted into *Hansard* without our reading it. I raised that matter 2½ years ago because of the amount of time that is taken. I recognise that members should have the opportunity to raise issues which, I think, are important to the running of our state.

However, issues need to be looked at in terms of the sitting days and the number of hours that we sit. One of my principal concerns is that we do not often have opportunities to consult with our community when legislation is introduced into parliament hurriedly. It behoves us to have an opportunity at least to canvass broadly what the community might think about what we are introducing.

I recognise the frustration of the deputy leader, who mentioned that this issue has already been looked at in the past and not one recommendation has been adopted. I do hope that the select committee, if it is approved, will have its recommendations acted upon because we have reached a stage in our community where members of parliament, and indeed the parliamentary process, are not regarded very highly.

It is interesting to note that the member for Chaffey and I were two of a handful of people singled out by the media as having made the least number of speeches in this parliament, as though that is an indication whether or not members are working for their community. I hope that we will be able to debunk some of those issues.

I commend this motion to the House and look forward to an opportunity to reform the way in which parliament operates, so that our standing in the community, if nothing else, will be enhanced.

Mr McEWEN (Gordon): It is interesting that, to date, most of the debate has not related to the motion: members have used this opportunity to grandstand about whether or not we need another place. Obviously, this motion cannot address that. This is not a motion to appoint a joint select committee: the motion is to appoint a select committee of this chamber to look into some of the practices of this chamber. That notwithstanding, I obviously support the motion. Many practices need to be refined. This place needs to be brought into a new century. We need to use the resources of this place in a far more efficient and effective manner.

I acknowledge the comments of the member for Norwood who, I agree, some time ago suggested that we spend a lot of time in this place simply filling up *Hansard* for our own purposes with respect to our electorate and, in so doing, really do not do much in terms of the general debate.

Of course, I was also roundly criticised last week for bringing to an abrupt halt two government bills, knowing, as the member for Schubert said, that they were going absolutely nowhere. I did so, rather than our wasting hours of the time of this place. In so doing, of course, I was criticised for denying people their democratic right to speak.

We must strike a balance in this place between every member exercising their right to contribute to the debate and actually wasting very valuable resources simply as a political stunt. That will require some responsibility and some changes to the way in which we approach business in this place.

If this motion is successful today, I will withdraw the motion standing in my name on the *Notice Paper* in relation to standing order 35, because I believe that would not then be an appropriate matter for this select committee to investigate. It is only one of many issues that we ought to consider and refine in terms of conducting more efficient and effective business.

I believe that this select committee will have some very valuable work to do. I believe that the community at large will look at what this committee recommends and then look to this place to support sensible motions that refine the practices and move us forward, instead of our basing practices on precedent of 100 years, or more, and simply continuing to do things the way they have always been done, whether or not they make sense.

I am delighted that this House has moved to a point where it is prepared to debate the concept of a select committee to inquire into parliamentary procedures and practices, but I do acknowledge that it is inquiring into the procedures and practices of this place only.

A number of members who have made extensive comment in relation to how another place works, perhaps, may now need to consider appointing a second committee, or a joint committee, to address some of those matters also. Although I claim that it is not part of this motion, I do acknowledge that many members' comments have merit. We will also be putting in place a vehicle to take on board some of those comments and progress them.

The Hon. R.B. SUCH (Fisher): I welcome reform of the parliament, if that is what arises out of this proposal. In relation to comments made about the other place, the first point I make is that, as the member for Gordon said, this motion does not relate to that place. I cannot see how we can bind it to do anything. The other point I make is that people in glasshouses should not throw stones. The upper house may need reform (and I have argued for a long time that it should have the power to delay, not block) but this House certainly needs some reform. In particular, question time is basically a farce in this place. We have question time but we do not have answer time. I have always been puzzled as to why the government asks itself a question for which it obviously, at least hopefully in most cases, knows the answer.

Mr Lewis: It has already given the information in the press.

The Hon. R.B. SUCH: As the member for Hammond points out, it is done for the purposes of the media. There is nothing wrong with that; the role of government is to communicate. But question time itself is ridiculous and a waste of time. The so-called dorothy dix propositions do little to contribute. If the government wants to communicate, it has enormous resources, including press officers and monitoring staff, who can communicate more effectively than taking up time by the government's asking questions of itself to which it usually knows the answer.

The issue, of course, is highlighted in relation to that smorgasbord of pleasure: estimates committees, the cost of which to the taxpayer is enormous. The cost would run into hundreds of thousands of dollars, with public servants preparing answers for hypothetical questions that will possibly be asked. All ministers know that; they all know that it is a ridiculous process. Once again, it is designed so that the government can put out one good release for the day, and the opposition also is looking for a release. So, we go through all this chest thumping and expensive use of public servants' time so that the government and the opposition can possibly extract one press release which will give them a column in the daily paper. It is hardly a sensible use of time. It is not only public servants' time that is taken up but also members' time, which could be more effectively utilised in either extending the set question time or bringing in some other arrangement—similar to what we do, for example, in noting the Auditor-General's Report. So, provision could be made in that respect.

With respect to sitting days, members would note that I have a proposition before the House. Some people (and it had not occurred to me—perhaps my mind is not inclined that way) put a sexual connotation on it. I remind members that one gets the same number if one adds up the number of members of both houses, and I am not sure what it says about our inclinations in this respect. But, on a serious note, parliament is not sitting enough. Parliament is not simply about legislation: that is a furphy. We come in here not only to make law but also to provide accountability and scrutiny of the government of the day. That is what parliaments are about: scrutiny of the executive government of the day. I trust that members will be very sincere in seeking to have the parliament sit longer. That is the basis of my motion, and I believe that it would be an appropriate issue to canvass through the committee.

Another aspect I mention is the gaps between sitting periods of the House. In my view, a three month break is too long and, hence, my motion provides for a gap, or gaps, in the year but they are not as extensive as has been the practice in the past. The issue of sitting on particular days needs to be looked at. I do not think that there is anything sacred about Tuesday, Wednesday and Thursday. The issue of the daily sitting hours also needs to be examined.

With respect to committees, I think that it is time to review the whole committee format of the parliament. We have a situation where, in effect, the committees are not funded adequately to carry out their job in a way in which it could or should be carried out. I think that governments of all persuasions have been keen to have neutered committees, because governments do not want any criticism—and I can understand the politics of it. But, once again, it is not in the best interests of the people of this state, because the purpose of committees is to provide an opportunity for additional and proper scrutiny.

Another aspect that I think we could look at is whether or not parliament can be utilised in a broader context of considering issues beyond legislation and some of the issues raised by private members. Indeed, we get into a great state of excitement talking about gaming issues but I would like to see parliament spend a lot of time debating in a general sense—not necessarily with a view to legislation but talking about changes in the global economy, issues affecting young people, drugs, and all those sorts of things which we never properly debate in this place. We usually have a slanging match, and I think it would be appropriate, as has been done in other states, to bring in some people who know more about a certain topic than many—or any—of us know. So, I think that the current concept of the way in which parliament operates could be looked at.

Another important aspect is how we progress parliament through the electronic era—and there has been talk of a virtual electorate and other matters. With modern technology, it would be possible to interact more closely with our electorate. I am not suggesting a virtual electorate involving people overseas but I believe that people resident in South Australia could more easily interact with their member and with parliament by making greater use of the internet. Indeed, in South Australia, in some respects, we are lagging behind the Victorian and federal parliaments regarding the way in which we use modern technology.

I believe that this is an opportunity to take a macro, or a wider, view of parliamentary processes and procedures. I am sure that members will take this issue seriously. Members of the public are demanding greater reform of parliament. I do not believe that they expect us to be in here every day; that is not realistic, but somewhere around 70 days per calendar year is a realistic number of—

Mr Foley interjecting:

The Hon. R.B. SUCH: I did not want to offend the member for Hart, who is a family man; it is 69 but, in his case, he can tell his children that I am happy with something close to 70. I think that, if we want to progress parliament and raise the standing of parliament and ourselves in the community, this is an opportunity to do so. It will not be easy, it will not be quick, and I am sure that the temptation to play politics will still be there. I would hope that much of the evidence given to the committee could be in open format, because I am a great believer in allowing the public and the media to be aware of the issues being discussed. So, the public at large—whom we represent, after all—can have a meaningful input into, hopefully, what will turn out to be a reform of this House.

The Hon. G.A. INGERSON (Bragg): I welcome the motion from the member for Chaffey. I think that a whole range of issues clearly need to be looked at. One of the things that always fascinates me in this place is the way in which Independents who enter parliament for the first time, or Independents who jump ship, suddenly become experts in the practices of this place when those practices have existed for many years. All of a sudden we have experts' opinions, when I have never heard those opinions expressed before. I suppose that, when one has been in this place for a reasonable period, one can expect that from the new people. However, there are some clear issues that we need to look at, for example, the time we spend in here and the time we sit—some pretty practical issues that do not require a great deal of work and effort; they are just logical conclusions that we ought to make in line with what is happening in a more modern time. I think that that can be done fairly easily.

One area which I hope the committee considers when it examines these practices and procedures is traditions. Some fairly important customs have been set up over a long period, and just because someone happens to be new and thinks that things have not changed it need not necessarily provide the right outcomes. I hope that, when we look at these changes, we do not make change just for the sake of change but that we look at it with a view to achieving a better outcome for the parliament.

As members would be aware, I had the privilege of going to the training seminar in Bermuda. I was quite surprised at the agenda and how good it was. We can clearly learn from a lot of the overseas experience, and we should use that within the CPA and other areas to look at what they do elsewhere. We also have other parliaments within our country which we could look at. There have been some pretty interesting changes in both the federal and state parliaments.

One other member has already mentioned that we should be looking at having a Matters of Public Importance debate, which has been successful in the federal parliament. We ought to look seriously at it. We get some important state issues, and we should be able to debate them at length. That is an excellent idea. I often listen to the federal parliament, and there is a lot of good debate under Matters of Public Importance. That does not happen here and I think we could have a good look at that. I heard all the discussion earlier about the upper house. That is quite irrelevant, because it is a House of Assembly select committee, and we do not have the right nor the privilege to extent it beyond our house. Those who want that sort of thing to occur ought to stand up and move a motion that involves both houses and set up a joint select committee.

I am interested in the comments on question time. I have been all around the world in my time as a member of Parliament, and question times have their ups and downs. Sometimes you have a whole session where it is very good and other times you could say it deteriorates. In essence, it is consistent all around the world. It is not a practice or an issue that is unique to South Australia. If you listen to some of the other parliaments, you would come back and say, 'We're not so bad after all.' Again, that is an issue. Probably one of the best examples was the Canadian parliament, which has two questions from the opposition and one from the government. So, you can look at a whole lot of options if you believe the existing system is falling down. To get up and just say that

question time is useless and hopeless is a view from those who have a short memory and those who have not used the practice quite as well as was used in the past.

The Hon. R.L. Brokenshire interjecting:

The Hon. G.A. INGERSON: It could be, too. It also depends very much on whether you are sitting on the opposition benches or over here. Those things have to be put in that context. The easiest way to sort out the committee structure is not to pay anyone and actually have a committee set up for a purpose. That is the easiest way to do it, and distribute through all the parliamentarians those funds that are currently paid for committees and let everyone get that distribution. Then you say, 'We want you to be on a committee, now get on it.' At the moment one of the fundamental reasons that people want to get on committees is that it increases their superannuation. That is an issue that ought to be seriously looked at. It is a personal view that, if you are going to have a good look at things, let us get fair dinkum about some of these things and cut out a bit of the hypocrisy that occurs in this place.

I was fascinated to hear the Deputy Leader of the Opposition talking about what the government has not done and what it should have done. Parliamentary practice is something that has been going on for years. I remember sitting on the other side for quite a period of my political career and I did not notice too much change in that time. When you stand up and have a go in this place you ought to have a good memory. You need to remember that there are ups and downs. Sometimes you are on the wrong end and sometimes you are on the top end, and you need to take that into consideration. I look forward to the committee reporting and to being part of it if the House so chooses to give me an opportunity to do so. I think it will be a very interesting committee and I am quite sure we will get some practical outcomes on behalf of the parliament if it so wishes.

Mr LEWIS (Hammond): I am happy to support the proposition, but I draw honourable members' attention to the inadvertent consequence of what the committee, in part, proposes to address. The motion does not say that it is restricted to proceedings within the House of Assembly. The motion quite simply says that a select committee be appointed to inquire into parliamentary procedures and practices, and that can involve anything from the Joint Parliamentary Service Committee's responsibilities; the way in which the Library functions; the way in which the Hansard are presently paid, or for that matter appointed and employed; and the relationship between the parliament and the officers of the parliament—not the officers of each of the Houses, but I am talking about the Auditor-General, emergency services such as the police, and so on, who report to the parliament. Those are the matters which can be canvassed by this committee as envisaged by the broadness of this motion.

If it were just restricted to this chamber, already standing orders provide for members during private members' time to bring in explicit propositions to change those Standing Orders and the way in which the house functions so that they can be given fulsome debate in here. I have no doubt, though, that if the proposal gets up, as I expect it will, it will consider those matters, at the same time as they are the province of the Standing Orders Committee. I do not know how that is to be resolved. I guess advice would have to be taken from the Clerk on the matter.

So it is not just what happens in this chamber. It is more than that. Certainly, it is not what happens in the Legislative Council but it certainly does go to what happens where the Legislative Council has a relationship in one form or another with this place. The other place has ministers in it, which are entertained in this place for the purposes of Estimates Committees, and in recent times, because the Premier has no respect whatever for parliamentary conventions, when the Treasurer wants to bring in a budget. Every other Treasury bill is brought in by another minister, but it suits the Treasurer as well as the Premier to simply ignore the convention that the lower house is the House in which the money bills rise and to bring the Treasurer in here to deliver a budget speech. So government members put up their hands. Of course, that will happen with greater frequency once, if ever, Labor wins office and it will blur the divisions between the two houses. I hope the committee considers these procedures and practices, if and when it is appointed. That is one of them that I think is appalling, but there are others that are not even related to that.

As for the member for Bragg standing up in here and talking about hypocrisy and the way members who have been appointed to a committee act out of a selfish concern for their own superannuation is outrageous. If ever there was a member who abused the parliamentary committees system, the member for Bragg did when he gave us a stack of papers, totally irrelevant to the specific inquiries put to him by the Public Works Committee about the Hindmarsh Soccer Stadium, in all of which he deliberately excluded any reference—

Mr FOLEY: Mr Speaker, I rise on a point of order. I cannot stand in this chamber and see a fellow colleague of mine such as the member for Bragg have improper motives impugned to him, and I ask that the member be asked to withdraw his comments.

The SPEAKER: Order! The member will resume his seat. He knows full well that the member for Bragg is in the chamber and, if the member for Bragg considers that he has been aggrieved, he can respond.

Mr LEWIS: The member for Hart, speaking of hypocrisy, was the man who indeed led the charge to have the member for Bragg removed from the ministry by moving the motion which involved the House's condemning the member for Bragg for misleading the place. So, do not talk to me about hypocrisy—the member for Hart ought to know better. Of course, some members have more respect for the institution of parliament—and have even bothered to study its origins—than others do. I will not mention the names of either the member for Bragg or the member for Hart in one context or the other; I leave other members and the public at large to make their own assessments as to who might be more committed to the preservation of the institution and its role in the democratic society than are other members.

This motion is under consideration just because more members have chosen to ignore what the standing orders have suggested we should do with our time. I am anxious that the committee (should it be appointed) examine the standing orders and the amount of time that is made available to private members. Once we used to have an hour to address matters which should have been government policy and the subject of legislation when we had an Address in Reply speech—and that has been cut back to half an hour; and I know that some people think they ought not to have an Address in Reply more than once every four years. If that is to be so, then the amount of private members' time ought to be increased by at least 50 hours every year, and that would

be an additional hour for every day we sit this year to deal with private members' business—just to make it fair.

Question time, as the member for Fisher has pointed out, is a farce. So are the estimates committees and the way in which government ministers now abuse them. Questions that I asked the Premier have still not been answered. On questions which I have also asked in the House and to which the Premier again said he would give an answer on the Kortlang issue, for instance, I have heard nothing from him. I do not know when I will get an answer to those questions which were raised in the estimates committees as to the amount of money that is being paid to all the journalists who are employed in the Premier's office to put out the propaganda, good news story for the government. But it certainly will not be in the course of proceedings in this chamber before Christmas. So it will take more than eight months—if the government has its way it will be nine months—before it even answers those fundamental questions about how much money is being paid to those people and how many of them there are.

The standing committees of the parliament, in my judgment, are very important and ought to be strengthened. Their relationship to each of the chambers needs to be more clearly defined, and the manner in which their staff arrangements are made deserves consideration of this committee—and I hope it does get up.

I want to draw attention further to the remark I made earlier about the need for the Auditor-General's reports to be more properly noted and properly examined in the House than in the farcical manner in which the member for Hart does it from time to time—and I am pleased to see that he is not in the chamber just at the moment.

The use of computers in the chamber and/or around this place, and the kind of silly system we have at the moment which damn near makes it impossible for me to communicate with the outside world, is another matter. If I want to send a message from one of my computers, because it has a glitch in it, to another computer so that I can get the data out of here, it must go out of my office—literally, physically and electronically—to somewhere else and be processed outside my office, even though I do not want it to and, if that system broke down, as it did this week, I experience terrible difficulties. This week, for instance, for seven hours I was unable to communicate with the outside world through my computer system. I could not even dictate or strike in the keys necessary for a letter and then get it printed because, at the moment, it is designed so that the data that is collected from the keyboard must go to the PABX system elsewhere in the building before it can come back to my printer to be printed out. I therefore had to resort to handwritten notes. That happened earlier this week, and I think that is grossly inadequate when people who have been paid good money to install a system such as that cannot even get it right.

The other thing that I am really annoyed by is the very bad parliament that I have seen develop over the last 20 odd years that I have been here, where people read essays—they do not make speeches any more. They do not know how to bring ideas together in a cogent way that makes sense both to the listener as well as to someone who will read it later on. I am not the most competent person at making speeches, but at least I give it a go; and the means is there for us to correct grammatical mistakes, spelling errors, and so on, after we have done it.

The Hon. R.B. Such: Thank God for Hansard!

Mr LEWIS: Thank God for Hansard and the way in which it is presently operating. I commend the people in Hansard for the good work they do: they make almost sensible speeches out of some of the stuff that is said in here that would not otherwise warrant being published.

In any case I have said my piece and taken enough of the time of the House. I am annoyed that we will not get to the other matters. I do hope the committee addresses the question to which I have drawn attention, which in this case involves our not getting the opportunity to deal with other motions.

Time expired.

Mr WILLIAMS (MacKillop): I am cognisant of the House's wish to deal with this matter completely today. Unfortunately, I will have to be brief in my comments. I have listened to some of the things that have been said, and I agree with some of the comments made by members and disagree with others. I am happy to support this motion, not because I think we are in need of great changes to the way in which the parliament works. I am one of the traditionalists who believe that the institution of parliament has been developed over a long time and we end up with what we have today for very good reason. We could raise plenty of issues and say, 'We should do this or we should do that', but I am sure that most of those issues have been canvassed in the past.

Having said that, I am happy for the review to proceed because I think there is a perception in the broader community about what we do here and the way in which we go about our business and a belief that most of those traditions are archaic and not relevant today. I would argue that is not the case. Consequently, I am more than happy to support this review so that we can get out into the public arena an awareness of exactly what is the role of the parliament and the procedures we have to go through to fulfil that role, so that we end up with a decent law-making system in South Australia. I am sure that there are plenty of examples of the Westminster system throughout the world on which the committee could draw in considering the questions put before it.

I make a couple of comments on specific issues. Numerous comments have been made not only in the broader community but also within this chamber and the other place about the number of sitting days and, indeed, the hours that we sit on the days when we are here. Being a country member who travels a lot and who represents a large electorate, I believe the number of sitting days and the hours are quite suitable.

In relation to having extra sitting days, in the three years or so that I have been here we have never used the guillotine. No member has been prevented from speaking his full measure on any question before the House. I do not know what we would do with the extra sitting days, apart from taking the opportunity to make mischief. Comments were made about question time. I remind all members that question time is one of the few times when the media is in the House and is really attentive to the our operations. Of course, the government has issues which it wants to bring to the attention of the media—just as much as the opposition and Independent members have. I question the point raised by some members about question time. I am sure that there will be opportunities to raise these matters before the committee. I commend the member for Chaffey's motion to the House.

Motion carried.

Mrs MAYWALD (Chaffey): I move:

That a committee be appointed consisting of Ms Ciccarello, Mr Hanna, the Hon. G.A. Ingerson, the Hon. R.G. Kerin and the mover.

Mr LEWIS (Hammond): I move:

That it also consist of the member for Fisher, the Hon. R.B. Such.

The SPEAKER: Is the member asking for a ballot?

Mr LEWIS: Yes.

The SPEAKER: A ballot is requested. There will need to be an individual vote now.

The Hon. R.B. SUCH (Fisher): Mr Speaker, if I could have your ruling, I do not wish to be on the committee.

The SPEAKER: It is now up to the member who proposed the member for Fisher to withdraw that nomination.

Mr LEWIS: I withdraw it.

Motion carried.

Mrs MAYWALD (Chaffey): I move:

That the committee have power to send for persons, papers and records, and to adjourn from place to place; and that the committee report on Wednesday 2 May 2001.

Motion carried.

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

Barley Marketing (Miscellaneous) Amendment,

Nuclear Waste Storage Facility (Prohibition No. 2),

Racing (Transitional Provisions) Amendment.

GENETICALLY MODIFIED FOOD

A petition signed by 31 residents of South Australia, requesting that the House make the state free of genetically modified food, was presented by the Hon. Dean Brown.

Petition received.

QUEEN ELIZABETH HOSPITAL

A petition signed by 14 residents of South Australia, requesting that the House urge the government to maintain teaching, intensive care, emergency services and inpatient care at the Queen Elizabeth Hospital, was presented by the Hon. Dean Brown.

Petition received.

A petition signed by 984 residents of South Australia, requesting that the House urge the government to maintain services at the Queen Elizabeth Hospital, was presented by Mr Wright.

Petition received.

ROAD TRANSPORT PLAN

A petition signed by 2 736 residents of South Australia, requesting that the House urge the government to review the road transport plan for Torrens Road and Churchill Road to ensure the amenity of local residents is not lost, was presented by the Hon. M.H. Armitage.

Petition received.

GENETICALLY ENGINEERED ORGANISMS

A petition signed by 3 142 residents of South Australia, requesting that the House impose a five year ban on the release, importation and patent of genetically engineered organisms, was presented by Mrs Geraghty.

Petition received.

DOG CONTROL

A petition signed by 188 residents of South Australia, requesting that the House ensure that all dogs on streets and in parks are on leads, was presented by Mr Scalzi.

Petition received.

A petition signed by 185 residents of South Australia, requesting that the House ensure that certain breeds of dogs are muzzled in public, was presented by Mr Scalzi.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 3, 31 and 52; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

COMMUNITY HOUSING ASSOCIATION

In reply to **Ms KEY** (24 October).

The Hon. DEAN BROWN:

1. Accurate information on the number of volunteer hours worked by members of housing co-operatives or housing associations is not available.

2. Participation at the local level by local people is fostered and developed in community housing.

Community housing organisations provide opportunities for local people to participate in their area or areas of operation. These opportunities are often made available through important linkages with locally based service providers and other organisations with an interest in seeing low income earners and people with special needs being housed in an appropriate and affordable way.

South Australian Community Housing Association (SACHA) provides opportunities for local people to participate under its Joint Venture Program which develops community housing responses to specific needs identified by local communities.

CREDIT CARD FRAUD

In reply to **Ms WHITE** (24 October).

The Hon. M.R. BUCKBY: The fraud case listed in the annual report regarding misuse of corporate credit card where disciplinary administrative measures were taken refers to an administrative officer in the department's Asset Management Services area. This officer resigned following the issuing of a notice of disciplinary inquiry.

MINISTERIAL STAFF

In reply to **Mr LEWIS.**

The Hon. R.I. LUCAS: I am advised that in 1998-99, the average annual cost of the salary of a ministerial chief of staff was in the range of $79 045 to $84 584 and a ministerial personal executive assistant was in the range $38 733 to $40 513. For 1983-84, it is not possible to provide this information as the Department of Treasury and Finance has not been able to locate the records required.

It was only following the introduction of the Public Sector Management Act in 1995, that pursuant to Section 69 of the Act, the Premier was required to report to both Houses of Parliament regarding ministerial appointments. Prior to that date, ministerial appointments were not made pursuant to the Act and no reporting was required.

In addition, given the significant changes in ministries and agencies which have occurred during the period since 1983-84 it is likely that, if they still exist, these details will be widely dispersed across government agencies. However, as payroll records are only required to kept for a period of seven years, it is likely that the

records which contain the information which the member seeks are no longer in existence.

In relation to Personal Assistants or Electorate Assistants as described in the honourable member's question, the average salary for the 1983/84 financial year was $18 971 per annum compared to the range $38 733 to $40 513 in 1998-99.

I have been provided with a detailed table of Electorate Office rental, cleaning, electricity and stolen equipment replacement costs for the financial years 1997-98, 1998-99 and 1999-2000.

This information will be forwarded for the honourable member's consideration.

It is not possible to extract repair and maintenance costs per office from the general expenditure line, however more detailed information in relation to utility costs may be extracted if necessary.

The stolen equipment replacement costs only relate to items purchased by the Department of Treasury and Finance, not items purchased by other agencies or privately owned.

The Department for Treasury and Finance does not have direct access to details relating to Ministerial office expenses and given the portfolio changes over the past three years, it may not be possible to provide this type of information in any detail.

Should you wish to further pursue this issue, I would be happy to refer this aspect of your question to the Minister for Government Enterprises.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The SPEAKER laid on the table the report of the Joint Parliamentary Services for the year 1999-2000.

POLICE COMPLAINTS AUTHORITY

The SPEAKER laid on the table the reports of the Police Complaints Authority for the years 1998-99 and 1999-2000.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for State Development (Hon. J. W. Olsen)—

South Australian Motor Sport—Regulations—Variations

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

Institute of Medical and Veterinary Science—Report, 1999-2000
Radiation Protection and Control Act, Administration of the—Report, 1999-2000
Regulations under the following Acts—
Harbors and Navigation—Personal Watercraft
Housing and Urban Development (Administrative Arrangements)—Board of Management

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Mining and Quarrying Occupational Health and Safety Committee South Australia—Report, 1999-2000
Playford Centre—Report, 1999-2000
Remuneration Tribunal—Determination No 1 of 2000—Auditor General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Ombudsman—Salary and Allowances
SA Water—Report, 1999-2000
Workcover Corporation—
Report, 1999-2000
Report, 1999-2000 Addendum

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Senior Secondary Assessment Board of South Australia—Regulations—Principal

By the Minister for Environment and Heritage (Hon. I.F Evans)—

Bookmark Biosphere Trust—Report, 1999-2000
Courts Administration Authority—Report, 1999-2000
National Trust of South Australia—Rules
Native Vegetation Council—Report, 1999-2000
Summary Offences Act—Road Block Establishment and Dangerous Area Declarations—Returns, 1 July to 30 September 2000
Wilderness Protection Act—South Australia—Report, 1999-2000
Regulations under the following Acts—
Environment Protection—Milk and Fruit Juice Containers
Police—Custody of Property

By the Minister for Recreation, Sport and Racing (Hon. I.F. Evans)—

Racing Industry Development Authority (RIDA)—Report, 1999-2000
South Australian Harness Racing Authority—Report, 1999-2000
South Australian Thoroughbred Racing Authority—Report, 1999-2000

By the Minister for Water Resources (Hon. M.K. Brindal)—

Murray-Darling Basin Commission—Report, 1999-2000
River Murray Catchment Water Management Board—Report, 1999-2000

By the Minister for Police, Correctional Services and Emergency Services (Hon. R.L. Brokenshire)—

South Australian Metropolitan Fire Service—Report, 1999-2000
State Emergency Service—Report, 1999-2000

By the Minister for Minerals and Energy (Hon. W.A. Matthew)—

South Australian Independent Pricing and Access Regulator—Report, 1999-2000.

TAB STAFF SUPERANNUATION FUND

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

Leave granted.

The Hon. M.H. ARMITAGE: On Tuesday, 28 November 2000, in the committee stage of the TAB (Disposal) Bill, the member for Ross Smith identified a surplus between $3 million to $4 million in the TAB Staff Superannuation Fund. I have been subsequently advised that this represents an actuarial surplus in the case that the fund is wound up. Further, I have now been advised that at 1 July 1999 the actuary identified a surplus in the order of $1.6 million in the TAB Staff Superannuation Fund on the basis that the fund continued to operate.

I have been advised that, following the actuary's advice, the trust deed was changed to increase employee benefits and reduce TAB contributions effective from 1 July 1999. I had previously been advised that this represented a 50:50 split between employer and employee for a $4 million actuarial surplus. I have now been advised that, based on the calculations at the time, the effect of these changes to the trust deed is that 50 per cent of the actuarial surplus will be returned to TAB by reduction in their contribution rate and 44 per cent will be returned to employees by way of improved benefits, where the actuarial surplus is $1.6 million and not $4 million.

Members should note that the figures that I now advise are actuarial valuations, which are undoubtedly a fine art, but the actual surplus value and its allocation ultimately depend on the circumstances of members of the TAB Superannuation Trust Fund over the long term.

GAMING MACHINES

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

Leave granted.

Mr Atkinson: This had better be good.

The SPEAKER: Order, the member for Spence!

The Hon. J.W. OLSEN: I wish to advise the House of some developments in relation to imposing a freeze on the number of poker machines in this state. As members would be aware, I firmly believe that we have enough machines in the community and I support the principle of an immediate freeze to ensure that we do not have any more.

Mr Atkinson: An immediate freeze?

The Hon. J.W. OLSEN: Yes.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

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

Mr Foley: Yes, there's an election coming on.

The Hon. J.W. OLSEN: No, there is not.

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: However, in supporting that view and that principle, I am also determined to ensure that we deliver to South Australians an outcome which is acceptable to all parties. Following discussions with a number of members in another place in relation to this issue, I can advise the House that the Gaming Machines (Freeze on Gaming Machines) Amendment Bill, currently before the upper house and introduced by the Hon. Mr Xenophon, will be amended so that an immediate freeze is imposed as of today. The amendment, if successful, will mean an immediate freeze on poker machines in this state from today until 31 May 2001.

During this time I will continue to work with interested parties to develop a comprehensive bill which addresses all the issues. I see this as the most sensible way of achieving an outcome. I did introduce a bill as it related to a halt on poker machines being installed in this state in what I believed was a totally inappropriate environment—a major shopping centre. However, that legislation was thwarted through the processes in the upper house. We had a chance to do something about it for the community and it failed. We have the chance again to right the wrongs with this amendment to place an immediate freeze on the number of machines in our state.

We should and we can draw that overdue line in the sand, which the Leader of the Opposition has encouraged me to indicate. The temporary freeze gives—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —the state pause to think, and we will use this time to consult widely and consider options. That being the case, it is not my intention today to proceed with my bill. However, we will return to parliament, as previously identified, with a detailed, worthwhile reform next year.

An honourable member interjecting:

The Hon. J.W. Olsen: No, but what I did tell the AHA on Tuesday was that I did not recant for one minute from my position.

PRUDENTIAL MANAGEMENT GROUP

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

Leave granted.

The Hon. J.W. OLSEN: Today I table the report of the Prudential Management Group into issues arising from the Cramond Report. In doing so, I reaffirm the government's commitments to accountable government, even when it means dissecting and analysing our own processes in order to improve the systems of government and protect taxpayers' interests. Members will recall that it was the government which instigated the review. On receiving the report, I immediately asked the Prudential Management Group to report on issues not covered by the report, that is, what, if any, policy and management issues needed to be addressed to further improve the processes of government.

I also indicated that I would further report to the House on this matter. It is important to put in context that this issue is now some six years old and has been the subject of considerable public scrutiny over that time.

Mr Foley interjecting:

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

The Hon. J.W. OLSEN: The issues looked at by the Prudential Management Group were issues which may have existed six years ago but, I am pleased to say, they have now been addressed and rectified during that time. As I have told this House before, the dealings with Motorola have been important for this state for two very clear reasons. Firstly, they have delivered some 600 direct and indirect jobs and delivered some $170 million into gross state product, as well as contributing to a positive international focus on South Australia. Secondly, the experience gained has been the catalyst for us to reform some government processes to ensure that industry attraction negotiations occur in a competitive and accountable fashion.

The Prudential Management Group addressed eight key issues of process. I will deal with these separately. On the issue of whether the investigation about the administrative shortcomings identified in the report should be completed, the report recommends an end to the investigations into this issue, because all the issues addressed within the Cramond report, and I quote, 'that led to the Office of Information Technology acting on the mistaken assumption of an obligation to Motorola, have been dealt with'. They were recognised, analysed and assessed, and all the processes have been changed to ensure that such a situation cannot recur.

The report also refers to the 'gung-ho attitude' within the former Economic Development Agency, which, it says, did not necessarily encourage prudent behaviour. It goes on to say that the former EDA did not believe that whole-of-government considerations were a part of its role, function or responsibility. As this House would be aware, the EDA, as such, no longer exists but we have the Department of Industry and Trade reporting to the Treasurer in another place.

I made that decision for a very deliberate reason: there have to be checks and balances in place. We are doing considerable work to attract companies to invest in our state and to remain and expand in our state, and the government agrees that we must be accountable in that. In placing Industry and Trade under the responsibility of the Treasurer, we now have a far more whole-of-government perspective to dealings we have with the private sector. In addition, a

prudential framework has been put in place within the Department of Industry and Trade.

If there were issues between departments that were seen to be lacking in prudent behaviour then, clearly, our record as it now stands indicates that they are of primary importance now. As I stated in my ministerial statement to this House in February last year, at the time of the release of the report, the EDA should have kept the then Office of Information Technology aware of the progress of the Motorola contract. However, as the Prudential Management Group report states:

> Since that time the events described in the Cramond report occurred the Prudential Management Group has been established by the government.

By its very nature, the Prudential Management Group is providing the level of scrutiny and prudent oversight that did not exist at the time of these events.

The report also addresses the requirements for competitive processes in government contracting. The Prudential Management Group itself and its strengths are a large part of that solution. We have established this group to oversee the whole-of-government processes and look for any weaknesses in government tendering, negotiation and approval processes. This group is made up of the Chief Executive of the Department of Premier and Cabinet, the Chief Executive of the Department of Justice, the Under Treasurer, the Chief Counsel from the Crown Solicitor's Office and the Commissioner for Public Employment. The group has a brief not just to educate and reform the public sector itself but also, where necessary, to brief ministers on how processes and practices should be refined to ensure maximum integrity and accountability.

The report makes several recommendations in relation to cabinet subcommittee processes and the role of these committees. We have a number of cabinet subcommittees established on an 'as needs' basis; others are permanent. These include the State Development Committee, which I established in 1999. This committee is chaired by me, in my capacity as Premier, and members—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will remain silent.

The Hon. J.W. OLSEN: —include the Deputy Premier, the Minister for Industry and Trade and the Minister for Government Enterprises. It is administered by the Department of Premier and Cabinet.

Any funding allocation from the Regional Development Fund over $200 000 is referred to this committee. The government also refers any funding allocation from the Industry Investment Attraction Fund over and above $200 000 to this committee.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Yes.

The Hon. M.D. Rann: Will it be made available?

The Hon. J.W. OLSEN: Yes. All funding allocations from the Industry Development Fund are also referred to this committee. Any allocation above $4 million must be approved by cabinet. This process, as now identified, did not exist in 1996 and demonstrates the government's commitment to accountable practices.

The report argues that the events surrounding Motorola did not excuse the need to act with 'prudence, probity and integrity'. I concur with this. At all times and at all stages of processes within the public sector, it is inherent upon government to act with prudence, probity and integrity. This is why we have already adopted many of the measures outlined in the report, and indeed adopted them well before the report was initiated.

Further to the cabinet subcommittee process, we also hold regular strategic cabinet meetings, when each of the 15 ministers gather to discuss key strategic issues and policies within their portfolio. Again, this is a new initiative which ensures greater communication between agencies at ministerial level. We also have a cabinet secretary, and that role is to work with the Department of Premier and Cabinet to ensure planning and scheduling of cabinet agendas. He has a whole of government perspective of cabinet processes and works with ministers in this area.

The report looks at relationships between agencies, and notes that the government has already implemented steps to ensure across government communications. It notes the establishment of super portfolios and the regular meetings of the senior management council when all senior departmental heads meet weekly to discuss whole of government issues. I also meet regularly with the senior management council.

This reform has led to better communication across government agencies which was one of the weaknesses identified in the Motorola negotiations. The report says:

> Responsibility for proper communication between agencies commences with ministers and CEOs, but ultimately public servants owe a duty of candour in advising ministers and in discharging their duties of public office.

Clearly, with the processes I have outlined (the establishment of the prudential management group, the establishment of the senior management council, the establishment of the state development cabinet subcommittee and regular strategic cabinet meetings involving the full ministry and the cabinet secretary), there is now ample opportunity at all levels of government, from ministers through to the public service, for effective communications and planning across portfolios of Government.

We then come to what is a vexed issue for governments across the country and, indeed, internationally—that of access to contracts with government. The report says that the area warrants further investigation, and I agree. I am aware of the potential for criticism—frequently for base political purposes—that the government's response to the report has been some time in coming. I am sure that the House will concur that in the majority of instances throughout this report many of the issues raised by the prudential management group have been addressed already and have been in place for some time—well before the report was completed and, in fact, even before the prudential management group was established.

However, on the issue of contracts and public access to them, particularly where there are genuine issues of commercial confidentiality, we are grappling with it, as are many governments across the nation. The big question is: where do you strike a balance—the balance between commercial confidentiality, which is a genuine concern in the business community, and that of full public disclosure? Even if we decide to pursue full disclosure, the other party may not wish that to be the case.

If we go down the path of greater disclosure, safeguards will need to be in place to protect legitimate commercial confidential information; for example, possible areas may be trade secrets, intellectual property and proprietary information and security issues—areas where genuine commercial confidentiality is important. Ultimately, it is a matter of balance, of ensuring that the public interest is satisfied without—

The Hon. M.D. Rann: Where's the report?

The Hon. J.W. OLSEN: I am going to table it—compromising the long-term interests of South Australia. Having said that, I must say that the government is already committed to full disclosure of our most significant contracts that we have signed, that of our lease and sale documents relating to the disposal of our electricity assets. We have already committed to releasing those documents in the parliament. Clearly we are moving down a path where we look at issues on a case by case basis. A lot of work has already been done in this area.

As the House would be aware, recently I announced the appointment of a new Chief Executive Officer to head up the Department of Premier and Cabinet, Mr Warren McCann. I have asked Mr McCann to look at the issue and prepare a proposal for cabinet which seeks to establish principles on which we can better achieve the balance I have referred to. I give a commitment that I will report back to the parliament on this issue in the next parliamentary session because, whilst it is a vexed issue, it is one which we must address appropriately.

In terms of what the report describes as 'education considerations', the report notes that I have already instituted regular reports to cabinet on issues of governance, as well as having established the Prudential Management Group. As well, significant training and education initiatives for public servants have been put in place. Finally, it acknowledges that we have a code of conduct for executives which has been worked up through the Commissioner for Public Employment to reinforce the leadership role that managers have in the area of accountability and prudential management.

Clearly, this government is committed to openness and accountability. It is why we had already implemented many of the measures recommended even before I initiated the report. Notwithstanding this, I agree that we must deal with the issue of contracts and disclosure, as I mentioned previously, and I am committed to doing so.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the ninth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

QUEEN ELIZABETH HOSPITAL

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Human Services. Given the minister's announcement on 6 November that the Queen Elizabeth Hospital would open an extra 10 beds to cope with the emergency crisis at that time, why has this not happened? The opposition has been informed today that the Queen Elizabeth Hospital has not received agreement on the level of funding for these extra beds; that no funds have been received; and that only two out of the promised 10 beds are now open to deal with that crisis.

The Hon. DEAN BROWN (Minister for Human Services): The claim of the Leader of the Opposition is wrong. In fact, I announced that the Queen Elizabeth Hospital would open 20 step-down beds, which have been opened and are operating and working very effectively indeed. I also announced that there would be a further 10 beds and I understand, at least in the report I received about two weeks ago, that six of the 10 beds have been opened.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: About two weeks ago, I was told six of the 10 beds had been opened, which, if you put it together, means that a total of 26 extra beds have been opened at the Queen Elizabeth Hospital.

STATE ECONOMY

Mr CONDOUS (Colton): Will the Premier advise the House of the state's strong economic performance over the past 12 months?

The Hon. J.W. OLSEN (Premier): I would be delighted to respond to the member for Colton's question because, in terms of economic performance, a genuine feeling of renewed confidence about this state's future has emerged during the course of this year, and it has been a breakthrough year in that regard. No longer are we the rust belt state where nothing happens—where there is no optimism and no confidence. There is quite a changed set of circumstances. It has been a year where we have broken the back of crippling debt in this state. It has gone from $9.3 billion or 27 per cent of gross state product to just over $3 billion or 7 per cent of gross state product; $6 416 for every man, woman and child to approximately $2 006 in the year 2000; out of control unmanageable debt to manageable debt and financial security for our future. That has been the outcome of the year 2000.

It has been a year where the unemployment rate has hit a 10 year low with more South Australians in work than ever before and, even with today's adjustment, that trend line still is maintained with 680 000 South Australians in work—a historic high, as I understand it. It has been a year where exports have again been booming. In the 12 months to September, the value of South Australian exports was $6.6 billion—an increase of almost 20 per cent or $1 000 million. It has been a year when companies are saying yes to South Australia instead of no to South Australia. Importantly, it has been a year where there has been a changed emphasis in decision making board rooms on the eastern seaboard from 'You wouldn't want to go there, would you?' to 'Why wouldn't you want to go there and why are other companies going there?' It is a very important subtle shift in the thinking of board rooms on the eastern seaboard of Australia.

More importantly, it is the calibre of the companies choosing South Australia which is significant. Some of Australia's leading corporates are sending a very strong message, not just that South Australia is open for business but that South Australia is the place to do business. That means jobs—jobs for young South Australians and South Australian families.

Westpac announced this week 600 new jobs in a new customer service centre—business development, internet banking and share trading. Some 600 jobs will be filled by South Australians and 600 pay packets every week will be spent in the small business community in South Australia. It takes Westpac's employee numbers in our state to 2 850, making it one of the state's leading employers. Over the past 12 months, there has been an impressive list of companies saying yes to South Australia and investing in South Australia: from Mitsubishi to Sheridan, where 600 jobs have been retained; BAE Systems; Email, 350 new jobs; BHP Shared Services, 508 new jobs; Australia's leading supplier Compaq

Computers, 235 jobs; United States defence manufacturer, General Motors Defence, will bring something like 100 jobs; Ansett call centre at Science Park, some 300-plus jobs; glass manufacturing at Gawler with Amcor, a minimum of 200 perhaps 300 jobs; international automotive component manufacturer, Dana Corporation, 325 jobs.

Ms Key interjecting:

The Hon. J.W. OLSEN: The member for Hanson interjects what about unemployment? For the benefit of the member for Hanson, we have taken it from 12.3 per cent down to 7.7 per cent as at today; it is about a 5 per cent reduction. That is what we have done about unemployment. I thought the member for Hanson had a scintilla of concern for numbers of people in work—and I give her credit for having a regard for that. If she does, at least she should be prepared to give credit where credit is due. I ask the honourable member to at least be responsive to that.

If there is one common denominator in these investment decisions it is this: the skill, the attitude and the enthusiasm of South Australian workers. It is the skill and the attitude of the 1 600 workers at Westpac's mortgage centre at Lockleys which allowed us to win the new customer centre. It is the skill and the attitude of the 3 200 Mitsubishi employees which earned them and which earned SA that $172 million investment.

It is the skill and the attitude of the textile workers at Sheridan which gave Australian management the confidence to buy the company and ensure that it remained in South Australia. South Australians, by their performance and work ethic, have given the government its greatest asset when it comes to selling the state and when it comes to arguing the pace for South Australia.

The Hon. M.D. Rann: You're selling the state!

The Hon. J.W. OLSEN: That is something the previous administration never did. They never sought to market, never sought to get investment or to create jobs. They did not do it. Thanks to South Australians, it is an argument that has become decidedly easier over the past year or so. We are back on track, and a momentum is set to continue over the next 12 months.

In this respect, I refer to the Adelaide-Darwin rail link, the new Adelaide Airport terminal, the new Convention Centre and business bringing tourists to our regions. In the spirit of Christmas and of giving, I am prepared to give the last word to the opposition as it relates to the strong economic performance. I quote the shadow treasurer from his most recent report in the *Sunday Mail*, as follows:

> The South Australian economy is performing better than it has for some time.

I thank the member for Hart for being big enough to actually acknowledge that the economy has got some grunt and some future in it. The bottom line is that it is jobs for South Australia.

SCHOOL CARD

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Education and Children's Services. Will the criteria for eligibility for School Card change next year, and can the minister rule out parents being required to provide copies of their income tax returns to schools? With your concurrence, Mr Speaker, I will explain the question.

Members interjecting:

The Hon. M.D. RANN: It is obvious that there is not much to it between the ministers. We know they are divided.

Members interjecting:

The SPEAKER: Order! The leader has sought leave to give his explanation.

Members interjecting:

The SPEAKER: Order, members on my right!

Members interjecting:

The Hon. M.D. RANN: Do you want to be quiet, or not? We have all day if you have.

Members interjecting:

The SPEAKER: Order! I remind members that we have only 50 minutes of question time remaining.

The Hon. M.D. RANN: Schools have been told by the Education Department that the criteria for School Card will change next year and in some cases schools may have to inspect parents' income tax returns to assess applications for School Card. Schools are concerned that this proposal raises issues about privacy, especially in small communities where parents may be reluctant to provide their tax information.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The levels for eligibility for School Card next year, to my knowledge, are not changed at all. I certainly have not approved of any change. They will remain the same as this year. When parents do not have a particular range of cards (and I just cannot remember off the top of my head the benefit cards that they require), there is in place this year an income statement that parents are required to complete in order to ensure that the department can ascertain what level of income parents are earning. I shall make some investigations, but I am certainly not aware of that.

EMPLOYMENT DATA

Mr SCALZI (Hartley): Will the Minister for Employment and Training detail whether there are any positives aspects in the recent release of employment data?

Members interjecting:

The Hon. M.K. BRINDAL (Minister for Employment and Training): There is only one great tragedy in this place, and that is the opposition sitting opposite. There were some positive aspects in the employment data released this week, even though opposition members will probably try to gloat about the seasonally adjusted unemployment rate. We see that with the hapless member opposite who rarely says anything and, when she does, it is carping, criticising and generally being negative.

It is a pity, because she deserves better than that from her colleagues. Despite this rising, the trend unemployment figures in South Australia show a fall this month from 7.4 to 7.3 per cent, and it is the lowest rate in our state since June 1990. For seven consecutive months the trend unemployment rate has fallen in our state. We can argue (and I am sure the opposition will) about whether we use seasonally adjusted or trend figures. But I have a long memory and I recall the member for Ross Smith—perhaps I should refer to him as the Independent candidate for Enfield, as he is obviously dressed in his militia outfit today—berating this government for not using trend jobless figures. So, the opposition cannot have it both ways. It is obviously a divided opposition. It criticises us on the one hand when the trend figures are bad, but ignores them when the trend figures are good.

I note that the member for Ross Smith, as the former deputy leader, is being criticised for campaigning in his own seat. I and nobody on this side can ever remember the

member for Ross Smith criticising his leader in this place or the leader in another place—and, for heaven's sake, he has had good cause! The federal leader had to hose down a bushfire when one of his frontbenchers described the Darwin-Alice Springs railway as a white elephant. In whose regime were the jobs lost at the Islington workshops? Who was responsible for that? That matter is dear to the heart of the member for Ross Smith. Loyalty certainly is not reciprocated in the Labor Party and I feel very sorry that he is being treated—

Mr CLARKE: As much as the minister's words may sound like music, I draw your attention, sir, to Erskine May, page 296, where it states:

> The purpose for question is to obtain information or press for action; it should not be framed primarily so as to convey information or so as to suggest its own answer or convey a particular point of view and should not be, in effect, a short speech.

The SPEAKER: Order! The chair has the gist of the point of order. It upholds the point of order and brings the minister back to the substance of the question.

The Hon. M.K. BRINDAL: I thank the honourable member for his independent and fearless advice. The other positive aspect of the employment data to come out this week has been the ANZ job advertisements. They show that last month in November our state experienced a 5.4 per cent rise in newspaper job advertisements: nationally the same figure fell by 8 per cent. In trend terms, while all states showed falls, South Australia throughout the year had the lowest fall in job advertisements of all states except Tasmania. Members opposite will focus on the negatives of the latest employment figures.

We have to work harder, but even at 7.3 per cent unemployment in our state that is now a whole lot better than the 11 or 12 per cent legacy we inherited under Labor. The Leader of the Opposition does not even bother to sit in here while unemployment is being discussed but will go out and chirp and bleat about employment being the No. 1 issue in this state, yet he cannot sit still in question time long enough to listen to the answers. That same Leader of the Opposition lost 34 jobs every single day that he was employment minister. In this period the number of unemployed in this state grew by 34 600.

The Hon. R.L. Brokenshire: That was under Mike.

The Hon. M.K. BRINDAL: Yes. We stand on our record. As the Premier has detailed in the answer to his first question, the last year has been an exceptionally good year for South Australia and for South Australians. I hope that they appreciate the diligence and effort this government has put in. I feel absolutely sure that, come March 2002, we will be rewarded as we deserve at the polls.

HOSPITALS, ADVERSE EVENTS

Ms STEVENS (Elizabeth): My question is to the Minister for Human Services. Given demands by doctors for safer conditions at public hospitals, can the Minister for Human Services tell the House how many malpractice claims for compensation were made last financial year and how much was paid out? An article in the March 2000 edition of the *British Medical Journal* reports that in 1995 a study of the medical records of 14 179 admissions to 28 hospitals in New South Wales and South Australia found that an adverse event occurred in 16.6 per cent of admissions, resulting in permanent disability in 15.7 per cent of patients and death in 4.9 per cent, and that 51 per cent of adverse events were preventable. In 1998, it was reported that the number of claims for malpractice had increased to over 600 in one year, compared with 27 claims in 1990.

The Hon. DEAN BROWN (Minister for Human Services): There has been a national study carried out that looked at adverse events within hospitals. They are events where, due to a breakdown in systems or in assessment by a clinician, there is, therefore, a less than satisfactory outcome in terms of the health care of the individual. That national study looked initially at a comparison with the United States of America. Although the preliminary figures suggest that figures in Australia were higher than those in the United States of America, after checking on definitions used, it was found that the rate was similar to that in America. This study has been commissioned around Australia by state and territory ministers and the federal health minister. The results are disturbing, because it shows that there is a significant level of adverse events in Australia—as there is in Britain and the United States of America. Health ministers have acknowledged that.

As a result, about 12 or 18 months ago, health ministers set up a quality care council for the whole of Australia, specifically to look at adverse events. I hope the honourable member is listening, because she asked the question. We regard quality of care as a very fundamental issue indeed, and, as a result of that council being set up, health ministers at their meeting in July made quality care a national priority. We have committed $50 million over a five year period to this project. We immediately have committed $5 million for the current financial year. All states and territories are working with the federal government to look at the fundamental causes in terms of those adverse events—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I will come to that—and some of the underlying factors causing them. One of the problems has been the increased use of medication. Once a person is prescribed five or more medications, the chance of an adverse reaction increases very substantially indeed. Therefore, if you are going to overcome that, we need better health information systems—exchange of information between GPs and the hospitals, and between pharmacists and the hospitals as well. We need to make sure that, when a doctor prescribes a new medication, he or she understands fully what previous medication the person has been prescribed. They are some of the reasons why the adverse events occur, and certainly we are moving to try to reduce those. To come back to the specific question, because the honourable member—

Ms Stevens interjecting:

The Hon. DEAN BROWN: The honourable member raised the matter of the national study. The specific question was in terms of the payout and how many—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I do not have that information here. I will get that information, and I will bring the information to the House. I also indicate that, earlier today, a question was asked about the Queen Elizabeth Hospital and the number of extra beds available. I am able to confirm that, yesterday, 26 extra beds were open. Today, 30 extra beds have been opened. The number goes up from 26 to 30, somewhere around that mark, depending on the demand on any particular day.

But, in fact, the demand is there today and there are 30 beds. Yesterday the demand was for 26 beds and 26 were open, 20 of which were step-down beds. The answer I gave

earlier has been confirmed this afternoon by the hospital as being a correct answer.

REGIONAL DEVELOPMENT

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier please outline to the House in what ways the year 2000 has been good for regional developments in this state? I am sure that the Deputy Premier would like to comment on the outstanding improvement in tourism in the northern parts of the state, as well as the excellent season we are having.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.M. GUNN: I have learnt from you. I have learnt from the leader.

The SPEAKER: Order! The member for Stuart will resume his seat.

The Hon. M.D. Rann interjecting:

The Hon. G.M. GUNN: Talk about a dill. Are you supporting Ralph?

The SPEAKER: Order, the member for Stuart!

Mr Atkinson interjecting:

The Hon. G.M. Gunn: Are you supporting Ralph?

The SPEAKER: Order, the members for Stuart and Spence! Did the member for Ross Smith have a point of order?

Mr CLARKE: Yes, sir; the eighth point on page 300 of Erskine May states:

> . . . questions requiring information set forth in accessible documents (such as statutes, treaties, etc) have not been allowed when the member concerned could obtain the information of his own accord without difficulty.

I submit that the member for Stuart's question requires information that is easily accessible to himself through the parliamentary library.

The SPEAKER: Order! The chair is well aware of that quotation from Erskine May. The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Stuart for what is a very important question. I am surprised that the member for Ross Smith knows my answer because I have not yet thought it through. In answer to the honourable member's question, it has been a very positive year in regional South Australia for a range of reasons. There has been continued growth of our new industries, and that is very important. I will come back to that. Also, climatic conditions across South Australia have improved, and that has been terrific—

Mr Atkinson interjecting:

The Hon. R.G. KERIN: Yes, and prices for our traditional products have also picked up in most cases, and that has seen a very good outcome for regional South Australia in the year 2000. The government has broadened its focus with respect to regional development. We have maintained a very important focus on economic development: 13 very successful and hardworking regional development boards across South Australia are doing a terrific job in terms of the amount of work that is going through their doors at the moment. Also, the Office of Regional Development is picking up on a lot of other issues, many of which were highlighted in the report of the Regional Development Task Force.

I acknowledge and thank the members of the Regional Development Council who have come together, giving their own time, from across the state and have helped us work through some of the strategic issues on how communities manage the changes that are occurring in such a way as to really add value to their communities and make the most of the available opportunities. Several programs have been put in place by the office to enable those communities to make the most of those opportunities.

The positive year has faced a few threats. The locust threat has loomed large all year. It is not totally over yet but, certainly, through the cooperation of the levels of government and landholders, we have seen a terrific effort to keep the threat pretty much at bay. Certainly, it has reduced the amount of possible damage. Frost in some areas has been very unfortunate. A few of the cropping areas again missed out but, overall, the season was quite good. Certainly, our sympathy would be with the farmers in New South Wales, because the disaster in that state is absolutely enormous.

The grain harvest in general was excellent. Extraordinary yields have meant a boost for the state, and that will be reflected in next year's export figures. The wine industry continues to grow. Wine exports are not far off 10 times what they were when this government came to office in 1993. The industry continues that extraordinary performance and, certainly, as a result of plantings over the past couple of years, that extraordinary growth will continue.

We have spoken previously about aquaculture, which has experienced about 40 per cent per annum growth. That is actually changing the face of communities and the fortunes of people in many areas of the state.

The Food Plan is making a big difference. The Premier's Food for the Future Council brings industry to the table, and it is working with government to set policy. We are seeing a lot of leadership from that group. The Food Adelaide concept is helping us enormously with exports: it is novel, it is creative and it is actually working. Recently, at the Food and Fibre Awards, Jim Kennedy, CEO of Supermarket to Asia, said that he felt that South Australia was handling food related issues much better than anywhere else in Australia, and that was good praise for the industry here in South Australia.

Tourism also is making a real impact in regional South Australia. This year in the Outback, with the flooding of Lake Eyre, we saw a huge lift in the number of visitors. Also, we are receiving great assistance in promoting regional South Australia through the *Secrets* campaign, the *Postcards* series, *Directions* and the recent spate of positive articles in the *Advertiser*. All this is going a long way towards making people realise what is out there in South Australia.

I have spoken in the House several times about the challenges that the rate of development is creating for us, mainly with respect to infrastructure. The Regional Development Infrastructure Fund has been instrumental in helping quite a few start-up companies and expansions across the state. The member for Stuart will know of the role played with the sealing of the Balcanoona airstrip and the difference that has made to that region, and also the sawmill, the opening of which the member and I attended only a few weeks ago.

The latest recipient of funding from the Regional Development Infrastructure Fund is an aquaculture park at Smoky Bay, which received $244 000. Some people would know that, 10 years ago, Smoky Bay really had only a general store-post office. There are now over 30 aquaculture businesses at Smoky Bay. Because of the way in which the industry is growing, many of those concerns are situated in back yards, or elsewhere. The aquaculture park will draw up to 40 businesses together in the one area where they can share services, and I think that is a terrific step forward. The

member for Flinders would be very happy to hear of that. She has pushed very hard for that application, and it will allow very positive development to proceed there.

Regional South Australia is experiencing terrific growth: 2000 has been a very good year but we could still do better. We have a supportive government, and we need the community to get right behind those who are making it happen in regional South Australia.

PRUDENTIAL MANAGEMENT GROUP

Mr CONLON (Elder): Why did the Premier's ministerial statement today on the report of the Prudential Management Group not address the blame laid squarely at his feet by the report for preferential treatment having been given to Motorola? At page 11 of the report (and not mentioned by the Premier) it states:

> In the present case, an unguarded letter (i.e. the minister's letter of 14 April 1994), which was not the subject of any legal advice, gave rise to insistent demands by Motorola for preferential treatment, and notwithstanding clause 17 of the Software Centre Agreement dated 23 June 1994, the end result for the government was that Motorola was accorded preferential treatment. . .

The report goes on to mention steps that should have been taken, and at page 13 it states:

> If these steps do not occur, then allegations of partiality, favouritism, patronage and corruption will be extremely difficult to defend.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN (Premier): Desperate—

Members interjecting:

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

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. M.D. Rann interjecting:

The SPEAKER: I warn the Leader of the Opposition.

The Hon. J.W. OLSEN: The sorts of interjections and inferences from the member for Elder are nothing but arrant nonsense.

Members interjecting:

The Hon. J.W. OLSEN: It is. Clause 17 is referred to in the report. We have had that debate in this chamber ad nauseam over—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: I can understand why the opposition would want to reconfigure, reposition and paint a new set of circumstances to seek its own political gains. But the simple fact is that you cannot—

Members interjecting:

The Hon. J.W. OLSEN: The member for Hart knows. He asked a question in the Economic and Finance Committee yesterday. He asked Mr Kowalick (and I am paraphrasing, I know, because I was not there): 'Is there any reason why this report should not be released?' and the answer was no. Mr Foley then asked: 'Is the Premier implicated in this?' and I understand—

Mr Foley: I didn't ask that.

The Hon. J.W. OLSEN: I understood that that was the inference—to which the answer also was 'No'. Today, in a very lengthy statement, I have put down the position relating to this report. The independent review has been debated in this parliament ad nauseam—and we are talking about an incident that occurred some six years ago. In addition to that, you now have a clear indication of the range of recommendations and processes that have been put in place to ensure good government and appropriate accountable government. Let me just go back to that issue that has been the basis of discussion previously.

Mr Foley interjecting:

The Hon. J.W. OLSEN: No. You read the two reports together and it does not. As I have indicated to this House, I was operating clearly in relation to those provisions that I thought applied. Was there a breakdown in communications between two agencies? Yes, there was breakdown in communications between the agencies. It is that position that has been addressed so that these sets of circumstances, which is the quote the member for Elder used, cannot be called to account in the future.

Members interjecting:

The SPEAKER: Order! I caution the leader. He has already been brought to order on four occasions and warned once.

Mr Foley: This was a cover-up.

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

EDUCATION STRATEGIES

The Hon. D.C. WOTTON (Heysen): Will the Minister for Education and Children's Services inform the House of the major strategies and some of the more significant improvements that the state government is putting into place within the education portfolio?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Heysen for his question, and it is good to see him back in the House again, fully recovered. This week and next week some tens of thousands of students in South Australia will receive their report cards on their yearly efforts in education. I am pleased to present the South Australian government's own report card on education in this state and inform the House of the achievements that have been made in education this year.

In maths and science, a distinction would have to be granted because South Australia is well ahead of other states in this area. This year, we announced the construction of the first dedicated national maths and science school here in South Australia. It is the only one that will be in existence in Australia, and, again, education in South Australia leading Australia. Given the recent international report on maths and science and the results of Australian students, which placed Australian students ahead of those of America, the United Kingdom and New Zealand, this school will not only enhance our students but also ensure that we will be leading not only nationally but internationally as well.

In English, one would have to say the effort is to be highly commended, because the results of the 2000 Basic Skills Test saw more than 90 per cent of year 3 students who were in the lower skill brackets in 1998 tests moving to higher skill brackets in the year 5 test this year. This has been as a result of targeting literacy and numeracy money to students who perform poorly in the lower two bands of the basic skills test, to ensure that we lifted them into a higher performing grade, and the results are excellent. Overall, the literacy strategy will offer an online literacy and numeracy network and software to help teachers report on learners' achievements and more professional development for our teachers.

In technology, once again South Australia is leading in this area. We have spent some $85 million on technology to

go into our schools. This gives every student access to the internet at metropolitan speed and local prices. That, together with the 20 points of presence, which came about as a result of the contract with Telstra ensures that not only metropolitan schools but also regional schools have the same ability for their students to access the internet, gain particular knowledge and improve their information technology skills.

The Mawson Lakes school was also opened this year. It is the leading edge in technology for any school in this state. The computers and the technology used in that school are second to none. Therefore, our young students at that primary school are able to be right up with the best of them and are fully conversant with information technology as a daily part of their life.

The $13 million Education Development Centre at Hindmarsh was opened earlier this year. It incorporates the school of the future. Again, some innovative work is being undertaken by students and gives professional teachers the ability to access the right conditions for seminars and professional development. There is no other centre like it in Australia; and let me tell members that the accolades we have received from teachers, in particular, when using that facility, have been outstanding.

This year we have developed the Languages Other Than English Plan 2000 to 2007. This sees every student undertaking a language from reception to year 10. I ask members why in Australia we often just concentrate on English, whereas, when you look at overseas countries, students study not only their own language but English as well. As our students move on to the world stage with jobs, employment opportunities and study overseas, it makes sense that our students should study a second language.

In relation to vocational and enterprise education, this year we have seen 16 000 students undertake vocational education training. That is an increase of 3 000 students on last year's figure. We have had excellent cooperation between government, teachers, industry and the community in bringing vocational education into our schools. Christies Beach Vocational College was opened at the start of this year, and this again reinforces this government's commitment towards vocational education training and redresses the closure of the technical high schools in 1991 which left such an enormous gap for those young students who did not want to go on to a university education.

If we look at home economics, we see that this year we had le cordon bleu coming to South Australia and offering a Masters in Gastronomy degree. They only choose one place in the world in which to conduct this course, and they have chosen South Australia. It consolidates Adelaide's and South Australia's position as the food and wine capital of Australia.

I go on to refer to the Dame Roma Mitchell Arts Education Centre, a $30 million development in Light Square—the only one in Australia involving both the visual arts and the performing arts. I toured the centre, along with the Minister for the Arts, only a few weeks ago, and I think the centre is absolutely outstanding. This centre would be second to none in Australia, and I am sure that the students who will be offered the chance of learning at this performance centre will benefit from that.

There is no doubt that this has been a groundbreaking year for education in South Australia. Although I do not have to mention this, I will; that is, that 70 per cent of schools have now come into Partnerships 21, and we are achieving excellent results from that.

We have also seen the development of Australia's most comprehensive curriculum framework which will be brought into schools in South Australia next year. It revamps the curriculum; it reduces the amount of paperwork teachers that must do in the classroom so that they can spend more time with their students; it makes the curriculum area more transparent; and it provides for better reporting to parents. The government has achieved all this in partnership with teachers, the community and industry.

It has been an excellent year. Our teachers have done an excellent job this year in literacy and numeracy training for our children and in terms of vocational education training for our young people, and I commend them on the work they have done in 2000.

PRUDENTIAL MANAGEMENT GROUP

Mr CONLON (Elder): My question is directed to the Premier. How long has the Premier sat on the report of the Prudential Management Group; and is it the case that it was released only because he was forced to do so by the Independent members of the lower house?

The Hon. J.W. OLSEN (Premier): The answer to the latter part of the question is simply no. I got the report, I think it was some time last year—

Members interjecting:

The SPEAKER: Order!

Mr Hanna interjecting:

The Hon. J.W. OLSEN: What the member for Mitchell, the Johnny-come-lately—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Johnny-come-lately member for Mitchell's interjection relates to about the fifth paragraph at the end of the page in a given set of circumstances. It has nothing to do with nor does it relate back to the circumstances about which I am talking. The member for Elder in his question a moment ago, as is the wont of the Labor Party, has—

Members interjecting:

The Hon. J.W. OLSEN: No; you take a paragraph.

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

An honourable member interjecting:

The Hon. J.W. OLSEN: They did not.

Mr Foley: You were forced into it.

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

The Hon. J.W. OLSEN: To pick up the point of the question, no, I was not. Secondly, and importantly, on a quick scan, the member for Elder has taken a sentence at the top of one page and the paragraph on a subsequent page and put them together. When you do something like that you change the context. That is what the member for Elder was seeking to do: he was seeking to change the context.

As I said in the ministerial statement, the vexed question—and it is issue No.5 in the Prudential Management report—relates to release of government contracts. Concerning the extent to which you put disclosure on the table, I indicated to the House that this is a matter I have been addressing on the basis that there is to be a change of the Chief Executive Officer of the Department of Premier and Cabinet, and I thought it prudent that the new Chief Executive Officer pick up the proposal and present submissions to the government. In fact, I have asked him to do so. As I

indicated, he is preparing a report for cabinet and subsequently I will report to this House.

The issue, as it relates to contracts and their release, is a matter of balance. It is a vexed question to get that balance in place. It is not an easy issue that can be lightly and wantonly addressed and responded to. We have to work our way through this to ensure that in the long term the state's interest is protected—and I can assure the House we will.

ALP MEMBERSHIP

The Hon. G.A. INGERSON (Bragg): Can the Minister for Police advise the outcome, if any, of the police investigation into the allegations surrounding the joining up last year of a number of Coober Pedy based Aboriginal people by the ALP? On Thursday 23 March this year, in *ABC News Online*, 'Local News: South Australia', under the heading, 'Police to investigate ALP membership allegations', an article stated:

> Allegations of misconduct over the recruitment of the Labor Party members in Coober Pedy have been referred to the South Australian Police Criminal Justice Unit. A number of local Aboriginal people say they were signed up by the Labor Party without their knowledge in a branch-stacking exercise last year. Coober Pedy police have investigated the allegations and their report will be considered by the Director of Public Prosecutions, who will decide whether charges should be laid. Police say those involved may be charged with forgery and breaches of the Electoral Act.

Nine months has now passed, and I am interested in the status of this very important report.

Mr FOLEY: I rise on a point of order, Mr Speaker. Is this not a police operational matter where the Police Commissioner has responsibility for announcing what action the police have taken, not the minister?

The SPEAKER: Order! I do not uphold the point of order. The question has been asked of the minister in his capacity as Minister for Police. I call the Minister for Police.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for his question. I am not aware of what happened with respect to the investigation. I do recall from media reports at the time that police were involved in an investigation over the matter. All I can do, given that I have no further information, is seek a briefing on it.

WEST BEACH HARBOR

Mr HILL (Kaurna): Is the Minister for Environment and Heritage satisfied with the level of monitoring and supervision provided by the EPA of Transport SA in its dredging of the West Beach Harbor, and will the minister close West Beach, as requested by the local residents' group, until public health and safety issues have been addressed? The opposition has been told that following community complaints about proliferation of stinking and rotting seaweed and black sludge on West Beach the EPA has ordered Transport SA to stop dredging the harbour. The opposition has also been told that the EPA has failed to monitor Transport SA activities and that, in contravention of Transport SA's licence, no chemical analysis of the material being dredged has occurred.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I will take up with the EPA exactly what monitoring is being undertaken in relation to those activities. My understanding is the EPA has had discussions with Transport SA about its dredging licences to look at improving the processes there. I will provide a report to the member.

GARDEN EAST DEVELOPMENT

Mr HAMILTON-SMITH (Waite): Can the Minister for Government Enterprises advise the House of progress of the Garden East Development at the East End of Adelaide? There have been numerous media reports of a number of outstanding developments and revitalisation of the city under this government. I would be interested to know whether this is further evidence of that activity.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Waite for his question which is about a particularly important feature in the whole of the revitalisation of Adelaide. The revitalisation of the East End through the work undertaken in particular by the Lieberman Group is providing a major focus in the East End of Adelaide for inner city living. When you combine that with the retail facilities around there it actually makes for an extraordinarily vibrant and quite unique precinct. I am told that about 370 people now live at the East End, which not long ago was vacant land. That now is a substantial contribution to the economic success of the precinct in giving life and vitality to the shops and to the area in general. To date three townhouse buildings and five apartment buildings have been completed. Two apartment buildings with some commercial space are at present under construction, with completion scheduled for December 2000 and April 2001.

Earlier this year in August I was very pleased to have been asked to launch the marketing of the final building (to be known as Union Off Rundle) which will be situated on the corner of Grenfell and Union streets. After yesterday's announcement by the Minister for Transport and Urban Planning I am able to inform the House that construction will begin shortly and will be completed towards the end of next year.

Mr Hanna: Are you going to knock down the wall?

The Hon. M.H. ARMITAGE: Isn't that interesting? That is exactly where I was hoping for an interjection, and I got it. The member for Mitchell is nothing if not predictable and he has been absolutely true to form. So, what is the story with the wall and what are we going to do about it and why? The fact is that the government was not able to act in relation to the wall, which was built in 1931. I think it is very important that I enlighten the House on some of the missed opportunities in relation to the wall, if you wanted to list it.

First, I will give a little bit of background. On 3 December 1993 a development agreement with the Liberman group was signed by the then Minister for Housing, Urban Development and Local Government Relations. I remind the House that that was 3 December 1993. I emphasise that the then Minister for Housing, Urban Development and Local Government Relations was a minister in the Labor government.

Members interjecting:

The Hon. M.H. ARMITAGE: As the Minister for Police identifies, what about the fine Westminster traditions of the caretaker government? One could actually wax lyrical about how the Labor government in that time completely disregarded the Westminster tradition. Frankly, they have never been too worried about contravening any conventions or traditions when their little political hide has been at account.

The development agreement, signed by the then minister, the Hon. Greg Crafter, states that the minister's obligations to the developer are to provide the developer with 'a tidy, clear and level main site'. To translate, that means that buildings not listed on state or city of Adelaide heritage lists have to go. If they do not go, the minister would be in breach

of the development agreement signed by the Labor government.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: That was done eight days prior to the election in 1993—slap bang in the middle of the caretaker period.

Members interjecting:

The Hon. M.H. ARMITAGE: As the Minister for Education and Children's Services says, 'Isn't that against convention?', to which the answer is yes. However, as I indicated, to provide a tidy, clear and level main site, all buildings, other than those listed, must be demolished. The wall is not on either of those lists. It is not heritage listed. If the wall was to have been preserved as a heritage item, it is worthy of noting that there have been ample opportunities in the past to list the item—ample opportunities that were missed.

It is particularly interesting to note that the former Lord Mayor of the City of Adelaide, the now Labor Left candidate for the seat of Adelaide, was present at a protest regarding the wall—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Indeed, I am informed that she spoke to the group. The leader might like to make a note of the fact that in April 1999, when the Liberman group lodged its original application for the building with the Adelaide City Council, it requested that the wall be added to the council's local heritage list and incorporated into the new building. They requested that. The council rejected the request, indicating a preference for an active street frontage in line with the development plan for the area. I do not have to point out who was the Lord Mayor at that time.

Members interjecting:

The Hon. M.H. ARMITAGE: Indeed it was the former Lord Mayor, now the Labor Party candidate for the seat of Adelaide. I could be entitled to ask: is this the ALP candidate for Adelaide's new Barton Terrace? The Labor Party candidate for Adelaide opposes Labor Party policy on Barton Terrace, because we all know that in all the time that the Labor Party candidate for the state seat of Adelaide was in local government she stood up for the people in relation to whom the council had made a decision, in direct contravention to Labor Party policy. It will be fascinating! That is in direct contravention to Labor Party policy.

Now, the Labor Party candidate for the state seat of Adelaide is speaking in direct contravention to a contract that was written by Greg Crafter. I happen to know that Greg Crafter is doing some fundraising for the present candidate for the state seat of Adelaide. He wrote the contract, and the candidate for Adelaide is saying, 'No, no, no; we do not want to give them a tidy level site.' When the council was requested by the Liberman group to put it on the heritage list, it said, 'We won't do it.' That is crying crocodile tears.

As well as that missed opportunity, in 1994 the Adelaide City Council did not advance a recommendation from its local heritage advisory committee to list the wall, nor—

Members interjecting:

The SPEAKER: Order! The minister has the call. There is too much conversation across the chamber. The minister.

The Hon. M.H. ARMITAGE: Thank you, sir. As well as that missed opportunity, the Adelaide City Council—

Mr Hanna interjecting:

The SPEAKER: Order! I warn the member for Mitchell for directly flouting the chair.

The Hon. M.H. ARMITAGE: —did not contest an objection through the usual channels by reference to the Development Policy Advisory Committee. So, there have been endless opportunities for the wall to be listed. It is not a state heritage item—it is as simple as that. It has been assessed by the experts—

Mr Hanna interjecting:

The Hon. M.H. ARMITAGE: I do not claim to be an expert in heritage. I take the advice of the experts. It has been assessed, and the experts say there is no significance for state heritage, and the council has missed opportunity after opportunity to list it on its local heritage list. It is important that the reasons for the wall's being removed are not blamed on this Government. They are directly related to the contract written by the previous Labor government in direct contravention of all the traditions of Westminster Government. But why would that worry the then Labor government or the present opposition? Conventions are there to be broken in its view. On this side of the House we actually think that those conventions are very important.

VICTIMS OF CRIME

The Hon. I.F. EVANS (Minister for Environment and Heritage): I table a ministerial statement made by the Hon. K.T. Griffin in another place.

SCHOOL CARD

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.R. BUCKBY: On the matter of the leader's claim in question time today regarding School Card application procedures, I inform the House that no direction or instruction has gone to school sites and no direction has been issued to schools in respect of the application procedures for 2001. Internal discussions of course have taken place, but these have been with principals associations at this stage.

I am advised that the 2001 School Card application procedures are yet to be finalised and forwarded to me. The leader should know that changes to the School Card application procedure may be necessary in response to the commonwealth's social services policy and the GST. This is a regular and ongoing practice. Again, this is an example of the government's willingness to consult widely with the community, and the Leader of the Opposition, again, has got it wrong, wrong, wrong.

MASLIN SANDS

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: I wish to inform the House of the facts relating to the matter of the coloured sands at the Maslin Quarry, Maslin Beach. This statement is necessary to respond to allegations made by the member for Kaurna, both in this House and in the press.

The member for Kaurna's allegations involve comments concerning the coloured sands at Maslin Beach. He claims

that they could be a significant tourist attraction and that the government is withholding a report in relation to the preservation of the sands and is further alleging that a senior government officer, Dr Neville Alley, misled a parliamentary estimates committee and that I allowed him to do so. In parliament on 10 October last, the member for Kaurna stated:

> I find it astonishing that during the estimates committee Minister Matthew permitted Dr Alley to answer a question, and he either misled the committee and Mr Matthew allowed him to mislead the committee or he was clearly unaware of what the report he referred to had said, because the information provided by the *Southern Times* is absolutely opposed to what Dr Alley told the estimates committee. What Dr Alley told the estimates committee and what Mr Matthew allowed him to tell the committee has yet to be corrected. I believe that this House has been misled on this issue and I call on Mr Matthew, the Minister for Minerals and Energy, to clarify the position as soon as he is able because, if he does not, this mistake will remain on the public record.

These allegations by the member for Kaurna were also reported in a *Southern Times* article on 9 August, entitled 'Surprise at coloured sands erosion: Hill'. The member for Kaurna stated that, after raising the issue of the preservation of the sands in estimates committee, he was 'surprised' to hear that the site suffered from serious erosion problems. The member for Kaurna claimed that state government employee Dr Neville Alley had stated that the coloured sands had eroded and there was 'no purpose' in trying to preserve them. The member for Kaurna concluded that he would continue to fight for the preservation of the sands and that 'the potential for tourism there is incredible'.

The facts are quite different. At no stage did Dr Alley mislead the estimates committee. There has been no government report on this issue since 1994 when a report entitled 'Maslins Coloured Sands Gallery Park' was released. Dr Alley's comments to the estimates committee this year were in relation to his examination of the sands and the examination carried out by Minerals and Energy South Australia geologists and not the 1994 report, and not a new report, because there is not one.

Dr Alley believes that, while the Maslin sands are spectacular, they are also highly unstable, and their potential as a tourism attraction is significantly diminished for not only this reason but also for the fact that they are situated in what is presently an active mine site.

In the business of politics, members of parliament are often at the receiving end of criticism. Most of us accept that and, but for a few exceptions, develop the ability to withstand such criticism and get on with the job. However, public servants should not have to endure the same process. When they sit as witnesses in a budget estimates committee, they are often prevailed upon to provide information in an open and non-political manner. Dr Neville Alley, a senior geologist from the Office for Minerals and Energy, did just that. However, the member for Kaurna, by alleging that Dr Alley misled the estimates committee, has dropped Dr Alley into the political process.

I refute the comments made by the member for Kaurna and I call on him to apologise for the disparaging and erroneous comments made about a respected member of the South Australian Public Service. Dr Alley has been distressed by the member for Kaurna's statements and has put the facts relating to the matters in writing to the *Southern Times*. His letter reads as follows:

> Dear Sir,
>
> Re: Coloured sands at the Rocla Quarry, Maslin Beach area
>
> I recently read a news item published in the *Southern Times*, 4 October 2000, whilst I was overseas. That item makes reference to comments made by me in the estimates committee.
>
> In response to that news item please note the following. As a MESA geologist I researched, and published on the North Maslin Sand, the sediments that contain the coloured sands in the Rocla Quarry. I refer you to chapter 10 in *The Geology of South Australia*, Volume 2, Bulletin 54, 1955. I am an acknowledged expert on these and other sediments of similar age in southern Australia.
>
> The North Maslin sand (the sand) or equivalent sediments are mined in the metropolitan area for building materials. The sand is well exposed in the basal part of Rocla Quarry (page 171, *The Geology of South Australia*). The sand is not rare and its extent is well known from extensive drilling.
>
> In 1993 the quarry operators left a relatively low cliff of the sand in the central part of the quarry, all the overlying sediments having been removed. This exposure of beautifully coloured sand attracted considerable interest, including my own. The sand was also well exposed around the edges of the quarry but overlain by many metres of other sediments. Due to their inherent instability, the latter exposures were, and still are, dangerous to inspect.
>
> At the time it was suggested that the low wall of sand exposed in the central part of the working quarry be preserved as a gallery for artists, or some other form of community gallery park. I examined the exposure, and several of my colleagues also independently examined the exposure, to advise on the stability and potential for preservation.
>
> We concluded that the sands in that low wall were spectacular, but were clearly eroding and slumping and were unlikely to retain their form. We also concluded that the sands were unconsolidated and unstable once exposed. They would be extremely difficult to preserve in that low wall. They were also an important part of a resource of sand that was being, and still is, mined.
>
> As Chairman of the Geological Society of Australia (SA Division) 1992-93, I discussed the conclusions with the society's Geological Monuments Subcommittee. I led a field trip with the Field Geology Club to the Rocla Quarry in late August 1993, amongst other things to view the sands in the low wall before they lost their form due to erosion and collapse. The Convenor of the Geological Monuments Subcommittee was on that trip. In a letter to Mr David Conlon, Manager, State Heritage Branch, regarding the sands, she concluded, 'So the site has wonderful educational potential if it is possible to preserve the many features of interest'. I returned to the site several months later and the sands in that low wall had collapsed into nothing more than a pile of sand, clear evidence of their instability and extreme difficulty to preserve.
>
> You should also note that in a letter dated 27 June 1994 to Mr Viesturs Cielens, Cielens and Wark, Mr Jeff Olliver, member of the Geological Heritage Subcommittee (SA Division of the Geological Society of Australia), stated that 'I intend to nominate the Maslin Sand feature as a geological monument at the appropriate time perhaps when the location of the terminal quarry faces has been decided and the concept plan finalised'. I support this conclusion because it recognised that the quarry is an operating mine, and shortlived outcrops as that in the low wall, as originally exposed in 1993, are extremely difficult to preserve.
>
> A few weeks ago I discussed the preservation of the sands with Mr Olliver, who reiterated that any attempt to preserve the face or slope of the sand could only be at a terminal face once mining on the lease finished. We also agreed that the sands are spectacular but, even on a terminal face, would be extremely difficult to preserve due to their instability. In support of this, an Office of Minerals and Energy Resources geologist, on 24 July 2000, concluded that 'The sands are unconsolidated, i.e, have no matrix (nothing to cement them together). Upon exposure to quarrying the sand faces may look spectacular on the day only to show a washed out look the next day. The sands are very fragile within a wet and wind blown environment.'
>
> In conclusion, please note the review I referred to in the estimates committee was my examination of the sands and the examination of other MESA geologists, not the 1994 report. The exposed sands considered for preservation at that time (and visited by many people) were in the low wall of sand in the central part of Rocla Quarry, not the terminal faces as have subsequently been considered for preservation. Further, the issue was discussed with the Geological Monuments Subcommittee, who clearly note that if preservation is possible at all it would have to be in a terminal face at the conclusion of mining.

I categorically refute that I attempted to mislead parliament with respect to the sands and I regard your news items as mischievous in trying to imply that I did.

Yourself sincerely,
Neville Alley,
Director, Minerals Resources.

The allegations by the member for Kaurna are a disgrace. I call on him to apologise for his remarks, both within parliament and through the Messenger press.

TOURISM AWARDS

The Hon. J. HALL (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J. HALL: The success of the five South Australian tourism operators announced at the National Tourism Awards in Canberra last week is, without doubt, a real morale boost to the whole of the South Australian tourism industry. I was very proud to witness the awards presentation and it is with some justified pride that I note that the five awards for South Australia is more than the combined win for Victoria and New South Wales put together. Our success is built on many factors. In essence, though, it is the combination of policy direction and a planned strategy by this government, plus the very hard work by the risk takers at the sharp end of providing the services with the superb organisation that has evolved between Major Events and tourism.

Forty four South Australians attended the awards presentation to see and to support our state's winners on their outstanding achievement. The spectacle of our magnificent Jacobs Creek Tour Down Under won the best major festivals and special events category. The very stylish Grand Mecure Hotel at Mount Lofty won the award for luxury accommodation. The professionalism of the Kangaroo Island *Sealink* was presented with a major tour and transport operators award. The very charming Myoora Heritage Accommodation in North Adelaide won the hosted accommodation award and the luxury of Unforgettable Houseboats at Mannum took out the unique accommodation award.

I am sure that members of this House would join with me in congratulating our five winners. The fact is that they were selected by more than 200 finalists from around Australia competing in 27 different categories. Perhaps some observers may have thought that we had our share at this stage but, as they say, wait for it, there is more. To cap off a wonderfully successful week, the AVESCO gala dinner last Saturday night, in front of more than 700 interstate and local guests, saw the Clipsal 500 V8 Super Car Race win the award for the promoter of the year for the second year running. I believe that this, too, was an outstanding achievement for all of those involved. The look on the Premier's face, I must say, when he accepted the award really said it all.

A snapshot overview on the importance and the economic significance of major events shows that during 1999-2000, Australian Major Events, which, as we know, is a division of the South Australian Tourism Commission, supported 74 events in our state. It is estimated that these events generated more than $110 million worth of economic benefit for South Australia and attracted more than 37 000 interstate and overseas visitors during that same period.

I believe that this is an outstanding result and serves to illustrate the enormous value of events to both our state's tourism industry and the state's overall economy. Since 1994, events secured or supported by AME have generated more than $250 million worth of economic activity. I believe this success is enjoyed by South Australians, and we are proud that we host major events and all of the resultant activities. It is a direct result of specific emphasis being placed on winning high profile and strategic events with international and national significance, plus those events that have the potential to attract strong visitor numbers.

AME has also promoted South Australia as an event tourism destination to a potential worldwide audience of some 950 million people through free to air and pay television, plus other media. When the event activity is combined with other projects the government is supporting, such as the redevelopment of the Adelaide Convention Centre and the new National Wine Centre, one can see that a comprehensive picture emerges of the government's support and investment in the wider tourism industry. The major events we have here in South Australia are successful in attracting visitors. It can be said that events such as Le Mans, Roses, Horses, Tasting Australia, Clipsal 500, Jacobs Creek Tour Down Under, and a number of others, provide interstate and international tourists with an excuse to travel to our state.

The government, through the South Australian Tourism Commission, is working to ensure that when visitors come to our city for an event they choose to stay longer and, as we say, discover the secrets of South Australia. As part of this determination to share tourism and event benefits across the state, the 1999-2000 regional events and festivals program has recorded a most successful year, with 56 regional and special events being supported as part of this program. It offers sponsorship and support to events and festivals and it increases tourism activity and economic benefit to regional South Australia.

This is set to continue in the years 2000 and 2001 with the program supporting 58 events across all 12 tourism regions of our state. I trust that all members will have the opportunity to enjoy a number of these activities in the coming year. Over the next few months Adelaide will host a range of most popular events, including Le Mans 'Race of a Thousand Years', AAPT tennis championships and our award winning Jacobs Creek Tour Down Under—all providing significant opportunities for us to show off our state as an important part of an enormously successful tourism bonanza.

I pay tribute to, thank and congratulate the magnificent team of professionals at the South Australian Tourism Commission and the Australian Major Events units. Members of the boards of the South Australian Tourism Commission and AME have every justification to be proud of their role in being part of this success. These same teams are well supported in their activities and involvement with Major Events by a diverse and talented group of committed volunteers, who are such an integral component of this success. Their dedication and commitment is greatly valued and the government wants to place on record its appreciation for their contribution in such a real way to the economic growth and prosperity of our state.

PRUDENTIAL MANAGEMENT GROUP

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

Leave granted.

The Hon. J.W. OLSEN: The ministerial statement, referring to the Prudential Management Group report, that I made earlier today was mistaken in one aspect. A quote appears on page 9 of the report, where it says:

Lack of communication and consultation by the then CEO, EDA, with the CEO, OIT, which led to OIT acting on the mistaken assumption of an obligation to Motorola;

That was the end of the quote. Mistakenly, the quote has gone on to add 'have been dealt with'. That is not the case in the quote out of the report; but that, as my ministerial statement clearly indicated, it is our view that has been dealt with, but is not part of the quote.

Members interjecting:

The Hon. J.W. OLSEN: No, it's not.

Members interjecting:

The SPEAKER: Order!

PUBLIC WORKS COMMITTEE: QUALCO SUNLANDS GROUND WATER CONTROL SCHEME

Mr LEWIS (Hammond): I bring up the 142nd report of the committee, on the Qualco Sunlands Ground Water Control Scheme: Stockyard Plains Disposal Basin, status report, and move:

That the report be received.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

GRIEVANCE DEBATE

Mr LEWIS (Hammond): Earlier today, as a consequence of the continued curiosity that I have had about what happened in connection with the remarks that were made by the Premier whilst he was a minister in the government of which Dean Brown was Premier, my attention was drawn to the Prudential Management Group Report, which the government had asked for and which the Premier said he would provide to the parliament but never did until being probed and prompted by the proposition which appears on the *Notice Paper* in my name.

In the course of his remarks to the House about the Cramond report on 9 February 1999, and again today, the Premier constantly seeks to deflect responsibility for his actions from himself to other people in either the ministry or the public service, and he asserts that there was never a cover-up. Well, I have news for the Premier: there was. I always saw that there was, and that has been confirmed by the material contained in the Prudential Management Group report today. One has only to look at the comments that are made in issue two, under the heading 'The requirements for competitive processes in government contracting', to see the following:

The Prudential Management Group considers that the problem identified by the Cramond report arose because of:

- excessive secrecy at cabinet, ministerial and CEO levels, which prevented important information being passed to officers of OIT;

If that does not constitute a cover-up of what had happened, so that the Office of Information Technology did not know what was going on, I do not know what does. I do not know why the Premier thinks that he can get away with that, when he makes the kinds of statements that he made on Tuesday 2 February. I had tried to explain to the Premier privately and personally prior to that occasion that what had happened left him in an untenable position.

It does not matter if you murdered someone one day ago, one year ago, 10 years ago or 50 years ago: the fact remains that you have murdered them. Even though you may be reformed, it does not mean that you are not a murderer. Equally, if you have done something which is against and which offends the principles of good public administration, and you are a minister, you should resign. I explained that to the Premier at the time, but he would not listen to me. So, I left his office very disappointed that a man whom I had trusted, supported and encouraged in my own humble way for years—

Members interjecting:

Mr LEWIS: Do you think that is a joke? Then you ought to go back and study the development of the Premier's career from the time he was in Rural Youth and followed me through to representation at national level in that organisation, where I took the brunt of the antagonism from the adults who said that it was not fit and suitable for a young person to represent the movement outside the state—or even, for that matter, on the Rural Youth Council. Nonetheless, that having been done, the Premier found that pathway an easy one to follow and enjoyed it, and I saw the benefits that his abilities, in many respects, brought in consequence.

Notwithstanding that, I make plain that what the Premier said about the Cramond report in February, and what he said again today, clearly indicates that the Premier does not understand what the principle of ministerial accountability really means. He does not understand the Westminster convention; nor do members of the Liberal Party, by virtue of the illustration they have given of it today—just a few minutes ago—which was disgusting, and I am well rid of them if that is all they think this place is for.

If they do not have any more respect for the fathers of the Liberal Party, they do not deserve the kind of trust that they have been given by the electors of this state who voted for them at the last state election. And they will not get that respect, nor will they receive that support, at the next state election. It is very clear from the polls that have been conducted across this state over the past three years that the level of disenchantment with both the Liberal and Labor parties because of the abuse of these principles of public accountability is at an all time high. And there is no question about the fact that the members of the general public, having had that lack of support, will look elsewhere, unless there is some commitment—

The SPEAKER: Order!

Mr LEWIS: —to that kind of accountability—

The SPEAKER: Order! The member's time has expired.

Mr LEWIS: —and that kind of willingness to be held accountable in this place.

The SPEAKER: Order! The member's time has expired.

Mr VENNING (Schubert): I want to speak about the very positive government achievements for country people. We have all heard the hackneyed slogan 'Country Labor Listens,' and we know what a complete joke that is—or it was. Just ask Bill Hender and Ben Brown, two well known ex-country Laborites, and they will tell you that it is a huge joke. To make it even worse, I believe that these two gentlemen have been carpeted and must explain why they spoke out. I also understand that a third Labor member will be carpeted and will have to explain why he was doorknocking in his own electorate.

I can proudly stand here and say that our Liberal government does listen and does deliver for country people in South Australia. It does not hurt to reflect on what this government has achieved for our country regions. I know what the Premier had to say today in answer to the first question asked

regarding how well the state is performing. I want to look at a few of the many initiatives and achievements of this government.

Concessions have been made on the stamp duty costs of transferring farming land from parents to their children—that is, farming parents to their sons or daughters. That is a very welcome initiative. Farms are now owned by people of a much younger age group. There was no excuse for the fathers and mothers to sit on the land when this measure was implemented. We also have seen initiatives put in place to assist young farmers, such as the Young Farmers' Incentive Scheme, where $7 million was allocated to assist with interest rate subsidies on borrowings to purchase land. Over 200 young farmers took up this offer and subsequently benefited.

Also, stamp duty exemptions have been given with respect to bank documents when a bank closes and business has to be transferred to another bank in a particular town, or even a neighbouring town, where there is no alternative.

Another important achievement, which I introduced into the parliament, is farm machinery registration and the compulsory third party insurance. I believe it is very important for farmers to be protected against the liability that could arise if they were involved in an accident whilst moving farm machinery along public highways and byways.

There is also the freeholding around the state of perpetual leases and Crown leases that has improved the tenure of many primary producers. This is a great Liberal government initiative. It enables freeholding of land at very low cost, and it also enables growers to 'bulk up' their parcels of land very cheaply. I believe that this initiative is probably the second most important one that we have achieved in our time in government. It is only foreshadowed, I think, by the abolition of death duties by the previous Tonkin Liberal government. It is a great initiative.

We have secured the long-term future of the single desk for the export of barley. I know that pretty well every farmer in this state breathed a sigh of relief when this legislation was passed. It was another Liberal government initiative.

We can also look at the changes made to the emergency services levy to soften its impact, particularly its effect on farmers. The $50 non-contiguous title fee being abolished and the rating factors being revised have shown that this government, ably led by Minister Brokenshire, does listen and acts accordingly. I have been a strong advocate for reform of the emergency services levy and, in the main, my concerns have been addressed, and I commend the government for listening and acting. The CFS has truly benefited from the ESL and fully supports it. We have put money back into the community.

I also commend the government on the recent launch of the first stage of the project to address the findings of the review of the Valuation of Land Act. I understand that all existing rural notional values are to be reviewed immediately and changes made where necessary. The Farmers Federation has welcomed the review into notional values as the first step in achieving a more equitable system and to protect farming land for farmers.

I support the Farmers Federation's stance that site values on farming properties should be used. Under the capital values system, I think it is inequitable that, if someone keeps their property in good condition—sheds, fences and everything else in good order, and weeds and rubbish under control—they pay more rates and taxes than the person up the road who does not do so. That is sending completely the wrong message.

I also note the strong push by the member for Stuart to freehold the lands in the transition zone. I believe that we will be successful in the months ahead. The land is between the pastoral and the freehold land, and I believe that these people should be allowed to freehold their land at these very minimal rates. I commend the member for Stuart for his action in this respect. The recent Roads to Recovery program is also a very great initiative.

Time expired.

Mr De LAINE (Price): On Tuesday 14 November this year at approximately 11 a.m., a young married Malaysian woman with a four month old son was shopping in the Target department store at Marion. Coincidentally, at the same time, a Vietnamese man was arrested by police after having been observed by a Target female security officer stealing goods from the store and depositing them in his car. This young Malaysian women, to whom I will refer as Anita, did not know this Vietnamese man and was completely unaware of the stealing situation. Suddenly, she was loudly confronted by the female store security officer and a female police officer who searched her baby son's pusher in front of customers in a loud and insensitive way. Anita, being a well-educated, polite and very quiet person, felt utterly embarrassed and humiliated. She was then taken downstairs into an office where she was questioned by the female police officer. Anita was twice accused of working in conjunction with the Vietnamese man in the theft of goods from the store. It was obvious to Anita that the police officer was acting on untrue information given to her by the store security officer.

After protesting her complete innocence of being in any way implicated or even knowing the Vietnamese man, she was then asked to sign a statement that she had witnessed the Vietnamese man stealing goods. Anita refused to sign this statement, because she had not seen the man stealing; she was merely minding her own business and shopping in the store. She at no stage whatsoever acknowledged, spoke to or looked at the Vietnamese shoplifter. She did not even know that he was in the shop. Anita was then told that she could go but was offered no apology for the ordeal. She was so shocked and shaken by this experience that she hardly remembers driving home and was still quite upset and shaken several hours later. Strangely, her four month old son was also quite upset. Members of Anita's extended family are quite angry that she and her young son might have been involved in an accident on the way home due to her stressed state.

Anita's husband telephoned the Target store manager, who put him in contact with the female police officer. The police officer told him the story as she understood it on advice from the store security officer or store detective. Her husband then rang the store manager a second time, who said that the store detective would telephone him. The detective did call back but gave the impression that Anita was still under suspicion. The following day, Anita's father-in-law, a well-known and well respected businessman, to whom I will refer as Dean, went to the head office at Sefton Park to speak personally to the Target State Manager. Dean explained the situation to the State Manager but, when he posed the question as to whether any other Asian people had been in the store at that time, would they have been accused and arrested also, the State Manager continually talked over him and refused to discuss the matter further. She repeated several times, 'It is totally out of bounds in this office to talk about racial issues.' She appeared to have no interest in the matter and no sympathy for Anita. She said she would investigate the matter and then

terminated the conversation. To date nothing has been heard from the State Manager.

That afternoon, Dean spoke to police Chief Inspector Graham Lough, Operations Manager, Sturt local service area. The Chief Inspector said he would talk to the female police officer involved and get back to him. He rang Dean the following day and said that he was sorry for what had happened to Anita and would send a letter to her, which he did. The letter states:

> Dear Mrs X,
>
> It has come to my attention that you were the subject of an unfortunate misunderstanding recently while shopping at Target at Westfield Marion. On behalf of the South Australian police may I say how sorry I am that you were subjected to wrongful accusations. I have spoken to the policewoman who questioned you that day, and she also passes on her regrets that you were wrongfully accused. She did point out, though, that she was acting on information passed onto her which turned out to be incorrect. I consider the actions she took to be appropriate in the circumstances, given the inaccurate information she was given.
>
> I trust your next experience with the South Australian police is on a much more positive note.
>
> Yours sincerely,
> Graham Lough,
> Chief Inspector,
> Operations Manager,
> Sturt local service area.

Dean rang Target's head office in Sydney and spoke to Mr Baldwin. Since then, there has been no communication from Target—no apology or anything. Anita and her family are very satisfied with the police response to the matter but are disgusted with the lack of response or concern shown by Target at local, state and national level. It has been a particularly embarrassing and humiliating experience for Anita, and one of extreme racism.

Time expired.

Mr SCALZI (Hartley): Today I wish to bring to the attention of the House a successful graduation evening that I, together with the Minister for Tourism, the Hon. Joan Hall, attended on Monday 4 December. We both attended on that evening as the school in question is shared by both our electorates. The evening was certainly a success, and the guest speaker, Francis Wong, the Managing Director of Encounter Australia, President of the Australian Brunei Darussalam Business Council, certainly gave an inspired speech about someone who was not born in Australia but who obviously has made it his home, someone who feels passionate about being Australian and who believes in South Australia and young people. This certainly came out in his speech, and I know that it was very much appreciated by the staff and, most importantly, the students.

I would like to talk also about year 2000 graduation awards, because they are significant. The dux of the school was awarded to Narder Abrahim. The Lion's Citizenship Award was awarded to Christine Belperio. The council medal was awarded to Belinda Hills. The Caltex Best All-rounder Award was given to Josephine Noolan and Lachlan Tetlow-Stuart. The School Leadership Award went to Jason Eng, Bianca Harvey and Rachel Lakos. The Hartley Medal was awarded to Liana Williams. The Mysore Award was given to Kristin Telfer, and Scholarship Awards went to Eugiene Chan, Rachel Lakos, Van Nguyen and Marc Robinson. The Service to Performing Arts Award went to Florence Yeung, and the Service to School Sport Award went to Paul Kalogerinis. Of course, all the students who graduated this year were given recognition, and rightly so. It is a great school. I attend the school council meetings regularly, and I know of the hard work that is put into making such a success of the speech evening.

I would like to talk about the awards that should be given to the teaching staff, and I commend the Principal Sue McMillan and, indeed, all the principals of the schools in my electorate who work very hard to ensure that their children get an excellent education. The hard work teachers put into education is often overlooked by people. The extra hours that teachers put in, week in, week out, is often not acknowledged. As a former teacher, I can assure the House that the end of the year does not signal the end of the work teachers must do in order to make sure that they are well prepared for the new year.

Mr Atkinson: As you'll find out!

Mr SCALZI: The member for Spence says that I will find out: I have known of the hard work for 18 years, and I am sure that members in this place who are former teachers—the Minister for Water Resources, Government Whip, Mr Meier, and myself—

Mr Atkinson interjecting:

Mr SCALZI: If the honourable member left his thesaurus alone and got on with it, perhaps the standard of debate would improve in this place. It is a wonder that he does not pick up some grammatical errors in publications. I would just like to put on the record that all the hard work that teachers and staff put into education is appreciated.

Time expired.

Ms STEVENS (Elizabeth): On 7 April this year the results of a coronial inquest inquiring into the death of a 42 year old woman were released. At the time of her death on 3 September 1997, the woman was detained pursuant to section 12 of the Mental Health Act at Woodleigh House, which is part of Modbury Public Hospital. The Coroner's report details a number of serious concerns about treatment and procedures at Woodleigh House and I will mention some of those briefly. But first, let me explain that section 12 of the Mental Health Act enables a medical practitioner to admit a patient and have that patient detained in an approved treatment centre in the interests of his or her own health and safety, or for the protection of other persons.

In this tragic case, despite there being a detention order under section 12 in place, this person was able to leave the hospital on two occasions on consecutive days, on the second of which she committed suicide. The Coroner reported that the staff did not even know she had gone or her whereabouts, or did not appear to be particularly concerned about this. Even more concerning was evidence given by the senior consultant psychiatrist describing a practice apparently currently in operation called a 'Clayton's detention arrangement' where he admitted:

> . . . we are not using the Mental Health Act in the way it is meant to be used, we are using it to enhance a particular aspect of the therapeutic relationship.

It seems that, at times, patients placed on detention orders are or are not supervised for reasons that have nothing to do with section 12. In the words of the Coroner, this 'simple proposition seems to have been clouded by issues of clinical exigency'. A number of other concerns were mentioned by the Coroner in relation to this case. They included, in relation to nursing care: non-compliance with requests; ineffective communication of instructions to nursing staff; lack of adequate supervision of patients; and lack of clarity and management in relation to documentation. There were grossly inadequate case notes. In response to the disappearance, the

staff did not appreciate that the person was missing and it was clear that there was a lack of appreciation of the patient's psychosis.

The downgrading of section 12 for reasons that have nothing to do with the patient's own safety and the safety of other persons is of great concern in this case and has wide ramifications. In this case, I have to say, it appears that this is what has led to the death of a person. As a result of this case, in the House on 12 April I asked the minister would he detail what was being done to implement the recommendations of the Coroner. The minister said that he had sent a directive to his department to ensure all those steps were implemented. He also undertook to report back to the House. I asked him: 'Will you report to the House?' and he replied, 'Yes.'

I have to say that we have not received that report and I must say this is even more concerning. I have been in touch with the husband of that woman. That family has suffered enormous personal stress, pain and suffering as a result of this. They want to know that things have changed. The minister gave an undertaking to members of this House that he would do this. He has failed to do it. We do not know what has changed at Modbury Hospital to ensure that this never happens again, and in fact never happens in any other mental health institution in South Australia. I condemn the Minister for his insensitivity to that family, his dishonesty to that family and to us, and for his clear lack of accountability.

The Hon. G.M. GUNN (Stuart): I think it is rather unfortunate that the honourable member would address colourful language towards a minister, when, I have to say, all my dealings with the minister on a range of subjects have been quite the contrary in relation to the administration of the human services portfolio. Let me say in relation to the matter which the member has raised that, obviously, it is one of great importance and something which we would all feel somewhat concerned about if it happened to one of our constituents, but I always found the minister to be very supportive and he does whatever he can to assist.

I want to briefly mention one or two other matters. One of the matters I was interested to read in this morning's paper was that the long suffering member for Ross Smith will be invited to appear before the State Executive of the Labor Party. I was interested to know who will be supporting him on this particular occasion. Obviously, the leader is a member of the State Executive, and I wonder whether he will support the member for Ross Smith—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: I do not know whether the member for Spence will also be supporting him.

The Hon. R.B. Such interjecting:

The Hon. G.M. GUNN: I do not know whether that is quite right. I have always taken the view that one supports one's parliamentary colleagues. It will be interesting to see who attends that meeting and what their attitude is, because we are watching the activities in that particular seat with some interest.

Mr Atkinson: There will be great mercy extended.

The Hon. G.M. GUNN: I am sure there will be. What we are looking forward to seeing is whether the lawyer will leave his office and start walking the streets, and whether he will allow himself to front up to a constituency, because sitting in the confines of a legal office is somewhat different from dealing with the everyday affairs of constituents. It is not quite as cosy and one has to deal with many issues of varying degrees. You cannot say at the last appointment at 6 p.m., 'I am going home' or 'I am going to the club'. One has to deal with these issues whether it is weekends—

Mr Atkinson: What point are you making, Gunny?

The Hon. G.M. GUNN: I am making the point that it will be particularly interesting to see the difference between a grass roots politician and a suave lawyer. It will be interesting and I am sure the people of Ross Smith will make a wise decision and, if I was a wagering person, I would have a wager on it. If I was going to have a wager on it, I know who I would back, and I am not a betting person. The other matter on which I wanted to—

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

The Hon. G.M. GUNN: —spend a couple of minutes is that, for a considerable amount of time, I have been conducting a campaign in relation to the excessive use of on the spot fines for trifling matters. I believe that the time has now come when legislation needs to be put before this parliament to protect ordinary law-abiding citizens against the abuses of this system. When this system was put to this parliament we were told that it would short-circuit the process and stop the courts from being cluttered up. No-one imagined that these particular on the spot fines were to be handed out like confetti for trifling offences against hardworking people who do not have the money to pay them, and it becomes a real imposition on these people. I am looking forward to seeing legislation put to this parliament in which I will restrict the number of issues that on the spot fines can be handed out for and, furthermore, give people adequate rights of appeal—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: That is absolute nonsense. The honourable member knows very little; what he does not know he makes up or imagines. However, what I am looking forward to is reading the apology that he has made to the member for Ross Smith.

Members interjecting:

The Hon. G.M. GUNN: On the next occasion, let me say to the member for Ross Smith, if I happen to get a copy, I will ensure that many people in South Australia get the chance to read it, because the honourable member has engaged in his Ayatollah tactics against many people for a long time, and I am pleased that on this occasion he has been made to account. In relation to the matter about which I was speaking, I have had a number of successes.

Time expired.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 306.)

Mr LEWIS: I rise on a point of order, sir. I thought we conducted our affairs according to the green daily program sheet that is circulated. Is this a stunt of the government: to put off dealing the next day of sitting until, by chance, none of us is here?

The SPEAKER: Order! From the chair's point of view, if the ministers are not here or the Deputy Premier is not here to move anything on the green sheet, the chair will move onto the next item on the *Notice Paper*. We are now into Orders of the Day, No.1, the Harbors and Navigation (Miscellaneous) Amendment Bill. I call the member for Spence.

Mr ATKINSON (Spence): The bill has four aspects. The first is about the expiation of jet ski offences; the second is a change to the jurisdiction over marine safety; the third is a proposed requirement on boaties to carry emergency positioning indicator radio beacons (EPIRBs); and the fourth is a change to the State Crewing Committee, which decides the minimum crewing requirements for trading vessels.

When jet skis became a nuisance on our beaches, parliament authorised state government officials to impose expiation notices on offenders against the new law. It has not deterred irresponsible jet skiers because officials have not been deployed—

The SPEAKER: Order! Members are standing between me and the member on his feet. Would they please move?

Mr ATKINSON: —to enforce the law. The government now proposes that local government officials have authority to enforce the law. Why would local government do this? The reason is that the bill would let them keep the expiation fee less $14 for police operations. If it is economical, our beachside councils will enforce the law. In another place, the opposition—

The SPEAKER: Order! The member is on his feet, and it is distracting to have this continual undercurrent going on a metre or two from him.

The Hon. M.D. Rann: I do apologise.

Mr ATKINSON: The opposition asked the minister about the number of expiation notices issued to jet skiers and the revenue derived therefrom. The minister said that the minister who represented her in another place would supply that information so that it could be placed on the public record. I do hope that the minister representing the Minister for Transport—conscientious fellow that he is—will be able to supply the House with that information in his summing up.

The second aspect of the bill is the recondite matter of the extra territorial operation of laws and the competing claims of commonwealth and state laws in territorial waters. I understand that the bill cedes to the state jurisdiction over interstate trading vessels of fewer than 500 gross registered tonnes. Anything that takes authority, no matter how slender, away from public servants working in Belconnen and the Woden Valley will have my support.

The third aspect of the bill is the requirement on boaties to carry an EPIRB. This is commonsense. The capsize of the yacht *Agro* off Kangaroo Island without a EPIRB led to a search costing the state $230 000. It would have been much cheaper had the *Agro* carried an EPIRB. Fines of up to $10 000 may be imposed for failure to carry an EPIRB, expiable on payment of $400. An EPIRB costs $250. If that is not Adam Smith's hidden hand, I do not know what is.

Expiation fees and fines for related offences have been roughly doubled in the course of the government's continuing in its wickedness to abolish divisional penalties. If anyone in the Attorney-General's Department doubts the sincerity of my remarks over five years about what may seem to them to be the minor matter of divisional penalties, I suggest that they reconsider. I ask that they have a briefing paper on the means of restoring divisional penalties for my desk the week after the next general election or contemplate their vocation continuing elsewhere.

My only worries about EPIRBs is the stunt pulled by larrikins recently of tying an EPIRB to the stanchion of a jetty and setting it off, thus triggering a disoriented search by the authorities, and the risk of rigid aerials on EPIRBs that may render them inefficient or useless. The minister assures us that these changes will be widely publicised in notices to mariners, the *Advertiser*, Messenger newspapers and leaflets handed to boaties.

The final change is to the composition of the State Crewing Committee. It has five members who decide the minimum number of qualifications and crew required on trading ships. The current act requires two master mariners on the committee but, since no women are master mariners, a person with a marine qualification will replace one of them, and that qualification must be not less than master class five. This will allow a woman to be appointed to the committee, because the minister has looked into the matter, and there is more than one woman with the qualification master class five. The minister assures us that the two Maritime Union of Australia members of the committee who are not of the gentler sex are safe. The opposition supports the bill.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for his contribution to this debate. I will certainly draw to the attention of the minister the issues that have been raised.

Mr Atkinson: You don't have the numbers? Is that what you are saying? You do not have the number of expiation notices issued, as promised?

The Hon. DEAN BROWN: The answer is six. I pick up a couple of points. Obviously, modern technology is now available, and people should use it in order to avoid expensive searches when some mishap occurs. One can see the benefits where that has occurred. The incident off Stenhouse Bay is a classic example where a yacht got into trouble; it had an effective EPIRB; and the person was found. We also had the example at Ceduna of a damaged EPIRB which did not work.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: Yes. As a result of that you could well have found that both could be saved; but in that case one person was saved after a quite super-human effort in swimming ashore and then walking to obtain some help.

Regarding the one-off incident on Kangaroo Island, the person concerned was pretty close to the shore throughout. I think that claims have been made that the person was so far offshore that they should have used an EPIRB. Despite the claims made publicly—and I know about this because it is within my electorate and the locals have discussed it with me—I know that the person concerned was within the limits on the coast. The accident occurred within those limits and the person would have been within the prescribed limits on all occasions going across to Kangaroo Island. Therefore, the claims which I think have been made that that person was breaking the law are unfounded—

Mr Atkinson interjecting:

The Hon. DEAN BROWN: I know that certain claims were made at the time. I know that the person involved claims that that was not correct and, in fact, the accident occurred within the prescribed distance offshore. I thank the honourable member for his contribution to the debate.

One other issue I pick up is that involving jet skis. The minister has introduced today some new speed limits on jet skis affecting both Kangaroo Island and Encounter Bay. I support what the minister has done there. It is a huge problem where you have waters close into the shore—and in the case of Encounter Bay it is the navigation channel that goes out from the Whaler's End area out into the broader part of Encounter Bay. A speed limit has been applied there of 4 knots. Another area where it has been imposed is at American River, on Kangaroo Island, where for some time there has

been concern about jet skis and high-speed boats. I understand that some other areas around Kangaroo Island are also involved. The local residents and the people who are regular safe boaters in those areas would greatly support those moves.

I applaud what the minister is doing in terms of gradually bringing in speed restrictions that are wanted by the broader community. She has imposed restrictions down at Goolwa, particularly on jet skis, and that is very strongly supported by the local community. It does not mean that you cannot have a designated area, as there are at Goolwa, for jet skis to go out and operate at their maximum speed: they can. However, when it comes in close towards the wharf area and areas where other craft are operating, or where there may be swimmers or others in the area, it is appropriate for restrictions to be imposed. Therefore, the minister is ensuring that we not only have sensible regulations but that we can effectively police those with expiation fines where appropriate. The answer to the honourable member's question is six.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 454.)

Mr ATKINSON (Spence): This bill contains amendments to the Motor Vehicles Act 1959 and the Goods Securities Act 1986. The Goods Securities Act is being amended to preserve the definition of a motor vehicle as it is currently contemplated by the act; that is, including a trailer. If we did not amend the act, the definition of a motor vehicle for the purposes of the act would be changed as a consequence of a yet to be proclaimed amendment to the Motor Vehicles Act that does not include a trailer in the definition of a motor vehicle.

Clause 5 of the bill lowers the threshold for ex-servicemen's entitlements to concession on their registration from 75 per cent impairment of locomotion to 70 per cent impairment of locomotion. This will make 590 more people eligible for the concession. There are two other benefits under the parent act for these ex-servicemen: one is an exemption from stamp duty on transfers of motor vehicles; and the other is an exemption from stamp duty on compulsory third party insurance.

The third amendment gives inspectors the same authority as police under the act for the purpose of requiring drivers of heavy vehicles to produce their licence to an inspector forthwith. I agree with the government that it is not entirely satisfactory.

Mr Lewis: And he has to carry it all the time.

Mr ATKINSON: Yes, the driver has to carry it all the time. It is not entirely satisfactory that the driver of a heavy vehicle can say to an inspector that he will produce his licence at a nominated police station within a certain time. There is a minority of rogue drivers who are never seen again, so it is appropriate that inspectors have this authority.

The fourth amendment by clause 7 would make it an offence for an officer administering the act to disclose information obtained under the act for a purpose other than a purpose to which the subject has consented. Under the act as it presently stands, an officer administering the act can disclose information with the consent of the client, but now if that disclosure is for a purpose other than the purpose for which the original disclosure was permitted, then an offence will have been committed. This is a desirable amendment.

The fifth amendment by clause 8 is what I call the Gunn amendment. It is a pity the member for Stuart is not here for it. It would make it an offence for an inspector to use offensive language to a person, to hinder, obstruct or use or threaten force against a person without lawful authority. The member for Stuart thinks that inspectors have been getting above their station in their dealing with motorists. The opposition would be happy to rely on the existing Public Service disciplinary provisions and we think that this clause is unnecessary, but we rather doubt that we will be able to overcome the member for Stuart on this point, so we acquiesce in this clause and support the bill. I notice that the member for Stuart has arrived just in time, owing to my fleshing out debate on this matter somewhat.

The Hon. G.M. GUNN (Stuart): I thank the member for Spence for giving me some little credit in relation to this matter because it is very important that citizens of this state are afforded proper rights when they are being dealt with by agencies of the government. Most people are at a significant disadvantage when they are being dealt with by government inspectors and others. Over the past week I have had occasion to express grave concern about certain activities of inspectorial people ordering people to divert a considerable distance to use weighbridges. Under these provisions it will be somewhat more difficult for them, and so it should be.

It is not the role of the government or the state to impose unnecessary hardships or to issue as many on the spot fines or tickets to the public as is possible. It should be the desire of government to be careful, cautious and considerate when dealing with the public. Unfortunately, when you put certain people in uniform and they are given a certain set of instructions they often get carried away and their enthusiasm creates difficult situations. I could say a lot more, but I will not today. However, I will be putting some information before the minister in relation to certain activities. There are a number of other measures of this nature that need to be put to the parliament—this is only one.

As I indicated earlier this afternoon, there has been in my view an excessive use of on the spot fines and when people are given one of these objectionable pieces of paper they lose rights. In a democracy people should be treated fairly and should have the ability to defend themselves against arbitrary decisions—because these are arbitrary decisions. For a trifling matter, such as a slightly obscured numberplate or having a pull slightly obscuring it, these people should not get an on the spot fine but rather a caution, as they should for a number of other issues. I thank the minister for allowing these amendments to be put in the legislation. They will give people a little more protection. I am pleased the government has acceded to my request and I look forward to the speedy passage of the measure.

Mr LEWIS (Hammond): My contribution on this measure arises from my concern, just discovered, about the excessive and officious use of provisions in the Road Traffic Act, and on other matters, as they affect the harvest that is proceeding in my electorate at the present time.

The Hon. G.M. Gunn interjecting:

Mr LEWIS: I wish you had.

The Hon. G.M. Gunn interjecting:

Mr LEWIS: Then why not—I welcome that. At the moment we have some foolish people out rushing around Murray Bridge, Tailem Bend and elsewhere catching farmers who are travelling at 40 km/h, bringing their harvest into the silos, and checking out every minute detail of the truck.

The Hon. G.M. Gunn interjecting:

Mr LEWIS: Indeed they cannot afford to. They have been damn lucky to get this far this season.

An honourable member: They're not criminals.

Mr LEWIS: Well, they are not. Nothing they are doing is putting anybody at risk. I would have thought the more sensible thing for the Highways Department and the police, if they are hell-bent on taking care of offences committed on the road, would be to do it in a way where it is likely to stop injury, death or loss of property or damage to property. In no circumstances is there likely to be loss of property or damage to property where you have a farm truck bringing a load of cereal, pulses or whatever other grain has been harvested into the silo depot and travelling quietly along the road where there is anything but peak hour traffic and having their trucks defected because there is a piece of coloured plastic missing off the top of the handbrake or some other damn silly thing like that. It is utterly officious and useless, yet it is raising a lot of revenue for the government. They are putting defect stickers on the windows of those trucks. This is the time of year when, if you have your truck defected and then have to arrange a ruddy appointment and bring the thing into Adelaide after you have fixed that one defect, to have it inspected—

The Hon. G.M. Gunn interjecting:

Mr LEWIS: I would like to give the minister in another place the opportunity to address these matters and sort them out, so I will raise it now in the sincere belief that commonsense will prevail once the minister knows of the concern and that she will call off the hounds that are running around. Pretty soon there will be a very unpleasant confrontation between one of them and a farmer, I am sure. You can have several thousands of dollars—your entire year's work—at risk of loss through a thunderstorm or some other misadventure, and your truck is defected so you can not do any work for three or four days. You go off to get it inspected so that it can be restored to roadworthiness, only to find when it arrives there that they go over it again and find something else wrong with it, defect it further and you go away and have to fix that up and come back again. How many days does this have to go on before some commonsense prevails? Public property, public safety and life are not at risk in this matter. It is not appropriate for idiots in uniforms who have authority to exercise it for the sake of raising revenue and gratifying their egos. I think I have said enough.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contributions to this debate. In relation to the last item that the member for Hammond has raised, I will refer that to the minister for investigation. Having once been the driver of a wheat truck in northern Victoria for a couple of seasons during the wheat cutting season—

Mr Atkinson: When was this, before the Liberal movement?

The Hon. DEAN BROWN: This was when I was a university student and earning my income. I used to drive a grain truck. I know of all the issues that have been raised. When a vehicle is suddenly defected for a minor purpose and then required to be brought to Adelaide to have that defect notice removed, it can have a huge impact in terms of interrupting the harvest and, therefore, can cause potential economic loss to people concerned over what might be a very minor issue indeed. So I will raise the matter with the minister and ask her to investigate it with some urgency.

The other points raised by honourable members speak for themselves, and I think that there is a need for commonsense in the way in which the law is applied to vehicles like this, and this bill tries to achieve that. I support the bill.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. G.M. GUNN: This clause deals with the powers of inspectors, and I think that this is an opportune time to add to some of the comments which the member for Hammond correctly raised. This is the time of the year when people have their one opportunity to deliver their income which, in many cases, has been very scant in previous years. For many people this has been a very good season and they are keen to get into the system as quickly as possible so as to avoid weather damage, whether it be rain, hail, fire or other episodes because, if the harvest gets rain on it, it loses weight and it is also damaged.

I have always believed that the greatest attribute a person can have in this world is a bit of commonsense. I have a lot of experience of going to silos. I was at silos last week and, when I walked along a very long line of trucks, one of the things that struck me was the age of the vehicles. The simple reason is that people have been through a very difficult time and do not have the ability to upgrade their trucks. Most of the trucks are in very good condition, but they are driven on farms and on council roads which farmers have paid for by paying rates. There might be a minor matter: in some cases, inspectors exercise courtesy and commonsense, but others, unfortunately, need a little more guidance. It should be their objective not to make life as difficult as they can for these people. My view is that, if people are experiencing difficulty, they should be given a caution, have the situation explained, and be given a reasonable time to do whatever is required.

The member for Hammond is correct: this sort of overbearing attitude greatly angers people. It should not be necessary. Not only have Department of Transport people been out there, but also there have been unmarked police cars. I understand that these people have been more unreasonable than the Department of Transport inspectors.

There are two ways of handling these matters, and I have explained it to the various people in authority: we can take numbers and put questions on the *Notice Paper*, thereby creating a lot of work for a very senior police officer. I would sooner not do that: I would rather use some commonsense. Whether it is the woman taking her two children to school who forgets, when turning left, to put an indicator on, or whether it is a farmer who commits a minor indiscretion in his truck, I believe that it is not the role of law enforcement to give people an unreasonable ticket. Many of them do not have the money to pay, and it is more than a penalty—it is an imposition. A sensible caution should be given.

I often think, when I see police stop and get out of a car, the first thing that comes out is the book, and some poor individual—whom you know very well, just looking at the car, probably does not have the money to pay—is going to suffer a great imposition, and it greatly angers me. That is why I have taken the opportunity to support the comments of the member for Hammond, because he is absolutely correct.

A case was brought to my attention where a person was given a ticket. His overall weight was under the requirements—he was underweight on the tri-axle but over on the drive. What an absolute nonsense to give someone a ticket in those circumstances! I ask the people who are responsible for administration about the two officers who have had to go on stress leave because of the actions of some people—because they did not want to be part of this outrageous behaviour. I say this is for the benefit of those people who administer this.

We can do all sort of things, such as put questions on notice about these individuals now that we know who they are—because people are ringing up complaining, as is their right. I would say to the honourable member that anyone who gets one of these unreasonable tickets should take the number of the vehicle and the inspector and write a detailed letter to the minister, because someone in bureaucracy then has to provide a reasonable answer. If you get plenty of letters, someone has to deal with it. Then they will get in touch with the member and, if it is a nonsensical answer, you can have a lot of fun with it here.

I am very pleased with what the minister has done. In my view, the minister has always been very reasonable and sensible in dealing with these things. I appreciate her bringing this provision to the House and, therefore, I support it. However, I am aware of the difficulties that the member has had. What concerns me is that a lot of people do not understand that, in the past, there has been a considerable tolerance—a 40 percent tolerance—with respect to these vehicles, which was unwisely taken away, because these trucks have the capacity to carry such loads.

As the member said, they are only driving at reasonable speeds. They are driving in paddocks and, therefore, things such as reflectors can fall off. But, at the end of the day, unless they get their grain delivered, they will not get paid and they will not meet their commitments; it is as simple as that. Therefore, we should not be placing impediments in their way and should be using commonsense. I am pleased to support this provision.

Mr LEWIS: I thank the member for Stuart for his support of the remarks which I made during the course of the second reading debate, and I shall forward a copy of his remarks, along with my own, to the people who have already contacted me. One of them was the wife of a farmer. In fact, she does not mind that I mention her name—Mrs Gwen Schubert. It was not only the members of her family who were adversely affected: others were deliberately pinged.

It is incredible that these officers go to where they know they will be able to find fault, that is, the queue at the silo, and simply write out the tickets—and, boy, they have a full book in half an hour, no problem! I know that Mr Lucas loves it.

Mr Koutsantonis interjecting:

Mr LEWIS: I have no idea at all what they give them. All I know is that it does not enhance the reputation of the police or the highways department inspectors, and it does not create any public support for what they are doing. Accordingly, I know that the minister at the table will take the matter up on our behalf and I look forward to having the matter rectified within 24 hours to stop this nonsense going any further. I believe that, because they are so trivial and unreasonable, some of those notices ought to be withdrawn.

Clause passed.

Title passed.

Bill read a third time and passed.

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

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

Motion carried.

ROAD TRAFFIC (ALCOHOL INTERLOCK SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 391.)

Mr ATKINSON (Spence): An alcohol interlock is an electronic breath analyser with a microcomputer and memory attached to the ignition of a motor vehicle. It measures blood alcohol content. The Labor Party is supporting the introduction of alcohol interlocks because we do not believe that they are a soft option. Parts of the United States of America, Canada and Sweden have used these devices for a number of years and their experience is that it lowers the rate of reoffending by 65 per cent. The technology of alcohol interlocks has improved to the point where they are now highly reliable. One will find it difficult to blow a false sample, for instance, by using a companion to blow or using a pump.

There are 7 000 convictions a year for drink driving in South Australia and it is the opposition's view that longer licence disqualification and higher fines are not helping to reduce the number of offences any longer. The alcohol interlocks rely on what the minister calls 'rolling retests', which are heralded by beeps two minutes before the interlock will require another sample of breath. It is only by these retests that the scheme will be effective. An offending motorist can apply for an alcohol interlock when half of his or her disqualification period has been served.

Once the alcohol interlock has been installed the remaining period of notional disqualification is doubled. So, in a sense, notionally the penalty is up 50 per cent for those who use alcohol interlocks. Those using them must display P plates, must not interfere with the device (or permit someone else to interfere with it) and must attend at a nominated place to allow information to be downloaded from the microcomputer. The opposition is anxious that the use of alcohol interlocks not be confined merely to rich people—people who can afford to install these devices. So it was with interest that the opposition noticed that the government was proposing a scheme to subsidise the installation of alcohol interlocks for offenders who did not have the means to afford them.

The opposition does not want this bill to be used as a device for rich people to avoid the normal penalties for drink driving. With those remarks, the opposition supports the bill.

Mr VENNING (Schubert): I support this bill. I appreciated the contribution of the member for Spence and the support of the opposition. This is a voluntary scheme to have an interlocking device fitted to a vehicle of a person who has been disqualified from driving due to a drink driving offence—that is quite obvious. This issue was discussed at length at what I still call the backbench committee. This device was proposed 12 or 18 months ago and it did sound like pie in the sky at the time. However, as time has passed, the devices are now much more reliable and have much more public acceptance, so it is very fitting that we are discussing this bill at the moment.

This bill proposes that an offender can apply to the registrar to have a device fitted once half of their disqualification period has been served, as the member for Spence just said. However, that will have the effect of extending the total penalty period by half—in other words, three quarters of the original disqualification. For example, if an offender is disqualified for 12 months, an application for an interlock licence can be made after six months and, if approved, the interlock licence will be valid for a period of 12 months from that point, which is a total of 18 months. An initial 12 months' disqualification period will run for a total period of 18 months.

Drink driving is a very serious problem, from which we should never run away. Statistics show that current methods of dealing with drink driving offenders have reached a plateau. Over the 10 years from 1985 to 1995, an average of 7 000 people were convicted for drink driving offences. Heavier fines or longer disqualification periods do not now appear to be the solution. We need to explore different strategies to combat this seemingly ever increasing problem, and this is a step in the right direction. As I said, these devices are now very reliable and are in use in other countries around the world.

I welcome this move particularly because I am a country person, and country people pay an inordinately high price if they lose their licence. They have no alternative transport, because there are no railways, no trams, no buses and no taxis. There is no alternative if they lose their licence, so the impact on them is very hard, indeed. It is a huge impost to the country businessman, particularly to that person's family. So, I certainly welcome this move.

I am pleased to note that the device is now fitted with a random resetting device—that is, after it is activated (if the blood level is okay), the vehicle will be able to be started and used. It was previously the case that, after 15 or 20 minutes, the device would reset and would have to be blown into again about 90 seconds or so before it would shut the car down. So, after about quarter of an hour the device would emit a tone in time to recharge it and on you would go again. But it would be very easy to rort the system and say, 'In a quarter of an hour I can get to Billy's place and he can blow and recharge it.' I think it is a very good move to have the devices now set so that they will randomly go off and one will not know, whether it is five minutes or 30 minutes after initial start-up, whether this device will go off. I think it is a brilliant move and a brilliant strategy so that it cannot be rorted.

I agree that the device could also be rorted by a second person blowing into it. But I understand that these devices are quite technical and complicated, and the user must have some experience to operate them. So, I think that a second person would have some difficulty in blowing. In addition, the risk of getting caught doing that is extremely high, indeed, and I think that there would be quite a disincentive for members of the public to do that. I think that this is a very good move. I commend the bill to the House, and I certainly congratulate the minister yet again on another very good initiative.

Mr KOUTSANTONIS (Peake): Drink drivers kill: drink drivers are negligent and should not be allowed to drive. I find it very difficult, indeed, to support this interlock scheme. I think that, in one respect, this law is now saying to people who can afford to do so that, halfway through their penalty, they can have access to a motor vehicle again and start driving, as long as they do not blow over the limit. I find that outrageous, especially for the victims who have lost loved ones in drink driving related accidents. For someone who blows over the limit to again be able to have access to a motor vehicle and to the roads during the period of their penalty is a disgrace.

But I do support the idea of the interlock. I think that that is a good idea. I think that we should almost make it compulsory for drink drivers, after they finish their period of disqualification from driving a vehicle, to have interlocks on their car. I cannot believe that, halfway into a person's period of disqualification we are now saying, 'If you do not drink, we will let you drive again. If you pass the interlock test, we will let you drive.' That is not a punishment; that is no disincentive. It will become a simple way for people who have the means to pay for this system to get back on the road again earlier. I support this legislation for a couple of reasons—

Mr Clarke: Why?

Mr KOUTSANTONIS: Because I think the principle of the interlock is important—

An honourable member interjecting:

Mr KOUTSANTONIS: No, I don't want to be thrown out. But I support the principle of this. As I have heard in the past, I am compelled to vote with the caucus, but what I say is my business. I think that this lock is a good idea. It is a progressive way of making sure that, with respect to people who are caught drink driving, the message is reinforced that South Australians and the government do not tolerate people who break the law in terms of alcohol and drink driving. It is a silly thing to do. Anyone who goes out and has too much to drink should catch a taxi or a bus home and should not be drink driving.

An honourable member: Especially a taxi.

Mr KOUTSANTONIS: Especially a taxi.

An honourable member interjecting:

Mr KOUTSANTONIS: Especially an Independent taxi, absolutely: the premier Adelaide service. The message that we are sending out with these interlocks, by not making sure that the full penalty is served, is that we cannot reform drink drivers: we cannot go in hard enough. What we will say now is, 'If you have the wealth and the ability to afford this interlock, we will now give you this interlock and you can be on the road faster.' I do not think that that is good enough. I think that the interlock should be made compulsory after a person has served their full term of disqualification, then be fitted to their vehicle for a year and then have the clock removed. It should not be used as an incentive.

I understand what the minister is trying to do by having the interlock on for a period longer than the penalty requires, that is: 'You have been disqualified for a year, and six months into your disqualification you apply for the interlock. You are required to have that for a further six months after your disqualification period is over.' That is a good idea. But what we are saying here is that there are people out there who are unemployed—blue collar workers, working families—who will not be able to afford this interlock. They will be disadvantaged. The John Elliotts of this world who are disqualified for drink driving, the wealthy entrepreneurs of this world, will be able to afford the interlock and get back on the road faster and, of course, who is disenfranchised? Who is left without a motor vehicle? People who cannot afford it. There should be one rule for all South Australians, not the select few. But, in the end, I support this legislation.

Mr HAMILTON-SMITH (Waite): I rise to support this bill. As a 17 year old, I recall leaving school to go off and

join the army. At that time, a huge campaign was being waged in South Australia to get the death toll on our roads below 250. In fact, the *News* and the *Advertiser* were running a very active campaign designed to get the death toll under the big 250 figure, it having risen well above that on a number of occasions. One would have to point to the remarkable success that we have had in recent years in getting the death toll down not only below 250, but well below 200, for years and years now, and pay tribute to the fact that part of that success has been due to the effort that we have put into cracking down on drink driving.

I agree with the member for Peake that it is an area on which we must maintain our focus. I do not agree with him completely that one should not drink and drive. The law does not require that. The law enables one to drink and drive, but you must be above the allowable limit of .05 in order to have committed an offence.

Mr Atkinson: No.

Mr Koutsantonis interjecting:

Mr HAMILTON-SMITH: To be pulled up at a random breath testing station and to blow into the bag and to register below .05 will not result in a prosecution or an expiation. So, I would just clarify that point: one will not be booked for registering a blood alcohol content of .01. I think that that point needs to be clearly made. Having said that, the approach that successive governments have taken to ensure that people are not driving over the limit has contributed significantly to getting that death toll down, and I commend that. I think that this initiative put forward by the minister will be another pillar in that long running program to save lives on our roads.

I do not agree with the member for Peake that this is a law that is made for the rich. My argument to the member for Peake would simply be that, if it saves one life or prevents one drunk driver from going out on the road and endangering people, it has been a worthwhile law. For that reason alone, I would support it.

I have some concerns with the focus that we are taking in regard to road safety in general in that it is not sufficiently comprehensive. To explain, I point to the fact that all our effort seems to be going into drink driving and speed. It seems that you are very likely to be pulled up by a random breath test or run into a speed camera or a radar unit, and at times they would appear to be the only major effort being made on our roads to save lives and make sure that people drive responsibly. It is as though alcohol and speed are the only contributors to poor driving, deaths on our roads, etc. I completely refute that. Whilst I agree they are major contributors, reckless and careless driving is equally irresponsible and an equal contributor to deaths on our roads. In comparison to speed and alcohol, it is being ignored to the point where we should be becoming alarmed.

From simply driving around my electorate and observing the roads, it is quite clear to me that people who take corners in a reckless and dangerous manner, who drive at slow speeds but in a reckless and dangerous manner, who lay rubber on the road, do doughnuts, drive on the wrong side of the road, cut over roundabouts, cut people off, tailgate and commit a range of dangerous driving offences, are putting lives at risk and causing accidents on a daily basis. I would like to see more resources allocated to enable our very capable police force to get on the road and start pulling up more people for such dangerous driving acts. I am of the view that someone can be driving within the speed limit, having consumed no alcohol, but can still present considerable danger to others on the road, simply by their reckless and stupid driving behaviour.

We should not rely wholly on speed cameras, radars and devices such as those proposed in this bill—and random breath tests—to reduce the death toll, injury rate and number of accidents. I am not suggesting for a moment that we should let up—not at all; in fact, we should continue to apply the pressure. However, we need to look at the whole problem, and it is not just alcohol and speed but the way in which people drive and behave on the road. That is an area where the government needs to renew its focus. If more people were pulled over, cautioned and fined for such behaviour, we would be able to go to the next step in reducing the numbers of deaths and accidents on our roads.

In summary, I support the bill fully as another measure which is likely to save lives and improve conditions on our roads. I draw to the House's attention the need for us to do more, and to rely not only on alcohol and speed constraints to bring about safer roads and a better living environment for our constituents.

Mr LEWIS (Hammond): Everyone's heart is in the right place on this matter, including the minister's. I am sure that the provisions which this measure contains will enable us to reduce the number of offences committed by drink drivers and reduce the number of people who drink drive. However, there are some flaws in the alcohol interlock scheme. I mean no disrespect to anyone in this chamber, but I would be grateful if it were possible for the minister at the table to listen to what I have to say, because the flaws are vital. They need rectification, and I do not know how to rectify them. Let me illustrate the point I am making by referring specifically to clause 53, where we have put blinkers on our thinking as legislators if we pass it in this form:

> The holder of a driver's licence subject to the alcohol interlock scheme conditions must not contravene any of the conditions.

Okay, so, if that driver contravenes any of the conditions, they get pinged for $1 250. However, the bill states:

> A person must not assist the holder of a driver's licence subject to the alcohol interlock scheme conditions to operate a motor vehicle. . .

In other words, you must not help anybody who must use their interlock scheme to do that, or interfere with an alcohol interlock. I am not fussed about that. I am focussing now upon the person who might assist someone to get around the alcohol interlock scheme. If you do, the penalty is $1 250. Subclause (3) provides:

> A court convicting a person of an offence under subsection (2)—

that is the bit about helping the driver—

> may order that the person be disqualified from holding or obtaining a driver's licence for a period not exceeding six months.

This is where the blinkers are. What happens if the bloke who is the subject of an alcohol interlock scheme order wants to have a drink and grabs his six year old daughter, sticks her in the car, heads off down the pub, has his drinks, gets in the car and tells the child to blow into the interlock and no registration is taken? He can start his car and drive home. What happens to the daughter? Nothing, because she is not even the holder of a driver's licence. If it is his mother, say, or his wife who does not hold a driver's licence, then they of course may be fined, but they will not lose or are not at risk of losing anything, because they have nothing to lose other than their money.

The worse case is, though, where it involves a minor who feels compelled to operate the interlock device for the benefit of the adult. We do not prescribe any offence for that, and you cannot tell me that a court would fine a minor $1 250, or even attempt to do so; and it could not be termed child abuse under the terms of the act. I do not know how we fix that up, but I will bet that once we implement this scheme there will be dozens of instances where people, particularly children, are coerced into doing this by irresponsible adults.

I invite the minister to address my concerns to the minister responsible for the bill, so that it is made an offence to coerce a minor or someone else who is unlikely to suffer, or be capable of suffering, any severe penalty in the circumstances to which I have referred.

Mr SCALZI (Hartley): I, too, wish to make a brief contribution and support the bill—

Mr Atkinson: This could be your last day in parliament.

Mr SCALZI: I advise the honourable member to look at the polls. I return to the debate on the bill which is more important and why we are here: to discuss legislation. As I said, I will be brief.

I support the bill. It is obvious that the RAA supports the interlock scheme. I wish to refer to the comments of the member for Peake and the member for Hammond. With regard to discrimination, the member for Peake said that the well-to-do will be advantaged by such a scheme. Let us remember that this scheme is voluntary. It has been proved to be successful overseas. Any scheme which reduces the crash rate and therefore injury to innocent people must be tried and must be commended.

I commend the minister for the bill and I believe that, through this legislation, some lives will be saved—and the ultimate aim is to save lives. However, as well as that, because the scheme is voluntary, no offender who has a problem with alcohol—and I refer to the comments of the member for Hammond—would go to the trouble of making themselves part of this scheme and then coerce a child to abuse the system, because sooner or later they would be found out. It would be a totally irresponsible thing to do. Whilst I can understand the member for Hammond's concern, I have not heard that the problems he mentioned have arisen overseas, but nevertheless it is important that he raise them and they should be looked at. I commend the bill. It is obvious that the expense to put in an interlock scheme—

Mr Atkinson: How much is it?

Mr SCALZI: It is minimal when you consider the cost of a vehicle.

Mr Atkinson: You say it is minimal; how much is it?

Mr SCALZI: In comparison to the cost of the vehicle—

Mr Atkinson interjecting:

Mr SCALZI: I believe it is important that we support this bill and encourage offenders to be part of the voluntary scheme in order to reduce the number of road accidents and therefore benefit the community.

Mr HANNA (Mitchell): I will speak briefly in support of the bill. I do so cautiously, and I am glad to see that there is a measure which will bring a report back to the parliament on the operation of these amendments. Of course, everyone agrees with the principle that dangerous driving should be reduced, and obviously one aspect of that is to reduce the number of people who are driving while intoxicated. I was going to raise a few questions in this contribution, but questions raised by the member for Hammond and the member for Peake have already addressed those issues, particularly the possibility of being able to circumvent the intended purpose of the interlock device and also the issue of equity in respect of offenders who are not as well off as some others: for example, how long will it take a person who is unemployed, on a pension or a low income to pay back the loan that they will be required to have the interlock device installed?

In respect of fines above the minimum amount, of course a magistrate will have some discretion, taking into account the circumstances of the person, but it seems that that will not be the case with the imposition of the financial impost for the interlock device. With some reservations, I support the bill because naturally I will support any reasonable measure to improve road safety.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contribution to this bill, and in particular I recognise the very wide support this measure has received within the House. One of the things I found interesting in looking at the practical aspect of this was that a company in Adelaide has already trialled the use of the alcohol interlock system. A company has it in operation and, as a result of that, it has taken some action against some of its drivers for drink driving, and I suspect that it is something we will see on more and more commercial vehicles as a safeguard for the companies involved.

That also highlights the very practical way in which this can be applied because, if a company is already doing it on a voluntary basis in the commercial area, and it has found it a very useful exercise—and it applies to all employees, including the owner of the business—then I think it is something that we will see other drivers take up, particularly when you consider that these people are driving vehicles probably worth $200 000 plus and, in some cases, they are carrying some very big loads indeed. The penalty for any driver who drinks excessive amounts of alcohol and then attempts to drive ought to be very severe indeed, particularly in the case of a heavy vehicle. Again, I thank members for their contribution to the debate.

The member for Hammond raised a particular point regarding section 53(2), concerning which the person blowing into the device may either be a minor who is not aware of the consequences of what they are doing and they are simply asked do so by an adult—and it may be their parents—or someone who is very old and who is not aware of the nature of what they are doing, and equally may be asked to carry out the blowing task without being aware of the fact that they are committing an offence in doing so. I will certainly bring that matter to the attention of the minister.

My understanding of the law at any rate would be that, if it is a minor, the minor cannot be penalised for doing that and certainly if they are not aware of the nature of the law. Equally, someone who is mentally impaired through old age or dementia, for instance, would not be liable. To answer the member for Hammond's question, I do not believe that in either case the so-called innocent party, who is unaware of the law, would be penalised by the law in those circumstances. I cannot see a court upholding that. I would ask all members to support the second reading.

Bill read a second time.

In committee.

Clauses 1 to 6 passed.

Clause 7.

Mr CLARKE: I would like to ask the minister some questions with respect to financial assistance for interlocks. I have some of the same concerns as expressed by the member for Peake, that is, we could have two systems of justice with respect to driving under the influence. Someone with access to funds would be able to get their licence back for the purposes of driving to or from work and that would apply to people with means. New section 53AA provides:

> The minister must establish a scheme under which persons seeking to gain the use of alcohol interlocks may obtain loans or other assistance for that purpose subject to a means test and conditions determined by the minister.

Is it the government which will be making such loans available to people; and, if so, on what basis? A person on government benefits, such as unemployment benefits or supporting parents benefits, who goes to a local bank or credit union to seek a loan for an interlock device will not get it.

In a briefing to our Caucus, it was my understanding the interlock might cost in the order of $1 200. Could the minister give advice on that matter as well? It appears to me that the reality of life is going to be that for a considerable number of people they will lose their licence and they will not be able to access the interlocks, but those with means will be able to do it and that lessens, in a sense, the fear of losing one's licence. One of the greatest fears of drink drivers is not only being caught but the consequences in terms of not only a fine but also their employment prospects.

The courts have been totally unsympathetic—as I believe they should be. People who have been caught drink driving have appeared before the court and said, 'Look, I will lose my job as a commercial traveller'—or a truck driver or taxi driver or whatever. The reality of it boils down to the fact that magistrates have said, 'That is tough. The safety of the community is paramount. If you lose your job, so be it. You knew that when you got into the car over the limit. We are sorry about your dependants, but there are people on the road you could mow down and permanently maim, injure or kill. At the end of the day, the safety of the community is paramount.' The loss of one's licence and the loss of one's livelihood and the impact that has on one's dependants is a forceful deterrent with respect to drink driving. I do not think we should lessen it by making it easy, in a sense, for people to have access to these interlocks.

I find it interesting that the main proponents of this scheme seem to be those who themselves do not drive a motor vehicle. The shadow Minister for Transport does not use a car but has access to a government member vehicle and a credit card for cabs; the minister has access to a government car and a government credit card for cabs; the shadow minister representing the shadow minister in another place does not have access to a car or—

Mr Koutsantonis interjecting:

Mr CLARKE: Other than the member for Peake's car. The minister representing the minister in another place here has access to a government car as well.

Mr Atkinson: You do not have access to a government car.

Mr CLARKE: I do not. I once enjoyed that but you helped ensure I did not any longer. What goes round comes round and I will enjoy 2001, let me tell you, in another jurisdiction. In any event, my question is: will the government establish a loan scheme, rather than commercial operators such as banks or credit unions; and, if so, how much has been set aside for it? What interest rate will be used; what criteria will be used in terms of people being able to access it for the purposes of installing an interlock device; and how much does one cost?

The Hon. DEAN BROWN: They are very sensible questions and I can give some information. First, if it was to be leased for six months, the cost on a commercial basis would be about $120 a month. If it was to be leased over a 27 month period, the cost would drop to $100 a month. The minister is considering a number of options, but until the legislation is passed the minister does not intend to go into commercial negotiations with the supplier to finalise any detail. Three broad leasing options are being considered: first, an extended payment period provided by the supplier of the equipment; secondly, the supplier is paid by Transport SA and the participant repays Transport SA over an extended period; and, thirdly, Transport SA purchases a certain number of interlock devices which are then rented to participants on appropriate terms, and it may be terms that are, therefore, more generous because this is seen as a wise move in terms of road safety.

The minister is reasonably open minded. If the honourable member has any suggestions he would like to put to the minister, I am sure she would be willing to receive them. The minister is looking at a number of different options. I stress the fact that, although the cost might be up to $120 a month, for someone who otherwise would lose their licence and income that may be a price they are willing to pay. The other issue is that the Drug and Alcohol Services Council has estimated that counselling services would cost about $50 an hour.

Mr CLARKE: Working on $120 per month, how would a person on unemployment benefits or supporting parents benefit possibly afford that interlock device? This is the point that the member for Peake and I have raised previously, that is, if you are earning a reasonable income you will pay it to preserve your job, even if it means a fair bit of belt tightening. However, for people on benefits $120 per month is just pie in the sky unless they can have access to a cheaper form of finance which is, in effect, probably subsidised by the state, because you will not get in subsidised by commercial operators, and they will certainly not extend any loans.

For someone who is a supporting parent and who might have a clapped-out car but loses their licence, that may be the only way they can get their children to school or a variety of other things, such as just even looking for work. People on low incomes working only casual hours in the hospitality industry, finishing work at 2 or 3 o'clock in the early hours of the morning, do not have any public transport available to them. It is a minimum of a two hour shift in the hospitality industry, so they might get six, 10 or 12 hours work a week. For them, it is a significant impost. This is the point that the member for Peake and I have raised: we will have a two tier structure of justice for drink drivers.

The Hon. DEAN BROWN: The minister is very aware of that issue. Certainly, I can recall her talking specifically about that. That is why she would put into place an appropriate scheme. The third option was to cover specifically what the member and the member for Peake raised, that is, the people who might be on welfare payments such as a single parent with two or three children who could not afford $100 or $120 per month; they may well have a very heavily subsidised interlock device provided. That is why, as I said previously, and as I repeat now, Transport SA could purchase a certain number of interlock devices which could then be rented to participants on appropriate terms, which clearly would be something that they could afford.

I pick up and support entirely the point that the member has raised, that is, that we should not have two levels of justice and two rights depending on one's income. Those who are wealthy and can afford to put devices in their vehicle should not be allowed to be in a position of privilege because they can afford to buy one of these devices compared to someone on a welfare payment who cannot afford to buy such a machine.

Therefore, it is very important that whatever system is put in place allows equal participation and equal access to an interlock device. I certainly would support that. I know the minister would support it, because I have heard her talk about that specific issue already. That is the very reason why I said that a number of schemes would be looked at where that could be funded. How that is funded, whether it is a penalty on others who use the device and where some people might pay more if they have a higher income, or something like that, has not yet been worked out. However, I assure members that the minister is very aware of this and the need to make sure that access to one of these devices is not dependent on income.

Mr KOUTSANTONIS: I listened very carefully to the options which the minister offered and which the minister in another place might be considering. One of those was a rental package where you might be able to rent the interlocker if the minister buys a series of interlockers and then rents them out, with the rates perhaps being varied. However, is it not true that, no matter how many interlockers the minister gets for road transport, everyone who is disqualified for drink driving will immediately ask for these interlockers? No matter how hard the minister tries, there will be a group of people who simply will not be able to afford to have the interlockers put into their car. We will have two classes of people who get two different types of justice.

The point, in terms of the cost, is that we have a variance of cost in expiation notices and fines. Indeed, the fines and penalties are quite different even for drink driving, depending on the level of one's intoxication and blood alcohol reading. I must ask, having heard what the minister has said (and I accept that he is sympathetic to the argument we are making), whether it is not true that, no matter what level of offence one has committed in terms of drink driving, the cost of the interlocker will be the same. If you have been caught drink driving with a blood alcohol level that is extreme and somehow avoided prison, the cost of your getting the interlock scheme as someone who had a reading of .081 is identical. The only difference in the punishment is the fine imposed by the court. They are both back on the road at the same time for same expense. Is that not unfair?

The Hon. DEAN BROWN: I am concerned because I do not think the member for Peake is listening to what I am saying. The minister is proposing to set up a scheme whereby access to an interlock device could be accessed, perhaps equally, by someone on a low income or welfare payment as someone who is wealthy. Indeed, someone who is wealthy may not get any assistance at all, and there may be, and would be, a direct subsidy for a person on a low income.

Therefore, the very point about which the honourable member is concerned, as to whether people on low incomes will be able to get access to the device, is the very point that the minister is wanting to overcome by setting up this scheme. Overseas experience is that about 40 per cent of people who are found guilty of an offence are likely to use an interlock device, and it is very important that there be effectively equal access, as well as there can be. That will require a heavily subsidised device to be available for people on welfare payments. That is acknowledged.

The details of the scheme are yet to be worked through and, as I said, I shall refer members' comments to the minister, because I think she would be very interested in them. However, I think the minister is more than aware of those points and wants to ensure that there are not two sets of standards in the application of the law: one for those who can afford it, and one for those who cannot.

Mr CLARKE: Following on from the member for Peake's question, I understand what the minister is saying. How many people are convicted of a drink driving offence that has occurred in South Australia in, say, the past 12 months, or whatever is the period to which the latest statistics apply? I am trying to work out whether, on overseas experience (and the minister said about 40 per cent applied for these interlock devices), that same ratio applied here in South Australia in relation to how many interlock devices would need to be accessed.

Can the minister give an assurance on behalf of the minister in another place that sufficient interlock devices will be bought by Transport SA so that as many people as possible who require interlock devices and apply for them are able to access them on whatever terms is finally agreed upon by the government? In other words, I gather from what the member for Peake was saying, that you might by X quantity of interlock devices, but X plus Y number of people actually apply for them and there are too few to go around. It will be mainly the impoverished or those on lower incomes who will be applying for the subsidised scheme and will be unable to access it because you do not have that number of interlock devices and hence you will get two systems of justice because those with money will ensure that they can purchase their own.

The Hon. DEAN BROWN: To clarify the cost structure, I talked about $120 for a six month period. The installation cost will be about $125 up front, the total rental cost over a six month period will be about $570 and the removal cost would be about $25—a total cost of $720 or a monthly cost of $120.

Mr Clarke: Is that $720 plus $20?

The Hon. DEAN BROWN: No, the total cost would be $720; divide six into that and it is $120 a month. Generally the rental of these devices will be about $95 a month, so you could well have the Department of Transport renting a significant number of these machines and making them available possibly for a three, six or 12 month period. There will be people who can afford these and for whom the state probably will not contribute five cents. Therefore, it has to be understood that there could well be 60 or 70 per cent of the population, if booked for an offence, who are in an income bracket in respect of which the court or the minister might deem it appropriate for them to afford to pay for the machine themselves as part of the penalty, whereas for others on welfare payments or in different circumstances even $10 a month may be a significant burden on them. That is what the minister is wanting to ensure she can overcome. It is premature to be speculating too much at this stage. That amount of detail needs to be worked through and I am sure the minister will do so once the legislation is passed.

Mr KOUTSANTONIS: Drink driving has become socially unacceptable over the past 20 years. People do not accept that it is fun, cool or in any way exciting to drink and drive any more. Young people denounce it as irresponsible and stupid. The penalties are clear and the campaigns run by

the government have been very successful in making sure that people realise that drink driving is not an acceptable form of behaviour for anybody. Here we are discussing financial assistance (and I understand the minister has done his best to try to explain that everyone will have equal access), but I cannot see the department guaranteeing equal access to these interlockers, no matter what guarantees are given now.

First, the minister said that he does not know the exact prices because the government is not entering into negotiations until after the legislation is passed. Secondly, the minister will not settle on a program for distribution of these interlocks until after the legislation is passed. It seems wrong that we do not set up the program that we intend to have in place before the legislation is passed. Further, we are sending out the message that if you drink and drive you can pay or the government will help you pay for an interlock and get back on the road again. I cannot see how the department can make a guarantee to this House that every South Australian who is caught drink driving, after six months or half-way through the period they are without a licence, will have equal access to the interlock. The minister has said, 'We will do our best', but the programs are not in place yet. How can we let South Australians know after we pass this amendment that they will be given access to an interlock?

[Sitting suspended from 6 to 7.30 p.m.]

Clause passed.

Remaining clauses (8 and 9) and title passed.

Bill read a third time and passed.

DEVELOPMENT (SYSTEM IMPROVEMENT PROGRAM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 717.)

Ms HURLEY (Deputy Leader of the Opposition): First, I indicate, sir, that I am not the lead speaker on this bill.

The SPEAKER: The chair acknowledges that the Deputy Leader is not the major speaker.

Ms HURLEY: We all know that there has been a great deal of criticism of the operation of the development and planning regulations. We saw a massive change to the bill early in the term of this government, with changes to the major projects arrangements. The major projects provisions have been the cause of much of the difficulty in the community, because it is certainly the view of many in the community that the government has abused the major projects provisions of the Development Act—

Mr Lewis: You're not kidding!

Ms HURLEY: Yes, exactly—and, really, used the provisions of the act to ride roughshod over the wishes of the community. I believe that this was not the intention of the bill. The major projects provisions should indeed allow the government to coordinate and fast-track reasonable projects but not to completely disregard the wishes of the people in not consulting with the local community or with local government authorities. That has been the cause of a great deal of difficulty.

I believe that the government has acted unnecessarily in a lot of these cases and, if they had consulted with the community on these major projects, they might, indeed, have got a better development, they might have got the cooperation of the community and still ended up with a reasonable project. I do not advocate that we do not have these sorts of major projects provisions: obviously, there are cases when there are significant projects that need to be carried out when different departments and different arms of government need to come together to make sure that a project operates properly. It is important in some of these cases not to be tied up in endless consultation and appeals and legal red tape.

Therefore, I support some sort of provision. However, when it is abused, as it has been, by the government, people in the community lose faith with government attitude and with government direction and it becomes impossible to bring in any sort of reasonable legislation which allows flexibility by the government because there is such a deep level of distrust within the community of government actions. I think that that is a pity.

This development amendment bill addresses some of these concerns, and there have been some amendments to the original bill which, I believe, are some improvement, but not necessarily the whole story. I do not think that we should ever expect that the Development Act will be a static piece of legislation which should last forever. Because of the changing nature of public expectations and the changing projects that are envisaged, of course the Development Act will need constant update, review and amendment. I believe that it is one of the intentions of the opposition that, should we get into government, there will be a major review of the way in which the Development Act operates, particularly in relation to public consultation aspects of legislation.

In many ways, public consultation has been quite a reasonable process and there have been some reasonable changes to that public consultation, but when whole communities, as in the case of the Pelican Point power station, are disgruntled about a development, when the government could easily have gone to that community and explained the development, or could easily have gone to a community such as Whyalla or Port Augusta or Port Pirie and talked about whether they would like a power station, that is when you get—

Mr Lewis: They could have put it on Torrens Island, cheek by jowl with the one that was there.

Ms HURLEY: As the member for Hammond says, it would have made much more sense to put it on Torrens Island where there is an existing power station and to use the infrastructure and facilities that are already available on Torrens Island rather than spending quite an amount of government money on extra infrastructure to deliver the transmission lines to the new power generation plant.

The bill before us makes some useful changes, I think, in making the assessment of development applications more local. I have always been a strong believer in local government and the local community knowing a reasonable amount about their own community and appropriate development, and being in the best position to properly consult affected people. I believe that the amendments in this bill go quite a way towards improving that process and also to making that process more accountable and transparent. I am particularly pleased with amendments which require the assessment panel to be as open to the community as possible in terms of meetings and minutes, and so on, so that the community can easily see which way those assessment panels are working and that those panels are, indeed, accountable to the community, so that the trend for decision making can be determined.

I believe that the opposition will support this bill. The shadow minister will go through, in greater detail, some of

the changes that have been proposed and some of the amendments that have been already accepted in the other place, but I see it as some advance and a precursor to what I hope will be quite a change when Labor is in government. It was Labor, indeed, that put together the initial Development Act, after extensive consultation with the community, and it was quite well regarded at the time. I made the point that I believe it is the major projects legislation which has been abused and which has been a significant factor in bringing the Development Act into disrepute, and I that is a great shame.

Ms KEY (Hanson): I am very pleased to represent the Labor Party with respect to this bill. As the deputy leader said, this bill has attracted a lot of interest. Certainly, I would like to put on record appreciation for the work that has been done by the deputy leader, as a former shadow minister, in this area. Her remarks are the result of the hard work that she has put into this area. I also acknowledge the member for Elder who, until recently, had responsibility for this area as the shadow minister.

I have had the privilege of inheriting quite a strong strategy in the Labor Party, because there has been a consistent view that it is important for residents to know what is happening in their own community, in addition to having the opportunity to make presentations on issues of concern in relation to development and innovations in their area.

A number of organisations have taken the time to assist Labor in reaching its view on the bill before us. I would like particularly to thank the Local Government Association, which has spent a lot of time with me and my colleague the member for Norwood (Ms Ciccarello), going through some of the details of the bill from a local government perspective.

I have also had the benefit of the minister's making resources available. The Hon. Diana Laidlaw has spent considerable time with me (as the new shadow minister in this area), as well as her staff, who have made sure that we understand the government's position and also working through some of the proposed amendments.

The Local Government Association, as I have said, has been quite outstanding in its concern for and dedication to the bill. We have also received information from the Royal Australian Planning Institute (South Australian Division); the Conservation Council of South Australia, which, again, has spent a lot of time talking with us about this bill; the South Australian Farmers Federation; the Environmental Defenders Office; and a number of local councils that have taken time to talk to me about the issues involved. The Housing Industry Association, about which I will talk later, has spent considerable time talking to me about building inspections.

The Law Society has also looked at a number of issues, to which I will refer later in my contribution. It has already been mentioned—and certainly it was covered by the minister in another place and minister Dean Brown—that a number of amendments have been put forward which look at streamlining the PAR process and local government accountability. Hopefully, these amendments will improve efficiency and timeliness of the development plan amendment process.

As the deputy leader has already mentioned, councils have the option to utilise regional development assessment panels to improve regional decision making. I understand that the Hon. Dean Brown has an amendment that will, hopefully, make the regional assessment panels even more efficient. That amendment is, I know, supported in this house; it is certainly supported by the Labor Party.

With respect to the formalisation of car parking facilities, if a plan does not provide for car parking, at least funds are put aside to ensure that transport issues and the car parking issues are looked at. One reason for formalising a car parking fund (which has been part of the process in various councils with which I have spoken) is to ensure that the developer has some certainty in the sort of projects that they are advancing, so that they know not only what they are up for with regard to the local conditions and issues but also so that they understand what sort of resources need to be put into the car parking fund. Although there has been a lot of debate, certainly within Labor circles, about whether this fund could be extended, I think the minister's amendment before us is appropriate and timely.

Two local panels need to be looked at, one of which, as I said, is the regional assessment panel, which looks at rural areas. A number of its objectives are similar to those of the development assessment panels—the local metropolitan panels that will look at development. I will go through some of the points that I believe are relevant. I should say that these amendments have been worked on behind the scenes.

The Labor Party, the minister and her staff have met with the Democrats and, between the three of us, we have worked through a number of points which are contained in the bill. There was real concern and, I guess, agreement—which are reflected in the bill—about the access of the public to the decision making process and the process that occurs, whether it be at a rural or metropolitan level, with regard to development projects. Much time was spent between the three groups talking about the notice of appointment of panel members because, as I understand it, delegations to either staff in the local government arena or to groups of people, including elected members, has been occurring for quite some time.

The statistics supplied by the Local Government Association, I must say, surprised me because a majority of both regional and metropolitan councils have delegated this responsibility to officers and to people who have expertise in the planning and development area. I am hoping that the establishment of development assessment panels, and also the regional assessment panels, will not only acknowledge the practice that is taking place at the moment but will also provide some uniformity. So, the issue of the notice of appointment of panel members, we believe, is important. The fact that there is access to minutes and the agenda of the minutes is an important step forward.

Where there is conflict of interest, there should be clear guidelines in terms of how panel members are to behave. Although there are in the Local Government Act 1999 very strong views about this for council members (I refer to sections 73, 74 and 90), the Labor Party supports a concept of panel members who are not from council: it should be a different body with a specific role and having its own protocol. As I said earlier, Labor supports, where ever possible, these panels being accessible to the public. Labor has been supportive of a number of amendments put forward by the Democrats although, by the end of the negotiations, we were persuaded by the minister and her staff with regard to how this might operate in the most appropriate manner.

Hence the point I made earlier about regional assessment panels and the amendment that minister Dean Brown will be putting forward. We believe that reflects the need for regional assessment panels (which may not meet as often as metropolitan panels) to make data available to the public. We understand that this may not happen every week or every month and that, perhaps, the amendment put forward really

does address the different circumstances that we would see in the regions.

A number of concerns have been raised—and I will go into the submissions that Labor has received—with regard to the power of the minister as opposed to the power of the Governor. There has been debate with the very talented people whom Labor has within its caucus: the member for Giles, who has a long local government track record and experience in this area; and, of course, my colleague, whom I mentioned previously, the member for Norwood, who has also been very keen to assist in this area. She takes a great interest and I am sure she will participate in the debate.

The member for Ross Smith and the member for Torrens also have made their views and experience available to me, and I thank them for that. The member for Wright also has been very forthright in her views about some of the issues involving development in the area she represents. I do not want to exclude any of my other colleagues but I do need to make special mention of their support and input in developing our position.

Like many other people who are concerned about development, Labor members were very keen, and the Hon. Terry Roberts, who represented our position in the upper house, was most insistent that we try, wherever possible, to have regard to the environment and make sure that environmental impact statements and environmental reports were seen as a fundamental part of the development process. For those reasons, this has been a focal point of the negotiations that have taken place between the parties.

I would like to move to some of the submissions and information received by the Labor Party on this very important issue. I have referred to the Royal Australian Planning Institute, whose letter to me, dated 21 July this year, I was heartened to read. Referring to the overall system improvement, it states:

> . . .there is much to be gained from administrative—rather than legislative—amendment. However, opportunities for legislative change must not be overlooked. RAPI regards the key elements of the bill, particularly—the PAR improvements, council off-street car parking funds, regional and council development assessment panels and building inspection policies—as important refinements to the Development Act. They will give the planning profession and other stakeholders a broader repertoire of "tools" with which to help deliver better outcomes for the community of the state. RAPI considers it is imperative for the system improvement bill proceeds to strengthen the Development Act and provide planning authorities with the ability to ensure good planning decisions. We therefore seek your support for the bill and urge you to progress it through the committee stage.

That letter was addressed to me and signed by Helen Dyer. I also would like to thank representatives of the Conservation Council of South Australia for making their resources available and for spending time talking to me in detail about the bill. Rather than read their three submissions, there are a few points that I would like to make in regard to its position on the bill. A number of concerns have been raised and, like the Labor Party, the Conservation Council has raised a number of issues concerning access to information and making sure that residents have the right not only to know what is going on but also to have a real opportunity to have an input. Whether those residents are householders or small businesses or people of any description with an area, we certainly think that that is an entitlement that must be supported.

Some concerns have been raised by the Conservation Council about the regional development assessment panels. I would like to mention a few of the points raised in its correspondence to me, which formed part of a submission earlier in the year to Planning SA, as follows:

> CCSA is concerned that these regional panels may lack an overall state view and make decisions according to parochial or vested interest without considering overriding issues of state and national significance. Their views on matters of state interest are likely to vary from region to region and will probably result in fragmentation and conflicting decisions across regions. The way that panels are selected is likely to further compound the problem.

I think that that is an issue that needs to be addressed, and I will be interested to hear from my colleagues who represent country areas and who have experience to see whether they think that this is a real issue. It is certainly one point that has been raised by the Conservation Council. The other point it makes concerns ecologically sustainable development.

CCSA sought that a core objective of all development planning legislation be ESD and the protection of regional biodiversity. These concerns have still not been addressed.

Later on I will refer to some of the discussions we had in regard to the objects of the act. Although I am sure that they will not completely address the concerns that have been raised by the Conservation Council, I think that it is an appropriate amendment, and it is one which Labor supports. As I said, community consultation is an issue that is very dear to Labor's heart. The Conservation Council's submission continues:

> After the last election government promised more community consultation. There has been less—this bill will remove even more of these rights and the processes proposed will further discourage the community. Currently, community consultation is frequently ignored and development applications often approved unchanged despite considerable community opposition. There is a profound loss of morale and dispirit, which reflects in our quality of life.

I do not have to remind the House about my own experience in representing the seat of Hanson and the very strong opposition of residents in my electorate, and also residents in the electorate of Colton, with regard to the Adelaide Shores boat harbor and the Barcoo Outlet proposal. I understand on a very first-hand level some of the concerns that have been raised here where we have, in my view, environmental madness taking place and, basically, no-one taking any notice of us whatsoever. So, I understand the frustration that is being raised but I also think that it has to be balanced with some sort of practical way of dealing with these issues.

At this stage, as I said, we certainly support the bill but this will be an area that I will be watching very closely, not only because of my first-hand experience and disillusionment, in some respects, regarding the process but also to make sure that major projects and Crown projects (both of which have been of considerable interest and, in some cases, have involved opposition) are areas that are looked at. I am pleased to say that, with respect to the negotiations I have had with Minister Laidlaw, while maybe not agreeing with the specifics, or the cases that I have just cited, she has certainly understood that members in this House need to be reassured that there will be an opportunity for local people and people with an interest in development proposals that are put forward to make those concerns known.

I think that there are two positive parts of this bill. One point is the fact that there is a commitment on the part of the minister for more transparency and access by the public to both the regional assessment panels and the development assessment panels. The minister also has given a commitment and, in fact, inserted an amendment in the bill to provide that Crown projects over $4 million in value will be referred to the Public Works Committee. I think that that is a really

important initiative, and I commend the minister for being very supportive and very keen to make sure that those projects do come under public scrutiny. If the Public Works Committee continues along the road that it has taken so far, I am sure that every single issue will be looked at in great detail by the current committee, if not future committees. So, it is not the entire answer but it is certainly a good step forward. The other point made by the CCSA is that it is strongly opposed to fast tracking provisions. It states:

Significant time could be saved if policies were provided in a clear and unambiguous way in the planning strategy.

As I mentioned earlier, coming into the development and planning area cold (which I have done) has been a big learning curve for me. I find that when I talk to residents, in particular, about planning and development, it is very hard to learn how to understand what people are putting forward and what is the best way of trying to have some input or raise some issues that one might have concerning a particular development.

If we could have a development bill that was in plain English—I am not sure whether it is possible, although it must be—that would be a big step forward. I know that the Conservation Council has been calling on successive governments to do that. That is something I take to heart very dearly. It says that the Development Act is hard to read and understand, and I must say I was reassured that people like that who are quite expert in the area found if difficult to read. It provides:

Policies within the plan should be proactive. The terminology within the planning strategy should be clear and easily understood by the wider community. The most productive thing that the minister could do is seek a full review to simplify and shorten this unwieldily mass of legislation. Planning legislation must provide effective overall environment control as a first priority, with all legislation set in this context, and it must also encourage community consultation. Despite assurances, the proposed refinements are not significant. It is obvious that they will further undermine the already inadequate accountability and democracy of the current planning system.

Obviously, they are not big supporters, and I understand their position, and I have some concerns and personal experience in this matter. We have made enormous progress in the past few weeks in the negotiations that have been held, and I feel quite hopeful and will be monitoring obviously some of the proposals that have been put forward in this new bill and the amendments, and I feel quite positive that we have a better bill now than we had perhaps a few months ago.

The last point I want to make about the Conservation Council is with regard to the major development and projects legislation. As I said, the minister has taken a very responsible view in this area, but there is certainly room for improvement. The Conservation Council makes it very clear that it sees this as a flawed process. It says:

There is an urgent need for legislative protection of the community right to be heard on all three levels of this process, including after the submissions have been received and the final draft has been prepared. Democracy requires that government should be accountable at all times. To avoid conflicting positions on major development proposals, there should be a clear link between economic, social and environmental objectives. There is an overall swing against the major developments process, and this is gathering momentum.

I understand what it is saying, but this is certainly an improvement on where we were.

On the matter of the gathering momentum in the community I refer briefly to having had the benefit of being informed by groups that are associated with Save Our Suburbs. This is a group that has been formed mainly in the eastern suburbs of Adelaide, but certainly there is some support in other areas in South Australia. The member for Norwood and I attended a meeting at the Norwood Town Hall on 3 November. A Dr Lewis was present at that meeting, talking about issues to do with innovations and action that had been taken in Victoria. He has put out a book *Suburbs, a backlash: the battle for the world's most livable city*, which I have asked the Parliamentary Library to get in, and it is still coming, as I understand it. This organisation, which as I said now has some currency in South Australia, raises some points that I would like to refer to in this debate. It says that:

Changes should be for the benefit of the community. They must cater for the future rather than short-term demographic pressures, political fads or speculative profits, and they must be brought about with the full regard for the established rights and expectations of existing residents and property owners.

It is not something that many people, particularly this House, would disagree with. There is a residents' bill of rights, which I will not read out, but it is worth noting some of the points. Point 8 in the residents' bill of rights states:

Property owners and residents must not be put to the expense, or the undue labour or worry as a result of development proposals by others. All bona fide costs arising from the consideration of development proposals must be borne by the initiators of the proposal.

Point 10 states:

The process of approvals and appeals in relation to development proposals must be speedy, equitable, consistent and readily understandable.

They then refer to—and, again, I am just summarising in a very minimalist way—planning goals.

An honourable member interjecting:

Ms KEY: I am sure the Environment, Resources and Development Committee would have some support for some of these issues. In the *Save our Suburbs—a Charter for Planning* they look at planning goals. I do not see any of these issues necessarily being at odds with the bill we have before us. I am hoping—and maybe I am a bit idealistic—that this is the sort of goal that could be adopted by most members in this House. With regard to efficiency they say:

Planning policy must seek efficiency in the sense of returning the greatest possible good to the community to the extent that this may be consistent with ecological sustainability and other objectives.

I know that that is something the ERD Committee sees as a fundamental issue. It continues:

Conservation of nature: planning policy must protect natural assets including park land, rural land, coast, creeks, rivers, wetlands, flora and fauna.

Under 'planning goals', they make the point:

Conservation of cultural significance: planning policy must ensure the conservation of the cultural significance of all places.

Again, I do not see that as being an issue with many of my colleagues in here, regardless of whatever side of the House they sit. It continues:

Consistency, changes of planning, philosophy or direction must occur in an evolutionary rather than a revolutionary manner.

I am not sure whether I agree with that. It continues:

Individual planning decisions must be made on a consistent and, so far as is practical, predictable basis. Public input and accountability:

this is the point I was alluding to earlier—

the planning process must be responsive to the needs and views of the community. It must provide for public participation and be open to the scrutiny of the community at all stages.

This was certainly something in the negotiation to which all the parties agreed. It continues:

Barriers to participation:

and this is something that is very dear to my heart and I know to a number of House of Assembly members:

individuals or groups must not be prevented by technical, administrative or financial barriers from exercising their legitimate roles in the planning process.

Again, that is another one that reflects the new amendments we have with regard to the panels and transparency:

The reasons for planning decisions, the evidence upon which they are based and the principles applied must be readily accessible to the public in an easy, comprehensible form.

I see that as being part of the amendments that have been put forward today. Again, they are not perfect but they are workable and practical. I will not quote too much more from this document. It talks about the development of plans, objective assessment, information rights and the appeal process. For example, it says under 'appeal process':

The appeal process must enable any interested party to be satisfied that planning decisions are made in accordance with principles of this charter.

That is referring to the *Save Our Suburbs* charter. The final point I refer to from this document, another one that I am particularly concerned about, as are my colleagues on this side, concerns maintenance open space. Certainly, as a House of Assembly person representing the western suburbs, this is really a big issue for us. It states:

Planning must proceed on the basis that urban areas are provided with appropriate and sufficient open space for the provision of light and ventilation, psychological relief, aesthetic enjoyment, recreation, nature conservation and other community requirements.

People like me represent residents and businesses in working class areas, and we should be able to have those sorts of rights, too. I urge the House to think about those principles.

The other very interesting and important submission Labor received was from the South Australian Farmers Federation. Dale Perkins, when I met him, was the fairly new President of the South Australian Farmers Federation. Not only did he meet with me a couple of times but also he provided his briefing paper on the South Australian Farmers Federation right to farm, which, I understand, was raised at the Farmers Federation forum in June last year. In the paper he says:

Historically, planning near urban areas has ignored agriculture. As a consequence, conflicting objectives have emerged between rural and urban uses, particularly with more intensive rural industries.

He goes on to say:

We [The South Australian Farmers Federation] believe it is essential that future development planning needs take into account agriculture as an industry and one that accounts for nearly 60 per cent of South Australia's export income. Recognising the needs of agriculture and promoting a secure, profitable industry is the best way to ensure that agriculture lands are not prematurely converted to other uses, such as residential purposes.

It is a priority for the federation to ensure that the use of agriculture land is carried out for sustainable agricultural production. However, we recognise that in some areas urban growth will necessarily consume agricultural lands.

As I said, he goes on to make a number of points which I will summarise. One of the points raised by the South Australian Farmers Federation is that local government is encouraged to meet its community responsibility regarding environmental and the right to farm legislation, including regulations. Another point is that the state government takes full responsibility for informing local government of the planning vision of the state to ensure that the vision is delivered.

The final point I make in reference to the Farmers Federation document (which is quite comprehensive) is that it supports in its recommendation No. 5 integration of development assessments, including the 'one stop shop' approach. It goes on to say:

· Streamline the development approvals process. . . to save delays, provide more certainty about the process and reduce costs.

This involves once again schedule 1 and the provisions relating to regional assessment panels in part 4 of the bill.

I put on record my thanks to the Farmers Federation for taking the time to ensure that we were aware of their position.

The other submission we received was from the Environmental Defenders Office. Much of what was raised was supported by the Conservation Council of South Australia. They raise a number of technical as well as specific issues, and again I will summarise some of those points. I do not think we have been able to take up some of their views in this bill, but I am certainly aware of them and undertake to monitor some of the proposals that they have put forward.

Under the regional assessment panel area, they say that they would like to see these meetings in public so we do not have star chambers. They talk about the controversy over Onkaparinga, Walkerville and the DAC. They also say that, if we are not inclined to pursue open meetings for the regional assessment panels, we should at least consider it for the development assessment panels. I think this bill takes up both those issues. So, I am hoping that they will feel at least positive in relation to the position that has been taken and is being discussed tonight. They agree that there should be more public scrutiny in major projects and, amongst a number of other suggestions that are made, they support the view that a car parking fund should be formalised. However, they raise the issue of—and quite a good one I think, and I am sure my colleagues the member for Spence and certainly the member for Norwood would agree—a bicycle parking fund or a new bus interchange. They think that not only should we talk about cars and car parking but also that those sorts of issues should be intertwined with transport as well.

Although I agree with those points and some of the wider issues that have been raised, particularly by the Democrats, at this stage we need to formalise the car parking fund and the issue about car parking so that, as I have said before, the developers have some confidence about what they are up for should their development be supported, what is being asked of them and what contribution they are supposed to make.

While we are talking about car parking, I note that the minister in this bill (should it be passed) would be looking at ensuring that there was some transparency by publishing in the *Gazette* the calculations and also the proposals put with regard to the car parking fund, including the financial allocation. So, we are talking about arrangements that are not only accessible but also transparent in that they would be published. I think that makes the whole process much more accessible.

I also received information from the Law Society, and I thank them for a very detailed document. Not being a lawyer, I had to seek some assistance from my learned friends regarding those commitments, and I have also had the benefit of seeing the minister's considered response regarding the proposals that have been put forward. Unfortunately, Labor received the information from the Law Society fairly late in the piece, so we have had to respond fairly quickly, and I

hope that I do not do them an injustice by summarising some of the views that have been put forward.

In summary, I will raise them, and it may be appropriate for me to ask questions of the minister to clarify some of the issues. Some of the issues that have been raised by the Law Society relate to clause 34, in particular, commercial competitive advantage. They say that the provisions of division 3, 'Initiation of proceedings to gain a commercial competitive advantage', remain of the greatest concern to the society. I also need to say that I am not sure whether the Law Society was working on the final bill that we have before us in this House today, so I do not intend to go into the details because I think we are probably at cross purposes if I refer to all the clauses about which they have raised concern.

As I said, because the negotiations with the minister were very positive, I think we have transcended some of their concerns—at least I hope so. They also talk about amendments to development plans, clauses 5 to 10, and the regional assessment panels. Although there is some support for the regional assessment panels, there are some questions that, hopefully, I will be able to ask in the committee stage.

They also raise the issue of the deletion of special procedures for Crown development. They raise the issue, too, as everyone does, of council car parking funds. Other issues they raise include costs awarded by the ERD Court under schedule 1 and also private certification of complying development. I know that a few concerns were raised about interim developments, so I will refer to those briefly and, as I said, take them up in detail at the committee stage.

Some concerns were raised by a number of the community groups to whom I spoke about interim development control and I think probably a misunderstanding about the significance of the minister's role. I have already outlined that significant concerns were raised about major developments and also Crown developments. A number of amendments were sought, particularly by the Democrats, regarding improving public scrutiny, but I believe that we have addressed a number of those issues—perhaps not in the way that the Democrats would have liked, but I think we have addressed those issues significantly.

There was also some concern, as I mentioned earlier, about independent investigation which enables the minister to use specific powers to initiate an investigation into matters involving a significant failure to comply with the development assessment procedure. Investigators can be appointed by the minister. This creates an opportunity for investigation rather than an all-or-nothing approach which applies under the act at present. This is something that Labor certainly supports.

The other area to which I refer is building inspections to be conducted under the local government umbrella. Not surprisingly, the Local Government Association is very supportive of this measure. I am told that the proposed benchmark is that 20 per cent of all building work will be inspected and a memo I received in early October states:

> This is the level that will be in the proposed guidelines. Every council will have to determine what it considers to be appropriate levels of inspection and is to make this publicly known in their policy.

It then refers to the development application fee, a matter concerning which a question was raised in the other place about the sum involved, and it goes on to state:

> To provide the necessary resource capacity for the councils to undertake the audit level of building inspections, it is proposed that the development application fee will be increased for all proposals following the research work with several councils. It is proposed that the lodgement fee for all applications be increased by $38 dollars and that this will be reviewed after 12 months.

As I said, not surprisingly, the Local Government Association has a fairly positive attitude with regard to building inspections. The Housing Industry Association, however, has taken a lot of time to inform both me and my colleagues about this aspect of the bill. A letter I received from the Housing Industry Association on 18 October states:

> The Housing Industry Association requests your support to defeat or defer the proposed Development Act (System Improvement) Bill 1999 with respect to the introduction of audit inspections of building works (Division 8, section 72A). We request your support with a view to ensuring an improved and more effective system of consumer protection and industry improvement is developed and introduced. There are several shortcomings in the proposed audit inspections section of the bill, which we argue should be addressed now in the interests of the better, long-term system of building administration.

The letter then lists the shortcomings from the association's point of view, and continues:

- There is no link between the councils who it is proposed will carry out the audit inspections and the licensing of contractors, resulting in little meaning for the licensing system.
- There will be no legislated consistency between councils in regard to the amount of jobs to be inspected (could range from 1 per cent to 100 per cent).

As I said, the LGA does not believe that is the case but that is what the HIA is proposing here. It continues:

- There is potential for profiteering by councils by collecting the suggested approval levy but not conducting equivalent subsequent inspections.
- There is the potential for councils to unfairly concentrate on privately certified jobs, creating an unfair situation, as currently occurs with the development approval process in some councils.
- The proposed bill does not provide a level playing field to enable private certifiers or other suitably qualified professionals to compete for the work, and is therefore against national competition policy principles.

I know an assessment has been done of national competition policy principles, and maybe the minister can outline those to us when we get to committee stage. It further states:

> This is also inconsistent with the inspection processes in most other states which enable direct engagement of qualified private building certifiers/inspectors.
- It also offers no link for the tracking of poor performers operating in different councils.

> The alternative, as proposed by the HIA, recommended a centrally administered system of audit inspections whereby suitably qualified professionals could tender to carry out inspections. Preferably administered by the Office of Consumer and Business Affairs (OCBA), it would therefore offer a direct link to licensing of industry practitioners.

Perhaps the minister could explain this to us. The letter continues:

> Despite the proposed model having the support of industry associations and the in-principle support of the Local Government Association, it has never been put back to the community for further discussion. It has effectively been shelved by Planning SA on the basis that both they and the OCBA did not wish to take on this role. The superior option proposed by the HIA should be explored independent of these departments in the interest of greater consumer protection and an effective building licensing system. The proposed amendment bill before parliament is not in the best long term interests of consumers or industry. A better, more effective system is available and therefore we urge you not to support section 72A of the Development Act (System Improvement) Bill.

This is one of the issues on which I wish to ask questions and on which I seek further information.

Finally, I mentioned the 'interim effects' provisions of the bill in new section 28. As I understand it, the government

may bring a plan amendment into interim effect from the commencement of public consultation. I am told this is generally intended to enable a plan which is tightening planning rules, for example, a heritage PAR, to be in effect while the merits of such tightening are publicly debated. Without interim effect there would be the possibility of applications being lodged prior to the proposed change which could undermine the effect of the change. As a result of my reading that out, I think many members can understand why the planning and development act is very hard to understand and I endorse the Conservation Council's call for simplification. It took me a while to work out what that meant.

I am also told by the minister that, despite the claims that are made about interim effect and the evils of interim effect, interim effect has not been used very much at all. The information that the minister has provided to me suggests that since the commencement of the Development Act in 1994 interim effect has been used on 57 occasions of the total number of 261 PARs authorised; of the 57 interim PARs, 13 were ministerial PARs and 44 were council PARs.

The minister has also told me that many of the PARs given interim effect were heritage related. This issue has been raised a number of times by community organisations. Again, I ask the minister to provide some more information on that because this issue is raised quite often. Whether or not it is real, I have not the experience to say, but I know it is an issue that we discuss on the Environment, Resources and Development Committee and many of our members have strong views about interim effect. I would be interested to hear the minister's answers on that issue. I am trying to identify some of the areas on which I will ask questions of the minister so that, hopefully, we can have enlightenment.

The Hon. Dean Brown interjecting:

Ms KEY: Certainly. Clause 2 of schedule 1 provides that the Environment, Resources and Development Court can award costs in court. As a result of the briefings I have had with the minister, I am told that the government recognises that all individuals with genuine planning grievances, whatever their means, should be able to institute proceedings in the court without fear of large costs being awarded against them; that this should provide the court with greater flexibility when making awards for costs; and that public meetings should be held when there is a major development. The development report process includes the favourite issue of the member for Spence, that is, the closure of public roads.

I know that the member for Spence is anxious to speak to the minister about this matter of the closure of public roads and is looking forward to questioning the minister on that issue. One of the matters raised by the Conservation Council, the Environmental Defenders Office and a number of community organisations that contacted me on this bill was with regard to schedule 1, clause 4 on native vegetation. Some questions were asked about what this amendment means, whether it will be of benefit with regard to the functions of the Native Vegetation Council and whether the quite minor amendments put forward achieve what has been suggested as a positive amendment. Again I will be asking that question.

The negotiations between the parties have been quite positive. I certainly commend the minister for the amount of time and dedication that she and the staff have put forward. As I mentioned earlier, the Local Government Association has been extremely helpful and supportive, and I compliment it on the time it has put into not only my education but also our coming up with the position we have in the bill today. I understand that the question of the regional assessment panels are seen to be appropriately dealt with by the amendment the minister will move. The parliamentary draftsperson who suggested those amendments is aware of the concerns raised by, in particular, rural people. The assessment panels may only meet every couple of months, so the whole protocol we looked at with confirmation of minutes may not be appropriate in this instance, the main aim being that the public have access to information and that there is transparency. It may mean that this fairly minor amendment will have more significance to country people.

Our position is one of support. The negotiations on this bill have been one of the more positive experiences I have had in this place and much of that has to do with the minister.

Mr McEWEN (Gordon): The worst thing about this bill is the name. We have demonstrated here a model in terms of good practice in developing public policy and the shadow minister has just demonstrated that in that she has, in a fair and balanced way, appraised all the submissions brought to her attention. Many of those submissions were also brought to the attention of the Independents and others. Further, she has worked in a cooperative way with the minister and other key stakeholders and sought advice and good counsel from her own colleagues, particularly the members for Giles and Norwood, and worked through that process to achieve on balance a very good outcome. It is much better than to come into this place and take a predetermined position and grandstand on an issue. All the stakeholders deserve to be congratulated and many others can learn from the way the minister, the shadow minister and other key stakeholders have worked through this.

I sat and listened to the delivery of the shadow minister tonight. She has clearly analysed all the issues brought to her attention and put on the record a very balanced and wise view as to the best way to progress the matter. In terms of regional assessment panels and the recognition of regional decision making, philosophically it is the right way to go—the whole concept of moving decision making to the most appropriate level—but in doing so it means that, should councils at a regional level choose to use regional assessment panels, they then have the responsibility to ensure that all the appropriate resources are brought to bear. Rather than simply going back to a state umbrella group, they have the responsibility through their regional groups to draw on that expertise and they do it in a number of ways. They might set out their own regional natural resource management committees to draw together at a regional level all those different matters brought to bear in terms of the natural environment.

As the shadow minister said, you add to that what the economy and society wishes and bring to bear that wisdom at a regional level. It is a sensible way to go in terms of achieving satisfactory outcomes for all key stakeholders. The other thing I found was that, whenever I raised a matter with the minister in relation to this bill as it was being developed, I got a very learned and prompt response. The minister has demonstrated—and other ministers can learn from her—how to work through and progress issues. I will not single out ministers who do not perform as well, but ministers ought to take on board the way she handles the briefing herself. She is up to speed on all the issues. You are not confronted with a gaggle of public servants and advisers. You go to see the minister, the minister gives you the advice and, if she cannot answer the question, she seeks the advice and brings it back

to you. I have really enjoyed working through this issue with those people.

The other key agent in this, the other corner of the triangle, is the Local Government Association. A group itself has to be mindful that it is only as good as its weakest link. An association must be all encompassing and must always seek a negotiated outcome. In a broad church like an association you do not have the luxury of simply having a majority and pushing it through. The Local Government Association is very skilled in terms of managing that process of seeking all views and working through an agreed position. I compliment all parties and I will be delighted to have a few answers to questions in committee. In supporting the bill I compliment all concerned.

Mr HAMILTON-SMITH (Waite): I agree with the member for Gordon in his compliment to the shadow minister and the way she approached the bill. It was a well informed and thorough address she gave the House and shows that there has been a degree of cooperation, consultation and goodwill on both sides of the chamber in getting an outcome. The development system will never be perfect. I support the bill because it will make it a little better. I appraise the House of a few concerns I have about the development process in general and I do so having come from a background in business and having been through the process of successfully appealing development decisions of councils to the Environment Development Court on two occasions, and having seen the full gamut of activity from initial application to develop through to the lobbying process by community groups, the decision making process at council level and the whole gamut of activity in the environment court leading to an ultimate decision. It can be a very exhausting and process for developers, community groups and councils.

I agree with the point made by the member for Hanson that the community ultimately needs to have the say in respect to what goes on with developments in its constituency. I measure that by indicating to the House that it is also necessary for a balanced scorecard approach to development appraisals. We must have progress in South Australia and must have development. At the same time we need to protect our environment and amenity and at the end of the day 99 per cent of development decisions are a matter of sensible compromise, much of which is brokered at local government level and it is an extremely difficult job. The development approval process can be manipulated by a number of people. It can be manipulated by developers, councils, individual councillors, certain community groups and by the political process at both local and state government levels.

A small group of constituents or residents—often one or two people who have a bee in their bonnet about a specific development—can doorknock a street or a couple of streets and put together a petition from a whole lot of people who, generally speaking, are not really concerned about the development but, in the interests of being neighbourly and supporting the one or two activists in their street, will agree to sign the petition against a particular development or insist on certain modifications to it. Often these people are elderly or a little reluctant to be drawn into any difficulty in the community in respect of a development, but they will sign these things, anyway. Of course, developers can do the same thing—doorknock streets and get petitions together and try to persuade people who might not otherwise support their development to do so.

One can go along to a council's deliberation of a development and hear a very small, very vocal group completely scuttle a developer's application. When I say 'a developer's application', it might be something as simple as a delicatessen or a small business wanting to put a sign up out the front or build on room on, or a restaurant wanting a couple of extra tables or wanting to modify a wall, a window or a fitting. It can be something very minor. Most of these applications are from very small businesses or from individual residents—members of the community: they are not from big business or big developers. The vast bulk of them are from ordinary South Australians trying to improve their businesses or their homes.

So, the difficult job that falls to councils, and then falls to the environment court, the whole process of which is addressed by this bill, is to manage that process in a way that is fair to all—to the applicant, to the community and to the local government involved and state government. Councillors, in these instances, need to show a little bit of ticker. It can be very tough on a councillor, or a group of councillors, to have to decide for a development, when they know it is in the best interests of the whole community, while facing, in the audience, a small but angry group of residents who want to make a big kick-up over that development but whose views are not generally representative of the whole local community concerned. I have seen councillors fall over at the very moment that it becomes vocal or it gets tough.

It is very easy for some councillors simply to bail out of having to make a tough decision which will frustrate one or two residents in their local community by simply saying no, in the full knowledge that the onus is then back on the applicant or the developer—who, as I said, might be a small business—to go through the expense and the ordeal of having to appeal to the environment court, hire lawyers, hire consultants and go through an exhaustive process which can cost anything upwards of $5 000 to $50 000, or even more, depending on the nature of the development. It is very easy for some councillors to flick the problem off and say, 'No, we will say no and we will wait for the applicant, or the developer, to appeal to the environment court and we will flick it all off to the court process.'

Even when their own specialist advice has supported the application and the development, they will defy their own professional advice simply because they lack the ticker to face up to a small but vocal group in their community and say, 'No, you are wrong: you are not acting in the best interests of the local community.'

As I said, I have been through this process: I have seen it from both sides. I may be one of the few members of parliament here who has appealed to the environment court at all, let alone a couple of times, and won the case. I knew that I was right and I knew that this very small, vocal group in the community was wrong, and I knew that, at the end of the day, fortunately, right would prevail. Councils have to abide by their own planning guidelines, and they must listen to their professional advice. They need to be prepared to explain to small but vocal groups in the community that they are wrong, if, indeed, they are wrong.

So I think that this bill will help to bring about a better outcome. I refer particularly to the amendments to section 56A(12) which deal with meetings—and this has been a controversial aspect of the bill, because some people have got a bee in their bonnet about the fact that, in certain circumstances, the council may need to go in camera to consider an application. The bill talks about commercial in

confidential information and trade secrets. A whole range of sensible reasons are set out in the bill as to why the council may want to consider an application in camera. Of course, when the council finally deliberates on its decision, it should be in camera and be able privately and openly to discuss the matter without the fear of being heckled and hounded by one or two vocal members of the gallery.

These sorts of things can be very emotive for some local residents who are absolutely adamant about stopping, or forcing an amendment to, some particular development application. So, I think commonsense needs to prevail in respect of the process. I think the shadow minister has indicated that the Labor Party, in this case, has applied that commonsense, and the minister, by proposing it, has shown that she is prepared to reform the law to make it more reasonable.

As I said, development simply must go on: jobs depend on it. I know that in one particular application that I made to a council to develop a small business, a very small but vocal minority group opposed it, but the vast majority of the community was behind the application. The application was actually to build a child-care centre. I got up before the council—which, I could see, was likely not to approve the application or force an unreasonable amendment (I will not go into all the details because I would have everyone falling in the aisles in laughter because it was so silly), and I held up a pile of 263 job applications. That is how many job applications I had for the two positions that I had advertised that were going to be created in the business as a consequence of the extension—over 260 job applications.

I said to the council, 'Here are 260 reasons why this development application ought to be approved.' There was a stunned silence from the council but, at the end of the day, they did not disappoint me: they still forced unreasonable modifications on the application, which then had to be appealed to the environment court. Their objections were overturned and, in the end, the development went ahead and was a considerable success.

So, if we really want to stifle jobs and business, then we want rigid, unreasonable development legislation. This bill shows that we do not want to go down that road, and the minister has taken action to free up the system, and I commend her for it.

I am particularly interested in clause 86 of the bill, which deals with cost jurisdiction, because it is a matter dear to my heart. I know that this particular bill is probably not the place for it. I have discussed this matter with the minister, and it is a bit of a pet subject of mine. I am of the view that an arrangement where appeals to the environment court are a no cost jurisdiction is a very dangerous situation. I say that because councils, with full-time lawyers on staff, can, of course, minimise their costs in appeals. However, a small business trying to get a development through—which, as I mentioned, could be as simple as a sign out the front—can face very extensive costs to hire lawyers and consultants in order to argue their case.

At the end of the day, when the small business wins its case and gets its development approved, it cannot claim its costs back from the council. I find that a quite unreasonable situation and quite out of kilter with the legal system at large. It seems to me that, if you argue your case in court and you are successful in convincing the court that you have been unreasonably or vexatiously opposed, the other side should have to pay your costs. A sum of $10 000 to $15 000 could for some small businesses be the difference between making a profit that year or not making a profit. I think the whole issue of costs needs to be looked at and that people who oppose developments in a willy-nilly, silly and quite stupid way ought to be held to account—whether it is a council, a community group, an organisation, or a competitor (because, quite often, it is competitors who are stirring up the local community)—and should be made to pay the costs.

It is also quite a common practice for small minority groups who oppose particular developments to be, in effect, given free legal assistance by councils where that small vocal group has been able to convince the council to oppose the development in the Environment Court. The situation is that the council has its legal people there representing the council and the small minority community group opposing development does not need to go to the expense of engaging advice but uses the council, in effect, to argue its case. Three parties are at the table: the council, the community group and the developer, but, really, one of those parties, the community group, is not having to pay its own costs—it all falls back onto the small business trying to get its approval. These sorts of goings on, in my view, are anti-jobs, anti-business (anti-small business in particular) and can lead to a stifling effect on growth and vibrancy within our community. We need to do something about that. This bill is probably not the way, but I will not be letting go of that issue; I think that there is considerable scope for it to be improved.

I just want to take the other perspective now and say that my experience of this has been one which has led me to have considerable admiration for local government and the way, generally speaking, that it handles its affairs. I came into this parliament thinking that if there was one level of government this country could do without—and I think that we are over-governed—it was probably local government. The experiences I had prior to coming into this place, and certainly the experiences I have had since being a member, have caused me to change my view. Frankly, I have seen more of what local government does now from my perspective as a member of parliament, and I am full of admiration for not only the difficult challenges it takes on but for the very skilful way in which, generally, it diffuses tension and deals with matters.

I am particularly full of admiration for the current council with which I deal usually, which is Mitchell council. Frankly, it has turned itself around from a council which, six or seven years ago, was regarded as being one of the most anti-development councils in the city district to being one which now, I think, is demonstrating a pretty reasonable approach to development applications and applying, under the current Mayor, CEO, professional staff and new council, a very sensible and reasonable raison d'etre to the way in which it approaches applications, and that is good to see.

We have had a number of little catastrophes in our area: we have had concerns in the hills face zone with unreasonable developments; we have had some fantastic heritage buildings threatened and pulled down; and we have had the Mitcham and Colonel Light Gardens PARs established, thanks to the good work of the Mitcham council. All of these issues have been managed by the council pretty well, with cooperation from the state government. It testifies to the role that local government must play and the degree of cooperation necessary between councils and state government. I have touched on the issue of heritage buildings because it is a particular pet of mine—another pet of mine.

It is a serious concern that we are losing a very important part of our history, culture and heritage. I believe that we need to do more to stop developers from pulling down these

beautiful old buildings. I am coming to the view—and I have written to both Unley and Mitcham councils within which my constituency falls—that we need to consider seriously demolition orders, and I will put something to the minister to that effect. We need to beef up the powers for councils to say to developers or to applicants, 'You can develop that site, you can buy that land, you can develop it as much as you like, but you cannot demolish the beautiful old building on it.'

That will force developers to be more sensitive in the way they approach that particular development and it will protect, to a large degree, these beautiful old buildings from being wiped from the face of the earth. We simply need to do more about that. I will certainly be active in the parliament on that subject next year. You can have development, you can have the environment and you can have community amenity. If ever there is an example of that it is Sydney Harbor, where we have a large, fabulous city around one of the most beautiful harbors in the world, yet it has not been destroyed.

People coexist with the harbor quite well. In fact, the synergies are quite amazing. It is a beautiful place. We have just had the Olympic Games. Sydney is admired from around the world, which causes me to reflect on some of the nonsense that has gone on in this place and elsewhere about the Holdfast Shores development and the development of the Mount Lofty restaurant and cafeteria, and the absolute humbug that went on regarding and opposing those developments. You cannot have a city of over one million people living on a beach and coastline like Adelaide's without having to manage the beach and the hills face.

We must be prepared to invest millions of dollars into managing these beautiful environmental assets, because the fact is that otherwise we will damage them. You cannot have this many people living there without having an impact. What I would have hoped for is that, during the decisions made to go ahead with the Holdfast Shores development (which is a fabulous development for the state), and with the decision to build on the top of Mount Lofty, we could see more of the sort of cooperation we have seen tonight from members opposite, instead of seeing Janet Giles and other unionists in the gallery, with children, waving placards that say 'Save our beaches', etc., and trying to manipulate a major development application into a political issue.

We could have had a little bit of sensible cooperation saying, 'Yes, we want this development. How can we work together to make it better?' I just hope that the member for Hanson's address tonight, which I think was extremely sound and well received, heralds a new approach from the opposition—one of cooperation. This government is a reformist government and this bill is yet another example of that. We want to make the development process better for a range of reasons—this bill will do that. I commend the bill to the House. I also thank all members, and particularly the opposition, for the spirit of cooperation which, by and large, they have shown in supporting the main thrust of the bill.

Ms BREUER (Giles): I want to speak briefly on this bill before we go into committee. The debate tonight totally ignores a great proportion of the state, which is covered by the Outback Areas Community Development Trust. I would like to talk briefly about this because, in some instances, when we talk about the regional development assessment panels, we will be covering some of the area that is covered by the Outback Areas Trust. I have great admiration for this trust because it does a considerable amount of work in outback Australia which has no councils; local communities do not have access to a council or to councillors and really must use the Outback Areas Trust when talking about their districts.

In the total area of South Australia only 15 per cent is under the control of local government authorities under the provisions of the Local Government Act. The remaining 85 per cent of the area, excluding certain lands, which include the Pitjantjatjara lands, the Maralinga lands and some other Aboriginal reserves, is actually serviced by the Outback Areas Community Development Trust under the terms of the act. Community services and facilities are generally provided by a local representative community organisation constituted under the Associations Incorporation Act 1985.

Each year the Commonwealth Government provides general purpose financial assistance to local government throughout Australia. These funds are allocated to the trust for passing onto local organisations in the outback. The trust is recognised as a local government authority for the purposes of commonwealth and state legislation governing the distribution of these funds, and under other funding schemes for specific local government works and services.

The functions of the trust in the outback, as defined under the Outback Areas Community Development Trust Act, are to carry out development projects and provide services for local communities within the area; to make grants and loans to community organisations within the area and otherwise to foster the development and work of such organisations; to exercise such powers and carry out such functions of a local government body in relation to its area or any part thereof as may be conferred upon or assigned to the trust under the act; and to carry out works to improve, to otherwise promote or facilitate the improvement of communications to country districts whether within or outside the area. One can see from those functions that the trust really has a major purpose in remote South Australia.

The trust has done a lot of work in the last 12 months. I am pleased to have the Outback Areas Community Development Trust annual report, in which it reports on the work that it has done in the last year, and it has been involved in a considerable amount of work. The communities with which it has been involved include Andamooka, Ash, Beltana, Blinman, Bookabie—and there are a lot of names, but it involves virtually the Outback of South Australia, much of which is in my electorate. I have met with John Pyle, the executive director, and also Bill McIntosh, the chairman of the trust, and had discussions with them in the past, and I am most impressed with the work that they are doing. There are many facilities in the Outback which would just not happen without the trust's input and the work that it does.

When they talk about an act such as this Development Act, I get very disappointed that communities such as this are not recognised now. The Outback Areas Community Development Trust has been involved in a lot of things for many of my metropolitan counterparts. Things such as a toilet block at Glendambo really may not have a lot of impact, but for the people in that area it has a major impact. Many other facilities have been put in and improved, such as water services to Andamooka. The trust has covered all sorts of issues. Water is a major issue in Outback Australia, and it has really looked at that matter very carefully. I hope to work with the trust in the next few months on the issue of water at Penong in the far west of South Australia. There is no pipeline at Penong, and their water is very limited. I want to look at issues such as the power supply to Pimba. We have powerlines passing within half a kilometre of Pimba, yet people cannot access those

powerlines: they are still using generators for the 20 or so houses at a park right alongside Woomera.

The Outback Areas Community Development Trust is an extremely important part of Outback South Australia and, under this act, it will come into it, in some instances. I do not want to talk too generally about it, because we are really talking about two councils or more that are involved under this act. But I know that, in some instances, there will be cases where the area that is covered by the Outback Areas Community Development Trust will come under this act. I want to ask some questions in the committee stage, particularly in relation to the release of minutes and agendas. But at this stage I want to say my bit for Outback South Australia and ask that this place recognise that, as I said, 85 per cent of South Australia is not covered by local councils.

The Hon. DEAN BROWN (Minister for Human Services): In closing the second reading debate, I thank honourable members, particularly the member for Hanson, for their contributions. I thought that the contributions were very constructive, and there was a determination on the part of the members involved to try to make the planning system work effectively. I appreciated the points that were made and the basis on which those points were made.

I do not intend, during the second reading debate, to answer some of the issues raised, particularly by the member for Hanson. I will do that during the committee stage, because the bill is, in many ways, a committee bill. But I particularly want to take this opportunity to thank members of the House for what I thought was a particularly constructive debate, and one that involved a lot of goodwill and suggestion. I have just been talking to someone about the level of frustration within the community about the planning process and how in South Australia I think an enormous amount of investment, particularly in small and medium sized operations, has been lost. One hears person after person, or group after group, saying that they would never attempt to invest again, simply because—

Ms Ciccarello: If it is good, it should be able to stand up to scrutiny.

The Hon. DEAN BROWN: It should be. But I can tell the member that there are some really good developments where the people involved are absolutely frustrated. I have a number of those in my electorate, and I know the extent to which frustration occurs—it is probably somewhat more complex in the country, because there are native vegetation, CFS and other issues.

The Hon. R.B. Such: There is not much native vegetation left.

The Hon. DEAN BROWN: There is in my electorate, particularly on Kangaroo Island. We have 1½ million acres of native vegetation in the bottom end of it alone, and the rest of the island has a fair amount of native vegetation. But I do not want to get away from the point. I thank members for their contributions. I also want to take this opportunity to acknowledge the work done by the minister in putting forward this legislation. She has put in an enormous effort to make sure that there is a system in place that works more effectively than it has in the past.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Ms KEY: The point I would make here is one that I raised in my contribution earlier. Considerable concern has been raised in the Environment Resources and Development Committee, as well as a number of community organisations, about amplifying the fact that development should be encouraged with regard to natural and constructed environment in an ecologically sustainable manner. I compliment the government on taking up that issue and putting it into the objects of this bill in an appropriate way.

Clause passed.

Clause 4 passed.

Clause 5.

Ms KEY: The questions that have been raised here have been with regard to public accessibility and transparency. Will the minister outline the effect of the changes to the legislation that have been put forward here with regard to transparency and public input?

The Hon. DEAN BROWN: I appreciate the point made by the member for Hanson. Really, this is a consequential clause, and I think the issue that she wants to raise is under clause 15. So, I suggest that we look at that issue, which is the delegation of powers, under clause 15 rather than this one, which is a rather minor and consequential clause.

Clause passed.

Clauses 6 to 9 passed.

Clause 10.

Ms KEY: This clause deals with the amendment to interim development control. As I said earlier in my contribution, a number of questions have been asked about the minister's role in this. Will the minister amplify the effect of this amendment with regard to the government and in particular the minister's input?

The Hon. DEAN BROWN: The best way to do that is by my reading through the explanation of clause 28, the background to the defeated amendment. Section 28 of the act provides that the Governor may bring a plan amendment into interim effect from commencement of public consultation. This is generally intended to enable a plan which is tightening planning rules—for example, a heritage PAR—to be in effect while the merits of such tightening are then publicly debated. Without interim effect, there would be the possibility of applications being lodged prior to the proposed change, which could undermine the effect of the change.

Over the three years 1997-97 to 1999-2000 interim effect was used on average nine times per annum, the majority of which were heritage PARs—although I think I am right in saying that our hills face zone was another one that has been used recently, because the minister brought in an interim PAR to protect the hills face zone, and a final one is in the process of being brought in.

The proposed amendment raises the possibility of legal challenges being made to the planned amendment reports granted interim effect by the Governor on the ground that the amendment places greater control on the development. Most PARs contain provisions that both support an appropriate development and speak against inappropriate development. Even a heritage PAR aimed at protecting heritage will contain policies on an appropriate future development of listed heritage items. Such a PAR will increase the likelihood of a world designed heritage conscious development being approved. The additional test proposed will prevent the most common form of interim effect.

The second key difficulty is that all interim effect PARs could be subject to judicial review. Should a court find that interim effect was improperly used, it will rule that it was never properly applied. In this sense, the court would disallow the PAR retrospectively to the date on which interim

effect commenced. This will create significant legal uncertainty for development approvals issued, having regard to the PAR in the interim. Some of these development approvals may even have been acted upon. Due to the uncertainty that would have been created by this, the amendment was then opposed.

Ms KEY: The minister has used two examples—Craigburn Farm, and Woolworths in the northern suburbs. Will the minister provide more details of those two organisations, because they are raised by community organisations all the time?

The Hon. DEAN BROWN: I was simply getting the information for two rather technical cases. Craigburn Farm was done under the old Development Act and is not really relevant to what we are talking about here. The other example was the Woolworths' warehouse at Pooraka which was relevant and certainly would be applicable in this case.

Clause passed.

Clauses 11 to 14 passed.

Clause 15.

Ms KEY: As I said earlier, a number of questions were raised about the issue of the development assessment panels and also the regional development assessment panels. What procedure does the government intend to introduce with regard to the regional assessment panels? I believe that will be raised later with regard to these panels. Will the minister talk about the intention of transparency and also accessibility with regard to decision making in this area?

The Hon. DEAN BROWN: In answer to the first point, all the councils must agree; and then, the councils having agreed, the provisions are set out in terms of what would be in that by way of regulation under subclause (4). Page 14 of the bill provides for the membership of a regional assessment development panel, and it deals with the issues such as the procedures, the staffing and various things such as that which are done by regulation.

The second point related to the accessibility of the public to that, and an amendment was moved in the upper house on this. Subclause (11) provides:

> Subject to subsection (12), a meeting of a regional development assessment panel must be conducted in a place open to the public.

Then that is qualified by what is in subclause (12), as follows:

> A regional development assessment panel may exclude the public from attendance. . .

Then pages 15 and 16 of the bill list the basis upon which people can be excluded. There is full accessibility, but with conditions applied as specified. Therefore, it is fair to say that it is basically an open procedure with those, except for where there is specific exemption from that.

Ms KEY: I refer to page 15 of the bill, subclause (7). Some have said that, although it is admirable that the regional assessment panel will be conducted in public, there are so many provisos there that it will be interesting to see whether the public can attend. Putting that to one side, I am reassured by the minister that that is not the case. However, the minister may wish to comment on that.

Subclause (7) deals with an indirect or pecuniary interest, or interest of some conflict. I know that the minister has answered this question but, for the sake of some of the concerns that have been raised with me, why is there a different provision in this section of the bill for panel members as opposed to the very extensive provisions that are in the Local Government Act for council members?

The Hon. DEAN BROWN: Coming to the first point, in terms of when the regional development assessment panel can sit in confidence, the exclusions are there, but probably the most important part is subsection 12(b), which says that they can hear the argument in public, but then have their deliberations in confidence. That is not unusual and I think it is a reasonable provision. In terms of conflict of interest, if they have an interest in something—and this has been taken from the Local Government Act—they have to exclude themselves automatically. It is fair to say that this is well established under the Local Government Act and the same principle is picked up here.

Ms BREUER: I want a little more assurance on this. Having been involved in local councils for many years before I came to this place, I know that councils can be very open and transparent, or they can be cloaked in secrecy, which is to the detriment of the local community. Whether or not deals are done quietly without the knowledge of the public, it is always suspected when there is this impression that everything is kept secret, nothing is open and people really do not know what is going on. I would like more clarification concerning these regional development panels. Will someone oversee this and ensure that this does not become a common practice?

The Hon. DEAN BROWN: It is important to see the basis under which the regional development assessment panels will operate. Policy will be established and, if you like, there will be rules under which a development will be assessed. They will be in place and they will be publicly known beforehand. The regional development assessment panel then has to look at the specific application as it is assessed within those rules or within those broad policies. Therefore, in some ways, it is quasi judicial and the main concern of the public should be, firstly, that they do know what the policy is and they have some chance to influence that policy; but, secondly, once the policy is set—and it is not the panel that sets the policy; it is set elsewhere—then it is fair that an administrative decision is made in judging that application within that broad policy.

Clause passed.

Clauses 16 to 19 passed.

Clause 20.

Ms KEY: As I outlined earlier, the fact that the minister was prepared to look at the issues that Labor has raised regarding Crown development is to be commended. I am wondering whether we can get some reassurance from the minister with regard to the threshold level of $4 million concerning Crown developments and an assurance that there will not be an opportunity for projects to be broken up so that they do not come within the scrutiny of the very famous and important Public Works Committee.

The Hon. DEAN BROWN: I can give that assurance to the member for Hanson and I refer her to subsection (7d) which provides:

> . . . where the total amount to be applied to the work will—

and I stress the words—

> when all stages are completed.

So that very clearly rules out any possibility to break it up into stages and have a series of stages of less than $4 million. I assure the honourable member that this measure can be used to stop that from occurring.

Ms KEY: I am assuming that this means all Crown developments that fit in with that criteria; that is, there are not

likely to be exemptions that the minister can think of that may not be covered.

The Hon. DEAN BROWN: I can assure the honourable member that there are no exemptions—it is all stages.

Clause passed.

Clause 21.

Ms KEY: This clause, which was put into the bill during the later stage of negotiations, amends section 49A, 'Development involving electricity infrastructure'. Can the minister suggest why this was put in at such a late stage? Some critics have said that there is something very sinister about this being put in as a last minute thought. I notice that the same provisions we discussed earlier relating to Crown development apply in this section, and I think that is heartening considering the demise of the Electricity Trust of South Australia and the provision of electricity infrastructure. However, will the minister comment on why this was a last minute addition?

The Hon. DEAN BROWN: A specific request was originally lodged that it be for Crown development other than electricity, and so clause 20 was put in to cover that. Then, at a later stage, someone said, 'But the same applies to electricity', and therefore that was put in as well, but it was put in as a separate section. The only reason for that was to ensure consistency between clauses 20 and 21. So, you have the consistency, but exactly the same principles apply.

Ms KEY: The minister has raised the point which I feel I had a fair bit to do with in this clause. That was something that was negotiated and agreed to by the minister. As I said, some concerns were raised by certain critics that this one was put in at the last minute.

The Hon. DEAN BROWN: It was put in later, but it was an oversight originally.

Clause passed.

Clause 22.

Mr HANNA: I ask the minister whether there is scope, in the government's opinion, for abuse of this car parking fund provision, in the sense that there could be developers who might make no sincere attempt at all to provide sufficient car parking spaces for a development and instead go to a council and say, 'How much do you want for us to circumvent the provisions of the development plan?'

The Hon. DEAN BROWN: This area applies if someone puts in an application for a development, but there is absolutely no scope for putting in car parking as part of that development. The member specifically raised the point: how do you stop it from being abused? We are dealing with new section 50A(5)(d). Both the council and the applicant have to agree, so you overcome its being abused because the council would not allow it to occur. Abuse can occur only if one party puts in the application, but there must be agreement from both sides.

Mr HANNA: I suggest that the minister has missed the point of my question. As a state parliament, which sets the broad planning framework for development within which councils, etc., will have their own development plans for particular areas, we have a responsibility to ensure that for major developments, all sorts of developments, there is sufficient car parking; in the same way we have a general responsibility to ensure there is sufficient open space, transport facilities, and so on. I am suggesting that this facility of a car parking fund allows the developer and council to get together informally before a development application is lodged and to say, 'We will not even try to put in enough car parks. We have enough room for it, but of course we would rather put buildings on it; we would rather put our hotel or shopping facilities of some kind there. We would rather do that because it is income generating rather than having dead flat space as car park. So, how much will the council accept?' According to the agreement described in the clause to which the minister has referred, the developer will say, 'How much do you want for us to tear up the development plan as far as it applies to car parking? We will give you the money. We do not want to bother with car parks. Let us do a deal.' Can that happen under this clause?

The Hon. DEAN BROWN: The answer is no because under new section 50A(6) the rate that is paid is pre-determined and gazetted. There is not the scope for the developer to do that. Do you see the point? At page 23, line 8 through to line 12, it is pre-determined.

Mr Hanna interjecting:

The CHAIRMAN (Hon. G.A. Ingerson): Order!

The Hon. DEAN BROWN: It is fixed in advance. The rate is fixed in advance and gazetted which means it must be done by the minister. There is not the chance as you might find in *Sea Change* for the developer Bob Jelly to go along to council and say, 'How much do I need to pay you to enable me to do this?' That is not permitted at all. The rate is pre-determined and it is done by the minister.

Mr HANNA: I am allowed to ask only three questions on the clause, so I will use my third opportunity to take up that point. New section 50A(5) provides:

> (c) the relevant authority determines, after taking into account the provisions of the relevant Development Plan, that the proposal does not provide for sufficient spaces for the parking of cars. . .

The clause pre-supposes that there is a particular development proposal which has come to council. Where there is a reference in new subsection (6) to a determination of a council for the purposes of calculating amounts, it must refer to determinations in the same sense in which it is used in new section 50A(5)(c). Is that not right?

The Hon. DEAN BROWN: You must realise that under new subsection (6) there is a rate set per car parking space and the size of the development would determine how many car parking spaces should be provided. So, it is pre-determined because the size of the development will automatically then dictate a certain number of car parks which, under a pre-determined figure per car park, determine how much money needs to be paid. It is not open to negotiation.

Mr Hanna: I do not think it says that actually.

Mr LEWIS: This clause is of interest to me because of what I have noticed has happened. I do not have a quarrel so much with the substance of what is proposed as to make some observations about what has happened since town planning became a part of the legal landscape about 33 or 34 years ago in this state. We all can point to circumstances in which shopping centre owners, after the ownership has changed hands from the original developer, as smart alec add-on developers, using all their persuasive powers to get local government and any other authority that may have a say in the matter to reduce the number of car park spaces at a given shopping centre. Having done that effectively, it then overloads the site with service facilities and retailing to the extent that both the customers and the shopkeepers who lease their premises from the centres are disadvantaged. It caps the capacity of the site to serve the public interest.

The illustrations that I would use are those near my wife's home where I stay when I am in Adelaide; as well as what has happened and what is continuing to happen or proposed

to happen in Murray Bridge. I refer, for instance, to the Woolworths shopping centre on the corner of Sudholz Road and Main North East Road at Holden Hill. It is on the opposite side of the intersection to the Holden Hill Police Station where McDonalds has conned the owners into giving them a franchise on the corner which has taken up a lot of the vacant car park spaces, and now there is inadequate car parking available to meet the needs that customers seek in the way of service from the other leaseholders in the retailing space inside the Woolworths complex that is adjacent to it, which was served by that car park.

In addition to that, if you look at what is happening at Tea Tree Plaza, many of the car park spaces, which were originally set aside, have been taken up by development on the site to the extent that on few occasions, when I have gone there or attempted to go there, either to meet my wife or go with her to do some shopping together, I have had to drive around for half an hour or more waiting to find a space in which to put the car.

So, these provisions, in my judgment, are vital, and the earlier planning decisions that were made to provide those centres with adequate numbers of car park spaces have been abused to the detriment of the interests of both the lessees of the shops as well as of the people who seek to do their shopping there as customers. The owners of the shopping centres are really terrible people. Most do not reside in South Australia—they are companies based elsewhere—and they could not give a whatever you want about what happens in the context of our amenity. They simply do what maximises profits for them.

This clause does not go far enough in requiring both developers and local government to ensure that there will be not only now but also for the foreseeable future adequate provision for car parking spaces. The only way that will be done in places such as those to which I have just referred will be if buildings are erected as car parks.

On the very few occasion that I have gone to Tea Tree Plaza on Saturday afternoon, it is impossible to find a park, no matter what time of the year it is. I do not bother to go there any more, so it must be adversely affecting the shopkeepers who must pay the lease on the premises inside, by putting a cap on the number of customers who can get into those facilities.

I hear the same requests being made of the Murray Bridge Rural City Council to alienate space in the Woolworths' car park there. I do not like the landlords who buy such shopping centres and make decisions consistent with what they see as their short run profit interests and which are detrimental to the communities in which those shopping centres are located.

This is the nub of what I want to say. When we go off and plan in our local government areas how we will zone the land that is available and allocate the purpose for which the space will be used, we do it in good faith, believing that that is what will be necessary. We prevent, in the process, any other parcel of land from easily being converted to the same kind of use. We have rationed the available space. The end result, when the shopping centre changes hands, is that greater density of retail outlets are placed on the space to the detriment of the convenience of the people who wish to arrive there in their motor car, do their shopping and go home again, as well as to the detriment of the shopkeepers who occupy the existing premises and the new ones that are built. They do not get any reduction in rental, and the managers who drive that process put in their CV that they lifted the revenue in that shopping centre during the five years they managed it from $X to five times that or whatever. However, it was not in the interest of the locals or of the plan, and it does not serve the needs that the plan set out to serve.

The sooner we do something, as envisaged in this provision in law which prevents that from happening in existing developments, the better off we will all be. All members could give the same kind of anecdotal evidence, to which I have just drawn attention, of circumstances where they have attempted in their surroundings to go shopping after land values have gone up a bit: pretty soon the car park space has disappeared. It ends up resulting in damage to motor cars; people get angry because they cannot find a space and fit in it; and they get out of or into their cars in a hurry and bang the door of their car on the car next to it.

All those costs fall into our pockets and not into the pockets of the greedy land owner and shopping centre manager. We pick that up; it gives the shopping centre a bad name; it gives this state a bad name; and the people who live here get angry about it because they think they have made appropriate provisions for sensible planning, only to find that over recent times it has been abused. If the minister can assure me that what I suspect is the purpose of this clause is indeed to address that kind of problem, he will have my applause and so will the principal minister, the Hon. Diana Laidlaw.

The Hon. DEAN BROWN: This clause does tighten up on the very basis that the member for Hammond outlined. However, in terms of the number of car parking spaces to be provided, that is up to the development plan because it varies with the nature of the development for each area. In relation to the point which the member for Hammond raised and which was raised earlier, this certainly tightens up on the way it is administered, in order to stop the problems raised by the member for Hammond. Whether there are enough car parks there for that development should be in the development plan, and that is where that change should occur.

Ms CICCARELLO: I support the issue of a car parking fund. My former council established such a car fund many years ago, whether or not it was in the bounds of the legislation. In areas such as Norwood and some of the old urban areas where not a lot of land was available, it certainly was a difficult issue to confront. We established a sliding scale, and the figure we had some years ago was between $8 000 and $12 000 per car park for any development applied for that was short of car parking. Whilst I support this, I would like to know what is meant in the clause by 'the designated area as being established'. Is that designated area something that will happen within 100 or 200 metres? What does the clause mean?

The Hon. DEAN BROWN: I thank the member for her question. Proposed new section 50A(1) refers to designated areas. A designated area must be defined by reference to an area established by the relevant development plan. The development plan would say that these are relevant or designated areas where that could be done.

Ms KEY: I understand from the briefings I have had with the minister that she intends to provide a planning advisory notice for car parking funds. Will the minister amplify that point? What sort of characteristics will be covered by that planning advisory notice?

The Hon. DEAN BROWN: An advisory bulletin will be issued by the minister, probably before the bill comes into effect as an act. That will help councils work through some of the issues that are being dealt with here tonight. It has not yet been written, but it is planned to be written before it comes into effect.

Ms KEY: Will the opposition have an opportunity to see the draft or the proposal?

The Hon. DEAN BROWN: I will take that on notice for the minister and refer it to her so that she may consider the request that the opposition have a chance to look at the advisory bulletin.

Ms KEY: I refer to the briefing information provided by the minister with regard to this new section, relating to car parking funds. The member for Hart and I would be interested to know. The example used in the briefing paper is that the bill proposes a new provision that enables a council to establish a car parking fund for a designated area, for example, the Semaphore neighbourhood centre zone. This will assist councils with ribbon shopping areas. The member for Hart, the member for Lee and I, as an old Port Adelaide resident, would be interested to know where this is.

The Hon. DEAN BROWN: The councils will pick the area that will become the designated area.

Ms KEY: I have a supplementary question.

The ACTING CHAIRMAN: This will be the last time tonight I will allow a supplementary question. I make that clear.

Ms KEY: You are not going to allow a supplementary question?

The ACTING CHAIRMAN: I will on this occasion, but this will be the last time. It is not an estimates committee. From here on, I will stick to the standing orders and there will be three questions only. However, I will allow this question as a supplementary, but this will be the last supplementary.

Ms KEY: I would have thought that you would hear the merits of the case before you made a ruling like that, but I guess I have a different point of view. Referring to my question, I would like to know where the Semaphore neighbourhood centre zone is.

The Hon. DEAN BROWN: The Semaphore neighbourhood centre zone is an area specifically defined in the Port Adelaide Enfield Development Plan, and I presume that it is at Semaphore. So, I suggest that you go to the council and look at the plan. It is an area, obviously, in Semaphore.

Ms CICCARELLO: With regard, for instance, to an area like Norwood where we have an existing car park—the Webbe Street car park behind the Norwood Town Hall—which was developed by the council some years ago to provide parking for retail and other businesses in the area, would the car parking fund be appropriate to be designated to increase the size of an existing car park, even though it might not be in a designated area?

The Hon. DEAN BROWN: The answer is yes, if you look at subclause (8)(b), which provides:

> to provide funds for (or towards) the maintenance, operation or improvement of car parking facilities within the designated area;

So, it would be up to the council to declare that area a designated area and then, under this provision, those funds can be used for that.

Clause passed.

Clause 23.

The Hon. DEAN BROWN: I move:

> Page 25, line 18—Before 'during' insert:
> unless otherwise determined by the council—

Ms KEY: Could the minister tell the committee what this amendment seeks to do?

The Hon. DEAN BROWN: It will reduce the discretion so that the council can determine whether the panel will have discretion: that is, the council may decide that it would prefer its panels to deliberate in public at all times. This is where the principal power to sit in camera lies with the council, not with the panel, so they will set the rules.

Mr LEWIS: This is a very interesting clause: it comprises two and a half pages, or more, of the bill and covers a good deal of ground in legal terms as well. I do not really mind whether I raise the matter here or later, or under the schedule, but my purpose is to discuss the benefits that might accrue as a consequence of the prerogative powers that are provided for and make a comparison between that and—

The ACTING CHAIRMAN: We are dealing with the amendment put by the minister. Are you addressing the amendment?

Mr LEWIS: I do not mind. We will pass the amendment and then I will speak.

The ACTING CHAIRMAN: Once we have agreed to the amendment, we will proceed with consideration of the clause.

Amendment carried.

Mr LEWIS: I want to talk, in particular, about the way in which we can avoid things which have happened in the past. I want to give an illustration of some of the things that have happened in the past that ought to be addressed now. Water supply is a real problem in some places. Of course, this clause will enable local government to ensure that such things as this never happen again. I am glad that the Minister for Government Enterprises is in the chamber at present, because I want to talk about the water supply at Swan Reach. It should never have been allowed to get to this sorry pass. I wrote to the minister's predecessor, and the last time I wrote to the minister was on 3 October, when I stated:

> There are some homes in Swan Reach township which are not properly supplied with reticulated water. Their housing allotments are on an indirect supply. The reasons for this indifference to their plight goes back a long way in history and are more bureaucratic than fairly and soundly based on equitable policies. I am not talking here about indirect supplies to people who live out of towns and who are grateful for their indirect supply—albeit that they would prefer a pressurised supply if one was available. NO. These are dwellings within a township.
>
> Swan Reach has had very poor pressure from a very badly designed reticulated system for a very long time—even longer than I have been in parliament!

I know that you have probably never had to put up with this kind of thing where you have lived, Mr Acting Chairman. However, these people do. For example, at present Mr Max Simmons, who is 70 years old, is one of the people in question on the upper level whose family's home is indirectly supplied. He is sort of a late starter in life. Their health and hygiene are adversely affected because he is fearful that, if they wash daily and use the water in their home in the way in which anyone else would use the water, he will be unable to pay the excess water bill whenever his indirect supply is broken by people mowing grass along the roadside that the service traverses by using rotary slashers which can slash through the surface of the sand on the undulating terrain; by other people burning rubbish and trees that they have cut down on their fence line, which cooks his pipes; or by someone else, towing agricultural implements along the verge, inadvertently and unwittingly chopping his pipe up. His neighbours on the upper level are similarly affected by this adversity.

I have constantly drawn this problem—and a multitude of other Swan Reach problems such as dirty water, inadequate pressure, and so on—to the attention of the minister and his predecessors for 20 years, yet the problem still remains. Indeed, they had attention first drawn to them when Tom

Stott was the member. If these problems were in Hartley, the electorate of Adelaide, the electorate of Light or the electorate of Unley, I bet they would have been fixed pronto, for obvious political reasons. I have appealed to the minister to fix them. I wrote to him about that on 3 October, and he acknowledged my letter on 10 October, but I still have not had a reply from him about it.

Is this the kind of thing which the minister believes will be avoided in future, namely, that developments will not occur if a water supply cannot be provided? Because the panels that will be formed will not allow any such proposals for subdivision to proceed unless all the services and other amenities, which are essential for civilised dwellings to be established, indeed, will be available; and, if it is not, can the minister tell me how on earth we will deal with that problem in the future because it is not good enough for us either to let the problem remain there as it is or, worse still, to allow such a problem to be created any time again in the future.

We ran out of time in question time today and that was the substance of the question I wanted to ask the Minister for Government Enterprises but did not get the chance, so I will do it here. I wish the people in Swan Reach a Merry Christmas and tell them not to hold their breath because I do not think that the minister is inclined to listen even to what I am saying now, and I am not referring to the minister at the bench but the one sitting down, the Minister for Government Enterprises. Sad, but, I hope we can avoid it. Can the minister assure me that we will in future?

The Hon. DEAN BROWN: I understand the point the member for Hammond is making because, at one stage, I represented Skye, Teringie Heights and Mount Osmond. All those suburbs had major water supply problems because they had private water schemes that invariably broke down two or three times every summer. I would have 20 to 30, up to 100, very angry residents every time the water supply broke down or they could not get more than a trickle of water. I still have problems around Willunga, even with the SA Water reticulated supply, where people, during a hot spell, will turn on a tap and no water comes out.

While not far from the township of Willunga, people are effectively paying a service fee for the water and not getting it. They are important issues but they are issues that should be tackled as part of the development plan. Under the development plan, planning approval should not be allowed for development in that area, unless there is an adequate water supply to start with. I know that mistakes have been made in the past and it is important that those same mistakes not be made in the future. It is a problem I also face even around Victor Harbor, which is the fastest growing centre in the state—again, at times, development applications go ahead when the water supply is inadequate.

In that case SA Water is spending significant money on upgrading the supply, and I expect that to overcome at least some of the problems if not all of the problems. But it is an issue and that is why, in the setting up of the development plan, it is so important to deal with the infrastructure issues.

Clause as amended passed.

Clauses 24 to 27 passed.

Clause 28.

Ms KEY: This clause looks at fire safety. I understand that, under the competition policy review of the Development Act, some concerns were raised about Crown buildings needing to meet the same fire safety standards as private buildings. My understanding is that the government has proposed that fire safety issues for Crown buildings be achieved through a program of upgrading. Will the minister comment on that aspect and also expand on the timetable that has been looked at, I understand, by cabinet with regard to fire and building safety of Crown buildings?

The Hon. DEAN BROWN: No, councils do not have the right to look at Crown buildings. The Crown is answerable to the parliament and so it is up to the Crown to ensure that fire safety is adequate within its buildings.

Ms KEY: Will the minister, being a member of both cabinet and Executive Council, outline the costs that are anticipated in complying with fire and building safety standards of Crown buildings? My first question was not answered and, as I cannot ask supplementary questions, I will ask it as my second question: what is the timetable with regard to these requirements?

The Hon. DEAN BROWN: That would be an impossible question for any minister to answer. Even within my own portfolio I know that we select buildings and establish a priority to make them fire safe. As an example, I recently visited the Pinnaroo Hospital. We have spent a considerable amount of money at the hospital installing fire safety doors so that we isolate the kitchen where a fire is likely to start. It is an aged-care facility. As we go from, particularly in our country hospitals, acute care to aged care, the fire standards are even higher. We must therefore install fire doors and a fire wall above the ceiling to the roof. All I can indicate is that, at least in my portfolio, we put a priority down and, any time there is a renovation, we ensure that we bring the fire standards up to the appropriate standards, and we are doing that particularly in country hospitals at present.

Ms KEY: Basically, the minister cannot answer my question about the timetable. He also cannot give me any guesstimate of the costs that may be involved, despite the fact that recommendations have been made by the competition policy review. Who would be responsible for monitoring fire safety of Crown buildings and enforcing that policy? I understand that the state government is not encouraging the local government area to do that. Could the minister comment on that?

The Hon. DEAN BROWN: This is somewhat complex but, first, it is up to the government department, and ultimately the minister, to be accountable for fire safety in government buildings within that department. The government is accountable to the parliament. SACORP, which is the insurance arm of government, in some cases may say that the risk of inadequate fire safety standards is high and therefore we insist, for insurance purposes, that it be brought up to a suitable standard. In other cases, for instance, the federal government, with respect to aged care, has a standard for nursing homes and therefore, although the state government is not bound by the federal government, we would want to comply with that standard.

There are some well-established fire safety standards. I know from some of the buildings with which I have been involved as minister we have had detailed discussions, making sure that we try to comply with those fire standards whenever alterations are made. The standards keep changing, and it is not possible to put a time frame on this, because there is always renovation; there is always an ongoing change in standards; and, therefore, an ever increasing standard of fire safety would apply within the buildings themselves. That is why one would find it very difficult to put down a figure. I know that at one stage a figure was put down for, I think, the Education Department and the hospitals with respect to what it would cost to comply with occupational health and

safety standards across all those government buildings. I can tell the member that the figure is just immense and, if we had to comply with all the modern standards in many of the older buildings, we would spend all our capital funds just doing that for a number of years. But the important thing is that, where there are gross inadequacies, they are upgraded as a matter of some priority.

Mr FOLEY: I can find a question at the end of my contribution, if need be, but with respect to the issue of fire safety and how our Development Act now applies to the private sector, I had an interesting example in my electorate that I think is worth putting on the public record. I have done so previously, but it is, I think, an indication of where certainly self-regulation has caused great problems.

This example concerns the old Pioneer Homes (not the current ownership). There was a fire in a duplex in my electorate. The fire wall did not go all the way to the ceiling, and both duplexes were burnt out. Litigation and negotiation went on for some two or three years. A survey was carried out, and in every single duplex—160 of them, so 300 homes—the fire walls stopped about eight or nine inches (a couple of hundred millimetres) from the ceiling. The retirement village at which my father is a resident, which was built by the same company, was also found not to have the fire walls going to the ceiling.

Those companies were finally, through litigation, or the threat of litigation, forced to fix the problem. Then we found, in the same retirement village, another portion that was built by another builder (who still exists in Adelaide) and, equally, that builder had not taken the fire walls to the roof. The problem, of course, is that one cannot really see whether or not the fire wall has gone all the way up.

I know that we are talking about Crown property here, but I think that there is an issue of which we all need to be conscious. I do not believe that self-regulation has worked anywhere near to the extent that it should have. The problem that we have with many of these constructions is that we do not know just where and to what extent the fire walls have, indeed, been properly put in place. It may be inappropriate to raise that point here, but it is something about which I have some real fears, because I think that self-regulation and not having the councils properly supervising this building work is something that we will all live to regret, and I am quite concerned about it as an overall issue.

The Hon. DEAN BROWN: It is appropriate that the member for Hart does raise the matter here, because this clause that we are debating increases the obligations and powers for councils to inspect for that very problem that the member has raised. So, whilst acknowledging that there is a problem because in the past some builders have abused the building codes, this clause will strengthen the power of councils and increase the obligations on the councils to get in and make sure that it does not occur in the future.

Clause passed.

Clause 29.

Ms KEY: I refer to the correspondence to which I referred earlier from the Housing Industry Association in regard to building inspection policies. As the minister would be aware, there has been quite considerable support, particularly from the local government area and the Local Government Association, in addition to many of the organisations from which I quoted earlier and which support the building inspection policy proposal that is contained in the bill. However, the HIA raised a number of issues which I raised in my contribution earlier. First, can the minister comment on the concerns that I raised in my speech and, secondly, on the issue that was suggested by the HIA in its letter to me—and, presumably, to the minister—regarding the establishment of a separate inspection agency that would be connected to the office of consumer affairs or a government agency that was responsible for the issuing of licences? From my understanding, the HIA was suggesting (and I hope that I do not misquote its intention) that it was unhappy about local government having responsibility for this area, and that it would be more appropriate that the state government took the responsibility and that the model be set up in conjunction with the department.

The Hon. DEAN BROWN: First, I think we should acknowledge that the Housing Industry Association has welcomed this clause, because it sees this as a vast improvement on the present situation. Secondly, the HIA wished to go further, and wanted the state government to carry out all the inspections. However, it is the councils who give the approvals, so it is appropriate that they carry out the inspection. So, the government thinks it is inappropriate to adopt the idea of the HIA. That would mean setting up a very significant bureaucracy within government which would be running out there doing the work that, really, the councils ought to be doing. They are in the location—particularly in regional areas; they know where the new building applications have come in from; and they are the appropriate ones to go in and do it.

I might add that they used to do it. My father was an architect, and I can recall that at each stage when one went through a development—even a housing development—the council had to come and tick off that particular stage. One could not proceed to the next stage until one had been ticked off on the last one. That was probably a bit inflexible, and then it went to the other extreme. This measure is coming back and giving the power to and placing the obligation on the council to make sure that it carries out those inspections.

Clause passed.

Clause 30 passed.

Clause 31.

Ms KEY: As I understand it, this amendment relates to applications for mining production tenements to be referred, in certain cases, to the minister. Can the minister cite some examples that would be relevant under this clause?

The Hon. DEAN BROWN: I suppose an example is that, with a major mining development, there would automatically be links between the mining application and the planning application, and this would allow those links to be made. So, that is the type of example: Honeymoon, for instance, is a classic example.

Ms KEY: Does the minister have any other examples? I must say that Honeymoon is one that worries me, but that is another debate.

The Hon. DEAN BROWN: Honeymoon and Beverley are the two examples at present.

Clause passed.

Clauses 32 and 33 passed.

Clause 34.

Ms KEY: This is one of the areas that was raised by the Law Society. As I said earlier, the Law Society was acting under, I think, a different draft of the bill. A number of issues were raised regarding commercial competitive advantage, and some 10 questions were asked of the minister by the Law Society regarding this area. I know that, unless I am extremely clever in the way in which I draft my question, Mr Acting Chairman, you will not let me ask all those questions. Also,

I should mention that I have received some assurance from the minister that these questions have been looked at. What reassurances have been made by the minister? I have had the benefit of a letter that she has written to the President of the Law Society on 5 December. Will the minister make some comments on the commercial competitive advantage covered in this clause?

The Hon. DEAN BROWN: The Law Society has raised this matter with the minister, and she has had the Crown Solicitor check these very carefully indeed. The Crown Solicitor has given the assurance that what is here is suitable. From my own personal experience on a number of key developments in this state, it is pretty clear that most of the objection was being raised by people who it is fair to say—and I will not name any developers—were in there as no more than a competitor. They were doing it purely on competition grounds, and they wanted the proposed development to be stalled, stopped or considerably delayed, simply so that they could be in a near monopolistic position without that development around. I can name three or four major developments in South Australia that have been stalled purely on that basis. If you look at who has put in the objection and see their position compared to who would be the main proponent of the development if it went ahead, you would understand that this is all about competition. Frankly, good planning is not about competitors stymieing development by their competitors.

Clause passed.

Clause 35 passed.

Schedule 1.

Ms KEY: My first question is in relation to clause 2—'Awarding of costs'. To a certain extent the minister has allayed my fears about this clause. I was pleased in the briefing that the minister gave me to hear her say that the government recognises that all individuals with genuine planning grievances, whatever their means, should be able to institute proceedings in the court without fear of large costs being awarded against them and that the amendment to this clause would provide the court with greater flexibility in making awards for costs. There was also the issue regarding public meetings, where there is a major development. It is sad that the member for Spence is not here to comment on or ask questions about the development report process, including the closure of a public road. Will the minister comment on clause 2?

The Hon. DEAN BROWN: This schedule gives the court greater power to award costs, particularly in the case of frivolous or vexatious proceedings that might occur. Again, I will give a classic example without naming people, because I do not wish to impugn individuals. There was a development on the Fleurieu Peninsula, and a party that put in an objection came from a Mid North town and said, 'You pay me so much money, and I will drop my objection.' That is frankly just blackmail. That development has still not proceeded because of that.

Mr LEWIS: My purpose in this instance is to reinforce the contrary view to that held by Michael Beadmore in the Law Society. There are vexatious actions and, in anecdotal terms, three spring to my mind immediately. In the first instance, there was the development of packing facilities at Pinnaroo, to which a third party took exception. It took proceedings in the ERD Court to stop that development as far as it was possible to do so for as long as possible, and it was believed that those actions were taken on behalf of vegetable packers elsewhere in South Australia, namely, Virginia—and there are a few out there. I will not go quite so far as to name the family and the company that was involved, but it was a scurrilous and despicable thing to do, because it delayed the Pinnaroo community in getting the jobs for the value adding to their produce, potatoes in particular, in their own community, whilst this third party put up these specious arguments in court and kept the proposed developers from proceeding with their packing shed. It finally became necessary for me to speak, in terms of which all members know I am capable, to the third party who was taking the action on behalf of the people at Virginia.

I was happy to discover that other members of the public service were also assisting in that regard. When those facts of life were spelt out for this fool, he backed off quickly and allowed the matter to be dealt with and the development has gone ahead. The Deputy Premier opened those facilities, Muster and Mason at Pinnaroo, and they do an outstanding job, a splendid job; there are no problems with them. That was one case. That was a deliberate attempt to coerce a company into not starting or, if they did start, to run up the costs as much as possible. The next one is pretty much the same. There are two people, absolutely wicked types, one of them, whom the Deputy Premier relocated into the Swan Reach/Nildottie area, is a fisherman. The fellow has taken a set against the development, because he has taken a dislike to the local who has been given the job of overseeing the development of a huge multi-million dollar irrigation investment in which we have succeeded in getting hundreds of megalitres of water transferred out of New South Wales downstream into South Australia where there will be great benefits to the Murray and everybody along it, because of the additional volume of water that will flow down the stream. Of course, all the salt there will be further diluted. The other benefit is that the mid-Murray town of Swan Reach and also the town of Nildottie will benefit because they will service this development.

In this instance, this fisherman got together with another local bloke who thought he was going to make a killing. He wanted more than $200 000 for an easement across a piece of land that he owned between the water in the river, up the cliff, to the edge of the road, which he believed was necessary for the developers to get access to the river. Well, bigger fool him, because what I then did was suggest to the developers, after meeting with them and their solicitors, that what they should do is get a tunnel sunk through the limestone from the opposite side of the main road from Walkers Flat to Swan Reach, the opposite side of the road to the river, underneath the road and out into the limestone cliffs in the same way as dugouts are constructed at Coober Pedy in similar ground where it will cope quite well; it will stand remarkably well. Anyway, this fool—that is a polite way of describing him—and his mate (the other dill) decided that they would get an engineer. Some goose came along and gave an opinion that it might collapse, that it might cause damage, there might be a leaky pipe or something, it could be cavitation and so on. All of this is ifs, buts and maybes, when in fact the highest level of probability has to be ascribed to the success of the venture.

If it were not so, if that ground would not stand and cope with the space that was excavated to provide the sloping tunnel in access point to the cavity that would be excavated in the side of the cliff in which to put the pump house—and that would ameliorate the effect of noise in the locality of the township of Nildottie—then I would be a monkey's uncle, if that would not work. This building would fall down. It is silly

to suggest that ceiling can stay there over this cavity of the chamber. It is much more realistic that the tunnel would stand in the Swan Reach/Nildottie area for these developers than that this building will stand and that we are safe inside.

Anyway, because the developers came up with that proposal, namely, to put in a tunnel, the fellow who owned the land and who thought he was going to get a couple of hundred thousand or a quarter of million dollars for the easement across his land, felt snouted, so he joined with the fisherman; and no costs, no damages, no risk, took the company to the Environment and Resources Development Court where it now stands. We will lose that development if they are allowed to continue. They know that they can get away with it. This amendment—and I commend the Minister for it—allows the court to decide whether or not costs and damages can be awarded.

At the present time, it cannot be: it is against the law to do so in the Environment, Resources and Development Court. The third party is me and I have an interest in that, a very big interest in a company where title to what I was trying to do in mining enterprises was challenged improperly and it finally came out in the court. I mean, the matter is finished; it is not sub judice. However, I had to pay tens of thousands of dollars of my money through my company to defend what I describe in the vernacular as vexatious litigation, and this fool who brought it against me has been able to get off scot-free.

Well, he only incurred a cost of $7 000 when he hired a solicitor and a silk to run his application to get an appeal; and then when it came time to have the appeal heard, he could not afford to continue paying his solicitor and his counsel, so he sacked them and ran it himself and made a mess of it. Notwithstanding that, you cannot put a better gloss on the facts than the facts themselves, and he would not have won, anyway, but he ran up my costs enormously and delayed the project in which I was involved. I therefore commend the minister for giving the means by which it is possible for the court to award costs and to determine whether damages are involved.

The other thing I would like to see happen that has not been included in this schedule and these provisions in this bill is for a change in the narrow legalistic definition in law of what a vexatious action is. At present, you and I, Mr Acting Chairman, would see a vexatious action for what it is, but the law narrows it down so much that you are wasting your time to try to get the court to agree with you that the action being brought is vexatious by the other party. I therefore say I am pleased, I wish it swift passage and I look forward to a further amendment with respect to the definition of the word 'vexatious' as it stands in law relevant to the proceedings I have referred to.

The Hon. DEAN BROWN: I am pleased to be able to tell the member for Hammond that in fact if he looks at the bill under clause 2(d) paragraph (c) it goes further than just frivolous or vexatious and provides:

(i) who obstructs or unnecessarily delays the proceedings; or
(ii) who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or
(iii) who fails to attend any proceedings or fails to comply with a regulation, or rule or order of the court.

So the very point the member is talking about is picked up by the legislation.

Ms KEY: This is an area on which I have received a number of submissions and comments and I would have to say that being a member of the House of Assembly one of my concerns is the number of complaints I have received from residents regarding their access and ability to operate within the Environment, Resources and Development Court arena. I will give one brief example. I have reported in this House on a number of times the struggle of the tenants who are part of the Adelaide Workmen's Homes Estate at West Richmond and who are opposed to the developments being proposed by Adelaide Workmen's Homes (which is the Elder Trust) at West Richmond because they do not believe that the town-houses being proposed serve the needs of the current tenants, particularly the elderly tenants and also the tenants who have children and lifestyles that include having pets, bird aviaries, sheds and a whole lot of other things.

Basically, those people have found it very difficult to defend their position because, first, I believe that they were not given a proper opportunity by the West Torrens Council to make their case. They were told that they had to summarise their position in two minutes, otherwise they would be thrown out of the council chambers. Secondly, when they went to the Environment, Resources and Development Court they had to prey upon the goodwill of a number of planners, architects and lawyers to be represented, as well as endure a fairly quick learning curve to work out how to represent themselves. They then had to proceed with a number of sausage sizzles, film nights and raffles to try to raise the money to even have any decent legal representation.

Although I understand that the minister—and the minister has certainly made it clear to me in the briefing notes that she has provided—thinks this whole system should be accessible to as many people as possible, my experience as a local member is that is not always the case. I do not believe that the case that the Adelaide Workmen's Homes tenants have put forward has been vexatious; I think they have been trying to argue a point. That is really a comment from me. I also put on the record that I have received a number of submissions on this particular matter with regard to the Environment, Resources and Development Court, particularly from the Conservation Council. I will refer very briefly to what they say and perhaps ask the minister to comment. I have also received correspondence from the Environmental Defenders Office. The Conservation Council says:

> There is a threat to community participation in the planning system through the changes to Environment, Resources and Development Court ERD Court legislation. CCSA—

and also the Environmental Defenders Office—

> opposes any increased likelihood of costs being awarded against the third party appellants who bring cases to the ERD Court.
>
> Third party appeal rights: please see the comments in the earlier EDO submission. The ERD is supposed to be the 'people's court' where people seek justice without fear of costs, provided that their case is well prepared and for the community good.
>
> Any increased likelihood of costs being awarded against unsuccessful third party appellants or private individuals will result in people becoming too frightened to seek justice.

I wonder whether the minister would like to comment—

Mr Lewis interjecting:

Ms KEY: You had your turn. I would like the minister to comment on that.

The Hon. DEAN BROWN: I appreciate the point that the member for Hanson is making, but I refer to section 21 of the Environment, Resources and Development Court Act 1993. The parliament has actually instructed the court to be, and I use the words, 'conducted with the minimum of formality'; secondly, 'the court is not bound by the rules of evidence and may inform itself as it thinks fit'; and, thirdly, 'the court must act according to equity, good conscience and the substantial

merits of the case and without regard to legal technicalities and forms'.

The very thing for which the honourable member is asking and about which she is concerned may not be occurring, this parliament has given an instruction to the court to be like that. If the honourable member has a complaint, she should take that up with the Attorney-General, who is the relevant minister, and ask him to look at that, because I think this parliament has given a clear statement of its intent and it is up to the Attorney-General to ensure that the court adheres to the intent of the parliament.

Mr HAMILTON-SMITH: I rise on the issue of costs. As I explained earlier, I have been through the mill in the environment court on two occasions with two councils. I won each appeal yet, on each occasion, I had to shell out in excess of $15 000 simply to get a small development up in the face of opposition from a very small, but very vocal, minority group in one particular street.

As I mentioned, these were child-care centre developments. The community as a whole overwhelmingly embraced them and wanted them to occur, but a very small group was able to cause that small business application, in those two instances, to go through a process at a cost which very nearly jeopardised those developments from going ahead. I take the member for Hanson's point that a genuine objector should not be caused to meet costs, if unsuccessful. I do not see anything in the schedule that would require that to be so.

The schedule is very specific and provides that if it is frivolous or vexatious in the view of the commissioner, or if a person obstructs or delays, or simply withdraws from the proceedings at a later stage—another very clever tactic—and seeks to withdraw knowing that they will lose or they have caused a delay or obstruction, the commissioner may dismiss the proceedings. My question relates to clause 2(f) which provides:

> If a party to proceedings before the court—
> (a) applies for an adjournment of the hearing of the proceedings; or
> (b) by his or her conduct renders it appropriate or necessary for the court to adjourn the hearing of the proceedings,
> the court may then adjourn the proceedings on such terms as it considers just and may make an order for costs. . .

I read that to mean that if a party pulls out of the proceedings and seeks not to continue, that party renders itself liable for costs. If that is so, I commend the minister for including it. I think it is a fabulous step forward in enabling small business and small developers, who, after all, constitute the majority of these cases, to get out there and create jobs and development in this state without the fear of being derailed by one or two vocal extremists within a local community who have set about with vengeance and absolute determination to block that development for one reason or another. Would the minister assure me that not only frivolous or vexatious parties will be called upon to pay costs but also that, if a party adjourns or simply abandons the proceedings, they will also be held to account? As a result of my experience of this and the experiences I have shared with other business people, the court inevitably tends to favour the appellant or the—

Mr Lewis: Objector.

Mr HAMILTON-SMITH: —the objector, yes. It is rare that one can get a commission or a court to award costs. I hope this does not provide a way out for commissioners simply not to require costs. I hope it is enforced rigorously. Could the minister assure me that is the true meaning of clause 2(f)?

The Hon. DEAN BROWN: Page 34, line 34, gives the member for Waite the assurance for which he is looking. If in fact the objector fails to attend any proceedings or fails to comply with the regulation or rule or order of the court, he or she is liable for costs. I appreciate the honourable member's support for this schedule. The very point about which he has been talking is there, it is protected, and that is the reason why it is going in.

Ms KEY: I refer to clause 4, relating to native vegetation. I have had the benefit of a briefing from the minister on this clause, but I would like a reassurance in the House. The Conservation Council of South Australia and the Environmental Defenders Office did raise some questions about changes to and protection of native vegetation.

The council understands that the amendments in no way reduce the right of a district council to refuse clearance of native vegetation if the proposed clearance is at variance with the council plan. Could the minister clarify that issue for me? Some verbal evidence has been received by the Conservation Council with regard to Playford, Burnside and Adelaide Hills councils seeking strengthening of controls in the hills face zone by introducing 'non-complying' for horticulture and having this refused by Planning SA.

The Conservation Council says that it is unacceptable for people from Planning SA to be involved in this way (I am not sure whether this is the case, but certainly this is what is being said to me) and that a council can have its way if it puts forward a good case. It says that many council planners are young, and few of them are likely to stand up against senior staff from Planning SA; and that there are real concerns and real examples, particularly in those councils to which I have just referred. Can the minister reassure the House that is not the intention and that we will have appropriate conservation of the native vegetation; and also that there will not be an opportunity for tactics to be used for this provision to be ignored?

The Hon. DEAN BROWN: I can assure the honourable member that that is the case. First, this schedule simply links the two acts together. Secondly, the councils will be able to refuse the development in their own right without worrying about the native vegetation. The native vegetation people have their obligations, and they carry them out. The fear that the honourable member has is not a valid one.

Schedule passed.

Schedule 2 and title passed.

Bill read a third time and passed.

SHOP TRADING HOURS (GLENELG TOURIST PRECINCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 609.)

Mr WRIGHT (Lee): The opposition is willing to support this bill introduced by the government. Shop trading hours is invariably a delicate discussion for both government and opposition and traditionally has been for many years. However, we recognise that this is a special case that the government has brought in to incorporate the Glenelg tourist precinct to extend the shopping hours for non-exempt shops. It has been subject to a lot of discussion and consultation. Papers have been put out and reports have come back as a result of government taking action in this area. We believe a case has been established that demonstrates that the Glenelg tourist precinct is a unique area. It has a lot of accommoda-

tion, and we think a reasonable case has been made that it be looked at as a special case, but that it should be treated on its own merits.

A high percentage of international visitors visit the Glenelg area. The accommodation that is taken up in the Glenelg area as a result of tourism, aside from other aspects, sets it apart from other areas. There has been some discussion and debate along the lines, 'What about other areas?' People have come out and referred to Marion and other places. They can make their own arguments about their particular areas, but we look at this as a unique situation, a special case, and we take on face value the commitment that has been given by the government that the Glenelg precinct is a special area, that this is a one-off situation, that they are not wanting to use this as a stepping stone to open up shop trading hours throughout metropolitan Adelaide or South Australia. This largely will achieve what takes place in the central shopping district. The same shopping hours will apply to non-exempt shops. It allows for trading on each week day up to 9 p.m.; up to 5 p.m. on Saturday; and from 11 a.m. to 5 p.m. on Sunday. Of course, we are talking about non-exempt shops. So, the Glenelg tourist precinct will have the same conditions as those applying in the central shopping district.

Based on the information the government has put before us and on the information that the minister has made available as a result of the consultation process that took place, there was opportunity for both businesses and consumers to make comments on an issues paper put out by the government. The opposition has studied that and consulted closely with small, medium and large businesses and with the respective trade unions affected by this change to the legislation. Because of the special circumstances that exist and the case that has been made, we in a true spirit of bipartisanship are happy to support this bill, but we do so on the basis that it is a one-off measure and that it is not an attempt to widen the agenda. We take the word of the minister, who assures us that it is a special situation.

I am sure that you, sir, would echo my next comment. As a part of this whole debate, car parking will have to be looked at in future and it will be an on-going issue with the local council as to how it will be better managed. With these additional hours one would suspect that it may even bring more and more people into the precinct. This area will need to be addressed and looked at closely. I know the Holdfast Shores council has been for some time, even prior to this issues paper and bill coming before the parliament, looking at that as an important issue both for local people but also for people who come into the area as tourists. The opposition is happy to support this bill to extend shop trading hours. We have considered all the information put before us and consulted widely with all the interest groups. A case has been made, a special circumstance has been demonstrated in this situation and we are happy to support the bill in those circumstances.

The Hon. R.B. SUCH (Fisher): I realise the importance of the precinct we are talking about, given your status in that area, sir. I support the bill because I have argued consistently that people should have the right to shop on an extended basis. I have never understood the logic that says that shopping is a crime. Provided there is a proper safeguard for people working in the industry, it is up to people operating businesses to organise their time. If they do not like the lifestyle they are not compelled to be in that sort of activity. My constituents in the main support extended shopping hours. It will happen eventually. South Australia is somewhat behind the times. I do not think the current hours help tourism, and this matter is specifically directed at tourism. It is only a matter of time before we see a freeing up of shopping hours throughout the state. I see this as one small step for mankind and I include women in that also.

Mr Lewis: Really? What about kids?

The Hon. R.B. SUCH: I include them as well. This is a small advance which I welcome and which I see as part of a bigger move towards having shopping freedom in South Australia where it is no longer a crime to shop outside fairly restrictive hours.

The Hon. M.D. RANN (Leader of the Opposition): I rise to support this bill. In doing so, I think it is important to point out that this does not signify a change in policy by the ALP: we have always believed that these matters should be negotiated between the interested parties—including large retailers and unions representing workers, as well as considering their rights to share time with their families, and also, of course, the rights of small businesses.

Of course, the issue of shopping hours has been a vexed question certainly in the 23 or 24 years that I have been in South Australia. I recall the member for Bragg, on the front steps of Parliament House before the 1993 election, promising small business that there would be no Sunday trading if the Liberals were elected. Then there was a change in policy after the election. We learnt of the date of the election when we read a briefing note from Westfield which talked about the election being in October and a promise from the Olsen government that it would change shopping hours—including, as I remember, Sunday trading in the suburbs—straight after the election to benefit Westfield, which had invested in Marion. This was all to be a secret so as not to offend small business. So, there has been a record of deceit by this government on shopping hours.

We have said that there need to be sensible changes, but only after consultation with all interested parties. That has certainly been the case in terms of Glenelg. This is a one-off measure: it does not signify any change in policy whatsoever. Glenelg is a unique tourism precinct with, I think, three million visitors per year and about 1 500 motel beds, from memory. Of course, it is an area where large numbers of both tourists and South Australian families descend on a Sunday. We are aware of the particular circumstances of some traders breaching the law. It was quite clear that there needed to be a clean-up of the situation. I have spoken with Woolworths and Coles Myer (in fact, last week I met with Dennis Eck, the national head of Coles Myer), I have spoken to the shop assistants union and I have spoken to the retail traders. I think that there is a general consensus that a special circumstance applies in Glenelg, and that is why the Labor Party will support this provision for a special designated tourist zone in the vicinity of Jetty Road to allow Sunday trading.

We are also, of course, aware of the past when it was said that, if there was Sunday trading in the city, there would be a huge increase in the number of jobs. The actual reverse happened. However, we understand that, if there is Sunday trading in Glenelg, we are likely to see extra jobs at Woolworths and Coles. We certainly hope that is the case, and I have pleasure in supporting the bill.

Mr LEWIS (Hammond): I believe that this is tokenism—I do not support that kind of thing at all—but I am not going to stand in the way of the House or the passage of this

measure. My view has always been that, if people want to trade, they should be allowed to. If a customer seeks to procure the services of someone who is willing to supply goods which are lawfully traded in society, there is no reason why someone who has those goods cannot offer them for sale. Quite clearly, this is tokenism of the worst kind—it is gradualism. It is the sort of supercilious argument that is put in support of a so-called special case. What claptrap! I do not see that there is any more merit in the title of land north of the line on the north side of Jetty Road in Schedule 1A than there is on the south side of the land. Why should it be different? Why can the law not apply equally to everybody? It is only because vested interests prevail. It is about time that we started to do the things in which we say we believe. The Liberal Party ought to, anyway: one of its basic philosophical tenets is that trade should be free.

An honourable member interjecting:

Mr LEWIS: Yes, let people choose. As I say, if the goods or services that someone seeks to purchase are considered to be lawful and another person is willing to supply them (regardless of the day of the week, or the time of the day, or the location), as long as it complies with planning law, then let it be. I am not even sure that planning law is all that flash, although we have made some improvements to it tonight: there is no doubt about that. I will tell you now that it is claptrap to argue that if trading is going on at this hour of the night—at five past 11 on a Friday night or a Sunday night, or any night—you will increase the crime rate. You only have to look at the American experience. The crime rate in San Diego is lower than the crime rate of a location with a similar climate and a similar latitude across the other side of the US such as Texas, Louisiana, or Florida, where lifestyles are similar—adjacent to the seaside or inland, it does not matter. The crime rates in Houston are higher in the areas where they have restricted shopping hours. Extended shopping hours do not encourage people to commit crimes; it does not interfere with restocking shops: that can go on regardless of whether there is a customer present, and does now. So, I do not see any necessity for this kind of explicit tokenism.

I am sickened by the arguments that have been put in the second reading explanation and supported by the member for Lee and then the Leader of the Opposition. But I suppose it takes a fair while to get people to accept an adult view of what is a perfectly reasonable human desire—to trade, to exchange money at agreed prices for goods and services. There is no question about the fact that changing these shopping hours at this time provides an immediate windfall for existing shop owners in the premises that are bounded by the irregular line drawn on the map. I guess we would have spent hundreds of thousands, if not a million or two, dollars consulting, talking and determining where we were going to put the line across the road in Gordon Street or, for that matter, I suppose, in Rose Street. Why do we exclude all the premises on the western side of Rose Street, from No. 7 northwards, but not on the eastern side? Why is it that on the south side of Augusta Street it is okay to have extended shopping hours, but not on the north side? And which wise bureaucrat, or whoever else was responsible, came to the conclusion as to where the line ought to be drawn? How many of them were involved in it and what it has all cost us is something to behold, I bet. Those details will never be disclosed.

Existing traders in that locality will not only get an increase in patronage immediately, but I bet the owners of the land will now seek to negotiate higher rents—and, Mr Speaker, it is right in the middle of your electorate. I do not want to hear anyone opposite, or anyone on the government benches, stand up and say, 'They can't, of course; the leases are there, and we have tribunals to make sure that things are fair.' You and I both know, Mr Speaker, that, if a shopkeeper is renting premises from a greedy landlord who wants to get the shopkeeper to either pay a higher lease or get out, the landlord will find ways of making life very unpleasant for that shopkeeper. I do not think that he will be kneecapped but, if I were him, I would take out a bit more fire insurance, and a few other things like that, against incidental damage from vandals and hooligans, to protect himself, because I know the way some of these landlords behave.

So, I do not think that it will help things much, other than making all of us feel good that we have extended the shopping hours in an irregular locality a little bit north and south of Jetty Road, Glenelg. We have wasted a lot of taxpayers' money, all of which could have been put into fixing the water supply to Swan Reach.

Ms CICCARELLO (Norwood): I find it a bit of a nonsense argument to say that we need to provide special exemptions for Glenelg and to give it different conditions from anyone else in South Australia because it is deemed to be a tourist precinct.

Mr Lewis: Norwood is, too.

Ms CICCARELLO: I could say that Norwood is, too, but I have never supported the idea that people should be able to trade whenever they wish. If we follow the argument of extended trading hours to its logical conclusion, we should therefore argue that, perhaps, post offices, government departments or any other facilities should be available to people 24 hours a day. However, we certainly are not arguing on that account.

Mr Lewis interjecting:

The SPEAKER: Order! Member for Hammond, you have had your turn.

Ms CICCARELLO: If there are to be exemptions for shopping hours, I do not see why people should not be able to access council facilities or any other facilities whenever they wish. Mr Speaker, I know that this precinct is in your electorate. I am not sure of your position on this issue; you probably will not have a position on this because you have said on other occasions that, as Speaker, you do not have an opinion. However, having lived overseas for many years and also having travelled extensively, I am somewhat bemused by the argument we have in South Australia that we are behind the rest of the world in not having access to shopping whenever people so desire.

I lived in Rome for four years, and I can certainly assure members that, every year, it is visited by some 18 million tourists, if not more, but it certainly does not have extended trading. It does not have shopping on a Sunday—

Mr Venning: How long ago was that?

Ms CICCARELLO: I was there in January this year, and I can assure the honourable member that nothing has changed. Rome varies its shopping hours between summer and winter, which is very sensible, but it certainly does not have trading on a Sunday. Some souvenir shops might trade near the Vatican, or other tourist places, but certainly all its shops are not open on a Sunday. I have travelled to many other cities that also do not open their shops, museums and art galleries on a Sunday. Any experienced traveller, in terms of this argument that we need to cater for tourists, would

usually read the tourist brochures before travelling and find out what facilities will be open on particular days.

I know that, at times, I have been disappointed when I have arrived in cities and a particular museum I wanted to visit was closed because I happened to arrive on a Tuesday, the day that it was closed; or I might not have been able to attend some art gallery, shops or restaurants because that is just the way it was. It is certainly a very bad move to start making exemptions. It is the thin end of the wedge for the major city and regional shopping centres to be able to argue that, if an exemption can be granted for places such as Glenelg, exemptions can then be made for places such as Marion and Tea Tree Gully.

I certainly do not think that shopping is the be all and end all of our lives: we need to do many other things. Those people who cannot do their shopping now within the present hours, those people who run into the shops at five minutes to seven, will be the same people who will be running into the shops on Sunday afternoons because they cannot organise their times appropriately. We need to be a bit more careful with regard to our retail shopping hours.

Mr HANNA (Mitchell): I will make a few general remarks about Sunday trading, leaving aside the arguments that are held by those who hold Sunday as a day of religious observance. There are social reasons for having at least one day of the week, or a substantial part of the week, left free from commercial activity and the pressures that go with it. When we eventually get to seven days a week of activity in every commercial sphere, there will be an impact on families, on sport for youth and recreational activities of that nature.

A fair debate could be conducted in relation to Sunday trading, but this bill, of course, is about a much more specific issue: it is about extending the perceived commercial benefit of Sunday trading to traders in the Glenelg area.

I will raise one more general issue, and it is one that was raised by the member for Fisher when he advocated Sunday trading, but subject to those who operate businesses being treated fairly. I am paraphrasing what the honourable member said. That is a critical catch, because the fact is that in many businesses, especially smaller businesses, workers do not have much of an option about the hours they work, especially in this competitive labour market when there is high unemployment.

There is a lot of competition for jobs, and when a worker in a sandwich shop, dress shop or a jewellery shop is told, 'You will have to work Sundays or every second Sunday from now on,' there really is not a lot of choice as a result of the unequal bargaining power between employer and employee in that situation.

One aspect about which we always need to be mindful when discussing Sunday trading is the preservation of the rights of workers to refuse Sunday work, should they wish to do so, without any punishment, or the like, from the employer.

The point I wanted to make about this bill in particular is the unfairness of allowing the centre of the metropolitan and Glenelg areas to have this perceived commercial advantage to the exclusion of other major shopping centres. I think particularly of Westfield Marion, which is the commercial heart of my electorate and which employs hundreds of people.

I am no great advocate for Westfield Marion: I will criticise it if it is deserved, but I will praise it if it is deserved, too. I have great sympathy for Westfield's situation, where it not only has to compete on unequal terms with Rundle Street and Rundle Mall but it now also has a competitor on its door step at Glenelg. So, the mall at Westfield Shopping Town Marion (to use its full name) cannot open on Sundays but, just down the road at Glenelg, all kinds of shops can. That is just patently unfair. My point is that we can have the debate about Sunday trading but, really, once we have resolved that, surely, it must be the same rules for all players.

I could perfectly understand the management of Westfield being very upset about this blatant favouritism being applied to two particular shopping areas. I do not think you could even argue with certainty that these are the two most significant shopping areas in Adelaide. Westfield Marion is one of the most significant shopping centres in its own right, and it does not get the benefit of this bill. I think that when this whole topic is revisited that should be borne in mind.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank all members for their contributions on this bill. There are obviously firm views about shopping hours per se. I remember only too well, when I was the minister with direct responsibility for this, when the last major changes came through, that the consultative process about which a number of members spoke is extraordinarily difficult because the various interests—be they employer, employee, large business, small business, councils, retailers, etc.—all have very firm views, all of which are correct and most of which are completely divergent from the person sitting next to them at the table.

However, everyone realises, I think, that there is a need for some change in the general principle of shopping hours. But I would make the very strong point that this bill does not address shopping hours per se: it addresses more the Glenelg tourist precinct argument and, indeed, as a number of members have identified, there is a very special case to be made out—as I know the member for Morphett does regularly in his representations in relation to the Glenelg area, because it is a very special area. But in the context of the Shop Trading Hours (Glenelg Tourist Precinct) Amendment Bill, it is a special area because of its large number of accommodation—units, hotels—opportunities, I guess, as opposed to a number of other places that people have mentioned. I thank members for their contributions and I am confident that the passage of this bill will ensure that the Glenelg area becomes an even more exciting and vibrant place in which to be.

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

SITTINGS AND BUSINESS

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That standing orders be so far suspended as to enable the House to sit beyond midnight.

The SPEAKER: The question before the chair is that the motion be agreed to. Those in favour say 'Aye', against 'No'.

Mr Lewis: No.

The SPEAKER: As there is a dissenting voice, there must be a division.

While the division was being held:

The SPEAKER: There being one vote for the Noes, the measure is resolved in the affirmative.

Motion carried.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

The Legislative Council agreed to the bill with the amendments and suggested amendments indicated by the annexed schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly, and which suggested amendment the Legislative Council requests the House of Assembly to make to the said bill:

No.1 Page 11, lines 24 and 25 (clause 14)—Leave out 'despite any contract or agreement between the employer and the employee to the contrary' and insert—

as a term or condition of the employee's contract of employment on the transfer of the employee to private employment but thereafter the term or condition is subject to variation or exclusion by agreement between the employer and the employee

No.2 Page 13, line 6 (clause 17)—Leave out 'free of charge'.

No.3 Page 13 (clause 17)—After line 7 insert the following:

(1A) The purpose of a recreational access agreement is to preserve or enhance access by the public, free of charge, to land and facilities to which the sale/leave agreement applies.

No.4 Page 21 (clause 32)—After line 16 insert new subclause as follows:

(4) However, the exemption conferred by subsection (3) does not extend to a development that is to be carried out under the terms or conditions of a sale/lease agreement.

Suggested amendment:

Page 9 (clause 12)—After line 32 insert the following:

(e) making provision of up to $100 million for the state's superannuation liabilities.

Consideration in committee.

Amendments Nos 1 to 4:

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

That the Legislative Council's amendments Nos 1 to 4 be agreed to.

Mr CONLON: I will put on the record the opposition's position in relation to all these amendments. We will support the four amendments. In regard to the first amendment, I have taken advice from some well educated members on this side, and we have not quite puzzled out what it meant. I am told by my colleagues in the other place that the government has given assurances that the unions involved in Ports Corp agree that this is the appropriate approach, and we will support it on that basis. I state here that we rely on the assurances we have been given in the other place, and I will rely on the assurances that I hope I will be given by the minister here that it is an appropriate measure and one that is supported by the unions involved in Ports Corp.

Amendments Nos 2 and 3 can be dealt with together. As I understand it, the words 'free of charge' are removed, because the minister, having a rare influx of wisdom, has agreed to the amendments that we suggested downstairs. That is to the minister's credit. He is always a reasonable fellow—some would say delightful. I am certainly delighted that the minister has agreed to our amendments. I am reliably advised that amendment No. 4 is a wise one. I shall save my opposition for the amendment to the schedule.

The Hon. M.H. ARMITAGE: I thank the member for Elder for his support for amendments Nos 1 to 4. It is my understanding that nothing that has been done here has been done without the concurrence of the unions.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I think the unions have agreed. I thank the member for Elder for his support

Mr FOLEY: With my colleague, I support amendments Nos 1 to 4. I doing so, I would like to make a few comments about the bill and these amendments in particular. Of course, in another place we saw the Australian Democrats do what only the South Australian branch of the Australian Democrats can do. If I recall correctly, at the last state election the Australian Democrats ran strongly on an anti-privatisation platform. Of course, when Australian Democrats are put to the test what do they do? They do what they do best: they do a deal and they sell out.

My constituents in the Port Adelaide area will know very well what the Australian Democrats did when it came to the Ports Corporation and how it affects the people of Port Adelaide. The Australian Democrats cannot hold their head up high in Port Adelaide.

An honourable member: They don't know where it is.

Mr FOLEY: They wouldn't know where it is. A few people in my area claim to be Democrats. They come in occasionally for an election—although one needs to be careful what they say about that. Maybe one needs to check the odd electorate.

An honourable member interjecting:

Mr FOLEY: Exactly, and they do. I will ensure that my entire electorate knows that, notwithstanding the philosophical and policy difference between the Australian Labor Party and the Liberal Party in South Australia, those divides are reasonably well known and vigorously debated, and we have a reasonably strong debate about our differences. With that mob that calls themselves the Australian Democrats, fair dinkum, if you ever want to see a political party that is not a party of principle, policy or ideology but a party that looks for votes wherever it can find them, you should look to the Australian Democrats. Here they have thought that they could appeal to a constituency in the bush. They thought that there was a group of votes to which they could appeal, say, in the electorate of Schubert, because they might have had some grandiose ideas of being able to win that seat. They are is no doubt wanting to maximise their statewide vote in rural South Australia, and are prepared to make Port Adelaide expendable. So be it. They can make Port Adelaide expendable.

At least when it comes to the Liberal Party, we know what the Liberal Party wanted to do with the Ports Corp—it wanted to sell it outright. There was no argument; that was its position, and its vote will reflect that at the next state election. However, the Democrats will be telling my community that they are a moderate party of the centre, that they are a viable alternative to the Liberal Party—

An honourable member interjecting:

Mr FOLEY: I'll take what comes. Trust me! If they want preferences to go to me, fine; if they don't, I frankly don't care. I can assure you, Mr Chair, that the decision as to whether they preference me will be their decision, not mine.

Mr LEWIS: I rise on a point of order, Mr Acting Chairman. Does the matter of whether the Democrats' preferences go to the member for Hart have anything to do with the sale of Ports Corp?

The ACTING CHAIRMAN (Hon. G.A. Ingerson): No, probably not!

Mr FOLEY: Beating up on the Democrats in the House of Assembly is a sport of bipartisanship, and I am sure that I will be given a bit of latitude. This is not simply about beating up on the Democrats. It is about highlighting a political party that has let down the people of Port Adelaide in a very significant manner. I can accept that the Liberal Party will do it. It does it repeatedly. It does it often. Occa-

sionally, it does some good things, but very rarely. However, the Democrats parade themselves around Port Adelaide as a viable political force. I can assure the committee: no more.

Another political party that cannot escape some comment tonight when it comes to Port Adelaide is SA First. Members of that party are letterboxing my electorate, putting leaflets out, going to community groups, and are wanting to be strong supporters—

Mr LEWIS: I rise on a point of order, Mr Acting Chairman. Is SA First an important element in the amendments that we are considering? I thought, with the greatest respect for you and your office, Mr Acting Chairman, that we are debating the Ports Corp amendments, and that we should not reflect on members in the other place in the course of our debate, or whatever they may or may not have said.

The ACTING CHAIRMAN: Order! I uphold the point of order.

The Hon. M.D. RANN: Mr Acting Chairman, I rise on a point of order. It is entirely relevant to discuss the policy position of SA First, which is the pro privatisation party of South Australia. It will go to the next election advocating a policy of privatising everything, including public hospitals. SA First is pro privatisation hospitals, and therefore it is entirely relevant for the member for Hart to discuss the position in relation to the Ports Corporation bill.

The ACTING CHAIRMAN: I ask the Leader of the Opposition to come to order.

Mr FOLEY: Thank you, sir. Thank you for your ruling, and I will certainly keep relating my comments to the clauses as they affect the sale of the Ports Corporation, which, as I have just mentioned, affects my electorate. The important point is that my electorate has more ports than any other electorate in South Australia—even more than the member for Goyder's, I hasten to add.

The point is that SA First, which is actively campaigning in my electorate, has voted for the sale of the Ports Corporation. It is worth noting—and I am sure this is a point that each member of this House is keen to know—that I am the only member and we are the only party that were supporting Port Adelaide when it came to the sale of the Ports Corporation. I want it known that both the Australian Democrats and SA First have let Port Adelaide down.

The critical issue that flew out of this debate—and these amendments relate to it—was the construction of the grains terminal at Outer Harbor. The Australian Democrats and SA First have given their support, have voted for and want to see a new grains terminal at Outer Harbor; and all the truck movements, train movements, the 24 hour loading periods, and the enormous impact on the community of Port Adelaide will come courtesy not only of the Liberal Party but also of the Australian Democrats and SA First.

In my weekly newspaper this week I, as local member, I must say, featured prominently on page 11. It was on the right side of the paper to get most attention from people reading it. Under the headline 'Round the clock trucks and trains', the article states:

> For one MP, the last thing the Le Fevre Peninsula needs is more trucks and trains rumbling up and down its spine.

It went on to quote my earlier contribution to this House. It is a fine article, which well represents my position and makes very clear that I, as a local member, stood up for Port Adelaide.

However, I had an ally, and it is surprising that the only political party prepared to stand with the Labor Party in defending Port Adelaide, I have to say, was the National Party. Members would not have thought so from the votes, but it was the National Party. I have never seen this in Port Adelaide, but I have the President of the National Party in South Australia, a gentleman by the name of Mr Dixon-Thompson saying, 'I personally think Kevin Foley is probably asking relevant questions.'

An honourable member: Oh, no!

Mr FOLEY: He did. The report, referring to Mr Dixon-Thompson, continued as follows:

> The National Party was not opposed to the sale of the Ports Corporation but he agreed with Hart MP, Kevin Foley, that unanswered questions surrounded the Outer Harbor plan.

I say to members opposite: if I have to stand with the National Party on this issue, I will do so. It is a pity that their elected representative was not quite as supportive and forthcoming as their President. Nevertheless, I will take that support. We are greatly concerned as these amendments relate to the sale of the Ports Corporation and—

The Hon. R.B. Such interjecting:

Mr FOLEY: The Independent member, the member for Fisher, supported me, as did the member for Hammond. However, the important point is that the grains terminal at Outer Harbor will have an enormous impact on the people of Port Adelaide. No political party, other than a very late contribution from the National Party, was prepared to stand up for the people of Port Adelaide. I look forward to the debate as it continues tonight, but it is with great sorrow that another place chose to let the people of Port Adelaide down badly. Luckily for the people of Port Adelaide, they will, hopefully, have me again in the next parliament, because at least one political party cares about the people of Port Adelaide. I am greatly disappointed not only that the parliament has chosen to sell the Ports Corp but also, tragically, that the people of the Le Fevre Peninsula were not consulted, and were not asked for their opinion, input, or advice but will have a grains terminal at Outer Harbor that can only cause distress to many people living on the Le Fevre Peninsula.

Mr HANNA: I will say one thing for the member for Hart, he knows an unanswered question when he sees one. My question to the minister, which I hope will not remain unanswered, relates to the first amendment. I accept what has been said about unions having been consulted, and so on, but I perceive an ambiguity in relation to that amendment. If the terms and conditions which employees carry with them after the disposal of the Ports Corp are to carry forward only until a variation or exclusion is agreed between them, certainly that amendment allows for an improvement in the terms and conditions of the workers, but equally it allows for a diminution of the conditions of the worker.

I would be most concerned if the new employers said to workers that they must agree to some reduction in their benefits or conditions, or face the alternative of the sack. I need the minister to clarify that point and to assure us, if possible, that that amendment does not allow that sort of scenario to take place. If that is not the case, then we might have grave concerns about the future of workers who are currently employed by the Ports Corp.

The Hon. M.H. ARMITAGE: I am informed that clause 14(3) has been amended particularly for that reason. It now provides:

> any such term or condition takes effect as a term or condition of the employee's contract of employment on the transfer of the employee to private employment, but thereafter—

and this is the crucial point—

the term or condition is subject to variation or exclusion by agreement between the employer and the employee.

So, the employee would have to agree.

Motion carried.

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

That the Legislative Council's suggested amendment be agreed to.

Mr CONLON: As signalled before, we are opposed to this amendment for very sound reasons. As has been so ably pointed out by the member for Hart, we have been absolutely opposed to the asset privatisation program of this government. The one defence it offered, the one defence throughout when it privatised ETSA and betrayed the trust of the people of South Australia and engaged in all the rest of its privatisation programs—the one thing that this government has offered, the one thing the Premier of this state so often offers as an explanation in question time—is that it would abolish state debt.

It was an amendment of this party and, as a consequence of the likelihood of its being adopted by this House (which is not controlled by the government), the government moved its own amendment, that is, all proceeds of the sale would go to addressing state debt. I was in Port Lincoln attending the police ball when I heard on the radio—despite the government's amendment guaranteeing that the proceeds of the sale would be used to address the debt—the Premier promising that the proceeds of the sale would go towards solving salinity problems of the Murray River. I thought that was rather odd, given that his own minister had moved an amendment some three days earlier that would prevent that.

I must say that I did not really understand it, but I understood it once I saw the amendment in the other place which makes provision for up to $100 million for the state's superannuation liabilities. If you are to believe this dissembling government, that is the way in which it will send it off to salinity in the Murray. What it does is confirm something we were told in the members' refreshment lounge by an indiscreet member of the government some time ago, that the government really wanted to sell PortsCorp, and it particularly wanted to sell the Lotteries Commission—and we know the minister's success in that—so that it would have some money for the next election.

Well, this is the money for the next election. I make two points about that: first, the notion that it will get $100 million, after its half-baked policy decisions on the run to build a deep sea berth at Outer Harbor, is fanciful; and, secondly, how can a government in the space of two weeks move its own amendment committing all the proceeds to pay off debt and then go upstairs and within the space of five days from the original amendment decide it wants to put the money in a hollow log for the next election?

We are opposed to this. If the government is committed, as it says, to addressing problems in the Murray River and problems of salinity, it can make that commitment in the way in which any responsible government would, that is, by addressing it out of its budget. One does not sell assets to pay for recurrent expenditure; it is not something that you do. One does not sell one's house in order to buy the groceries.

The government has been duplicitous in the extreme. I do not blame the minister. I think this is a plan which was hatched up at a more senior level than he, possibly between the Premier and the cabinet secretary, but we will oppose the move by this government to sell PortsCorp. We have gone through at great length why we are opposed to the sale of PortsCorp, and our arguments remain sound. As I said in the second reading debate on the earlier bill, this government has taken over the building of government in South Australia and set about consuming it like a set of termites.

We remain opposed to the PortsCorp sale for very good reasons, and we are bitterly opposed to the government, once again, duping the people of South Australia and selling the PortsCorp for no better and no less shabbier reason than it wants money for the next election. We understand what this amendment is all about. What I would plead with the Independents is that they also understand what this amendment is about and that they continue to support what we would have put in an amendment here—if we had not flushed you out on it—and they continue to require all the proceeds of this sale to go either towards the port itself or to the retiring of debt.

We are opposed to this absolutely shabby and obvious con. We understand that the government has members such as the member for MacKillop, who now has an enormous credibility problem, and it will probably need extra money to get him up once he has shown that he is not only a true believer in independence but also a true believer in the Independents and may well be a true believer in someone else, if it helps him get re-elected. We understand that the government has all those concerns. But we will not let the government use state assets to re-elect this useless mob.

Mr FOLEY: I do want to make a few comments on this, and I think it is appropriate that I do so as shadow treasurer. We have been lectured for seven long years in this parliament about the issue of state debt. The view of the government, that asset sales were an appropriate mechanism, as they put forward, to reduce state debt, stopped after the sale of ETSA. What then occurred is that it had a number of other assets that, as my colleague alluded to, were to prime the pump and to put money aside to spend on a free for all in the lead-up to the next state election.

When this bill was in the last parliament, we learnt that proceeds from the sale of PortsCorp would be used for the cost of consultants, the provision of infrastructure, appropriate redundancies where needed and the balance to be paid off the state debt. As we know, PortsCorp is not a risky government asset. It does not face competition, as such. It does not face any of the pressures the government may wish to put forward as it has with the other assets. The government has taken the decision to sell the asset because, we were led to believe, it would provide a more strategic way of developing our state's export and import infrastructure through the port of Adelaide and that private operators, notwithstanding the role of SeaLand, would be able to add further value to our economy.

That was the argument, but what we are seeing here is that it is simply a way of getting their hands on a lump of cash. I would have thought members opposite, particularly the Independents—and I appeal to the Independents—would have real concern about an asset that has been built up over many years. It is being sold by this government—and do not worry about this little bit here which is going to pay off state superannuation liabilities; that is another trick of the Hon. Rob Lucas in another place simply to enable him to free up another $100 million from the recurrent budget when he needs it to pay for, we are told—but nothing in this legislation says that is what it will be spent on—commitment to the Murray River.

Members might say that cleaning up the Murray is a good idea and that dealing with salinity is a good idea. Yes, it is. I bet there were a few people in state treasury who might have been watching television on the night the Premier arrived back from Canberra with this deal—it is always the Premier who has these announcements; he does not let other ministers share any of the glory—with the Prime Minister and other states that we will put money into salinity and it will be dollar for dollar. We have to put up $100 million. When asked by the journalist where the $100 million was coming from, to paraphrase the Premier—in fairness to him, these were not the exact words although they are very close to the mark—he said, 'I'm not sure where the money is coming from. I will have to speak to the Treasurer.'

Given our state's tight financial position, for a Premier to fly to Canberra, obviously knowing that the issue of money would be discussed, he would surely have been properly briefed and he would have had an expectation of the moneys that would be needed to be made available by the state. However, he came back from that trip having committed himself to $100 million only to say, 'I have no idea where the money is coming from; I will have to have a chat to the Treasurer'. That is appalling. You do not run your budget like that.

Premiers should not commit expenditure at that level without properly assessing the funding source, how it will be provided for in the budget, what will have to give way in the budget for it and how the expenditure will be allocated in the forward years of the budget. That work must be done before you make that commitment—but not our Premier in the lead up to an election year. Any notion of proper budgetary management, fiscal discipline and all of the language we used to hear from the Premier is out the window as he attempts to bluff the electorate.

The Premier has sold ETSA and paid off a large amount of debt, and he will say that that shows that his government has been a prudent financial manager. He will hope that the electorate is not looking at the budget bottom line, a bottom line that is increasingly in the red; and with deals and decisions like this it can only get worse. The Premier hopes that he can go through to the next state election, through the next election campaign, claiming credit for the management of the state's finance. However, while the debt may have come down, if you are still running your budget heavily in the red you have some major problems and the crunch will come in the not too distant future.

This is about the Treasurer having to come up with $100 million. Given the tight financial position the budget is in, bearing in mind that it is in deficit both in accrual terms and on a cash basis, he has to find $100 million. He had the Ports Corp on the sale block, so he thought that he would whack $100 million out of that sale and use it to pay for the salinity program. In an attempt to disguise what it was doing, the government came up with the cute trick of making provision for up to $100 million from the state's superannuation liabilities. We are all awake to that trick, because the government used it to try to balance the budget this year. The government used that trick to try to say that, in cash terms, the budget is balanced this year.

The government took a large portion of the proceeds from the Casino sale, $160 million, and used it to offset the superannuation liability and balance the budget through the proceeds of an asset sale. The same trick is being applied here, but we are a wake up to it. I am sure the government knew we would be a wake up to it. However, the government is not trying to fool us; it is trying to fool the broader community into believing it is doing something responsible.

All members opposite should put aside their views on whether or not the Ports Corp should be in public ownership. They can support it at the third reading, but in the meantime they should show some decency in respect of the state's finances and match their rhetoric with their actions. I say to the Independents, particularly to the members for Chaffey and Gordon: make sure the government matches its rhetoric with action and oppose this clause to ensure that the original bill is what passes this chamber, that the money that is surplus after the grain terminal is paid for is paid off the state debt and to free up government expenditure. If there is then not enough to fund its salinity program, the government will have to find the balance elsewhere in its budget.

Mr Venning interjecting:

Mr FOLEY: You have not been listening.

Mr Venning interjecting:

Mr FOLEY: I point out to the member for Schubert that I have just walked him through that argument. It is a con. I like you Ivan, so I will not embarrass you. Let the original bill stand, let the money come off debt and let it free up recurrent expenditure and, if that gives the government budget flexibility, good for it, but, if it does not do that, it will have to fund the salinity program somewhere else. As my colleague rightly said, this government is about selling what remaining public assets it can to fund the Olsen Liberal government's election year budget.

Perhaps one area from which it could have funded the salinity program is the retained earnings of the South Australian Asset Management Corporation—the little nest egg that is growing nicely for the government to splurge in the lead up to the next state election. That is a little money pot of a couple of hundred million dollars. Perhaps it could have dipped into that and not take the proceeds of an asset sale. It is disappointing, but it is true to the form of this government. We will ensure that between now, up to and during the next state election the government will not get away with the con job it is attempting to foist upon the public of South Australia, whereby it is portraying that it is somehow providing strong financial management for this state, because even after the sale of billions upon billions of dollars worth of state assets it is still running its budgets in the red.

The bottom line deficit of this government is increasing, and asset sales such as Ports Corp are providing it with the soft and easy option to fund its expenditure, and it is not about retiring state debt. I will quite happily send that message to the electorate. It is a challenge I will quite happily take to the government. I can withstand anything the government throws at the Labor Party because, when it comes to financial management, its credentials are not the credentials it thinks they are or the credentials it can parade around with any degree of strength or certainty. It is a shabby record in recent years. It is a government that has sold billions of dollars worth of assets to fund a gaping hole in the budget, and the sale of the Ports Corporation is just another little way of attempting to pork barrel its way to the next state election.

The Hon. M.H. ARMITAGE: In response to a couple of contributions, I point out that salinity is a particularly important issue for South Australia, and everyone acknowledges that. In relation to the application of the funds, the report of the Auditor-General has been much quoted in the parliament. Part A, the audit overview, at page 132 talks about a choice for future applications of cash proceeds from asset disposals, should they arise. The fourth paragraph of

that heading, written by the Auditor-General, whom the member for Hart reveres almost as much as John Cahill and Fos Williams, says:

> There is a case for considering augmentation of funding for past superannuation liabilities given that such funding may generate equal if not better value for the use of proceeds in respect to the state's overall financial position.

That is directly related to the application of electricity asset disposal proceeds to debt. The Auditor-General is saying that, given that the application of funding to past superannuation liabilities may generate equal if not better value than retiring debt, the use of proceeds in respect to our overall financial position should be contemplated. So, with the authority of a person no less than the Auditor-General, we reject claims of shabby use of the funds.

Mr FOLEY: I must say that I have had a stunning blow from the Minister for Government Enterprises: he has just knocked me for a six with that. The Auditor-General is correct: that the application of asset sales to outstanding superannuation liabilities may, indeed, be better than paying off state debt, and you are quite right to highlight that. My question to you, minister, is: will you give me an absolute assurance that this $100 million will, indeed, be paid into state superannuation liabilities, up and above the forward estimates for the government contributions into state superannuation liabilities?

The Hon. M.H. ARMITAGE: If anyone were ever to pay ahead of contribution, there would always be the opportunity to withdraw—sorry, to not contribute as much, because it is not a matter of withdrawing. So, there is no question that this has been paid into state superannuation unfunded liabilities, and it will be utilised for salinity control measures.

Mr FOLEY: You, minister, make a hell of a mess of your job as the Minister for Government Enterprises. I can only say that you would make a much worse Treasurer. You have just defeated your own argument. The Auditor-General said that the application of proceeds from asset sales, applied to unfunded superannuation liabilities, may indeed be a more prudent thing to do and more advantageous for the state than paying off the state debt. The Auditor-General was saying that the application of those funds is up and above what you have already budgeted for. You have just let the cat out of the bag. What you have just said is, 'Yes, we can pay the $100 million off, or we can withdraw it, or we can simply make less contributions than we otherwise would have made.' This $100 million will be paid off the state government outstanding superannuation liabilities. That will simply mean that next year—whether it is $140 million or $100 million—you will not make that contribution out of the budget.

You have defeated your own argument in about two and a half minutes. You have got up here and quoted the Auditor-General; you have tried to make out that you are right on top of it and that you can knock me for a six; but you have fallen flat because, within two minutes, you have said, 'We are going to put it in, and then we are going to take it out.' You would not answer my question: you would not give this House an assurance that you would make that additional $100 million up and above your already stated forward estimates for outstanding superannuation liabilities. So, if you do not pay any more than you have committed to in your budgets, you are not doing what the Auditor-General has said.

Do you accept that, minister? Does that actually ring true? Because it is the truth: it is correct. And you have tried to be smart by half. The Minister for Government Enterprises always tries to be smart by half.

Mr Conlon: He's not even half.

Mr FOLEY: Not even half, and he has fallen flat. I simply ask the minister to treat us with a degree of honesty. Be a little honest about it, as you were in your final contribution, not in your initial contribution. The reality is that you are doing exactly what I said you were doing: you are paying it off state superannuation liabilities and you will make sure that you do not make those same contributions as you had indicated in your forward estimates. If you were really going to do what you just said you were going to do from the Auditor-General's report, you would, indeed, be making those additional payments.

So, I say it again. My question to you is: will you give this House an assurance that that $100 million of contributions from the sale will be paid above that already allocated in the forward estimates to state superannuation outstanding liabilities?

The Hon. M.H. ARMITAGE: The government has been absolutely clear, from the time that it moved this amendment in the upper house, that the contributions which would have been made in the forward years and which would not have to be made because of the deposit of $100 million will be applied to salinity mechanisms.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Why not? He is a perfectly legitimate authority.

Mr FOLEY: It is not the right context.

Mr LEWIS: Remarks such as have been made by the government, and other members in this place, about the application of the funds to be procured from the sale of Ports Corp are, I find, chicanery. For the Treasurer, as I understand it, in the other place, to have moved, and for the other place to have agreed and sent to us, a proposition that $100 million be put into the South Australian Superannuation Fund to finance liability is a gross deceit. We were told, during the course of the year, that that was all funded. Now we find that the Treasurer wants another $100 million, for some reason.

Mr McEwen: Salinity.

Mr LEWIS: No, the Treasurer has sent down, from the other place, an amendment to the sale of the Ports Corp to appropriate $100 million to go into the superannuation fund. That is not on our desks, but that is the proposition. I have seen it: it is on the table of the House, I inform the member for Gordon. We always understood that, whatever the proceeds were, they would go to debt retirement. I guess the sophistry of the argument will be that, if you do not put it into the superannuation fund and put it into debt retirement, money will have to come from elsewhere to go into the superannuation fund. So be it.

Perhaps we do not need so many ruddy icons around this place at the moment. We are living beyond our means. We are building a whole lot of stuff that can be simply deferred for 12 months to find the necessary revenue. I would not mind, if the state was flush with funds, and I would not mind if the social justice and equity questions to which I have drawn attention in my electorate were properly addressed. However, I know that neither you nor other members of the government give a tinker's damn about the people in Hammond.

I wrote a letter to the minister at the table, over two months ago now, about water reticulation problems in Swan Reach. I could go for a quarter of an hour about the things that need attention in Hammond just to bring it up to speed with the rest of the metropolitan area, to make it a fair deal

and to make it equitable. But I will not do that—not unless I am provoked.

This proposition to appropriate $100 million for the superannuation fund is an abuse of trust of the public. The member for Hart got that much right indeed when he said that the whole reason the government has given and the whole reason I have supported the proposition for privatisation to date is that we will retire debt and, in the process, enhance our credit rating as a jurisdiction: that is, the constituted entity of the state of South Australia. By improving our credit rating, we will sandbag ourselves against interest rates, whenever they might rise again, being so crippling to the state's budget as they were on the last cyclical upturn in interest rates, thereby causing us great embarrassment. We cannot afford that again, and, frankly, that is why I am not just unhappy about but flatly opposed to the proposition of putting $100 million into the superannuation fund. It would not have been so bad if the government had not lied about it.

Mr Foley: They always lie.

Mr LEWIS: To that extent, that is the way that the Labor Party conducted its affairs during the time that it was in office, too.

Mr Foley: New Labor.

Mr LEWIS: New Labor? The member for Hart should not cause me further disillusionment, please.

Mr Foley interjecting:

Mr LEWIS: I do not know: would he be wearing a Huggies or a traditional nappy after this refreshing change? I cannot, for the life of me, agree to a proposition that now goes back on the commitment that was given just because the government would like to have $100 million in the superannuation fund, some of which, of course, will go to the members of parliament who are still in the old super scheme to prop them up if they live longer. Some of the nonsense I heard in that debate this morning after I had spoken distressed me, and it is relevant in the context of this debate because the government proposes to put $100 million into that scheme.

So, let us canvass it here and now. If everyone joined the new scheme, they would have to take a lump sum and that lump sum would be bigger than they could get under the old scheme, but the continuing guaranteed income that they would otherwise receive would virtually disappear. They would then be just like everyone else: charged, then, with the personal responsibility of selecting a managed superannuation fund through which to invest that lump sum and, if they made a botch of it they would lose it; and, if they had made a bad job of managing the economy and set up the wrong structure in the economy, the return on investment they would get from that fund would be lower.

So they, including me, all members of parliament, would take greater care to ensure that the state's economy was in better shape—as good a shape as it was possible to be in—so that the funds invested in various projects would have the best prospects of generating good income and therefore, through their super fund, a good return for them, and for me, and that is the moral way to go. We do not have the right to stuff up the economy and then still suck off the taxpayer. That is my basic point about superannuation. We set ourselves apart from the people we govern by doing that, and it is wrong, it is untenable.

The general state superannuation fund, it seems, is in some difficulty. Then, if that is so, the Treasurer should make it the substance of a factual, simple, no nonsense statement, without embellishment or obfuscation, and tell all of us here, as well as the people of South Australia, why there is a problem and what that problem is; and, having done so, explain why he has not done something about it before and why he has told us different things in the past that are directly contradictory. It is not good enough to arrive at this sorry pass and then move to squirrel away $100 million that should otherwise come from the general revenue generated from sources of taxation (not from the sale of assets) to prop up that fund.

I do not know why it is that a government believes that it can do these things and get away with it. The Liberal Party, of which I was a part, quite properly castigated the previous Labor Government for economic mismanagement. The Labor Party was chastened by that and the public became aware of it. It now seems that we need to do the same to the Liberal Party. As a parliament, we need to tell it that it has abused the trust it has had from the people of South Australia. We are spending a hell of a lot of taxpayers' money creating the perception in the public mind with all these articles we get in the daily newspaper about how good the state economy is going—talking it up.

That is a direct consequence of the big deal the Liberals did five weeks or so ago, or a bit longer I think it is now, when the state government, at great expense to the taxpayer, bought that insert put into the *Advertiser*, put it into the daily paper and had it distributed in South Australia. It was all 'fancy feel-good' stuff but it was trash and drivel and ought not to have had money spent on it because the deal, the cross-vesting on that, was that, having spent that money, editorially the *Advertiser* would continue to run these good news stories about how well the state is going and what a great job the government is doing.

Mr Conlon interjecting:

Mr LEWIS: Yes, well, that is Greg Kelton for you. 'Olsen orders a pokies freeze'; that is one way to save his neck. He has to try to do something, I suppose, but I do believe that it would have been better if he had paid a little more attention to the conventions of the Westminster system of ministerial accountability and not got himself into this damn mess and then allowed other ministers to misbehave and mislead the parliament as they did. Now that—

The ACTING CHAIRMAN: How is that relevant?

Mr LEWIS: It is very relevant because it is costing the state millions of dollars now. Public confidence in what ministers say is shattered because people do not know when ministers are not telling the truth. There are people around who simply say, 'Is the minister telling lies? Watch his lips. If they move; yes.'

Mr Foley interjecting:

Mr LEWIS: Go ahead; name them. Start from the top and finish at the bottom.

Mr Foley interjecting:

Mr LEWIS: Of course. What I need to do then, I think, is make it plain that the proposition we have before us needs to be amended to delete the appropriation of $100 million, and I need your guidance to determine whether or not that is a money measure and that I cannot move it. If it is a money measure, and this is my final point in these remarks, it had no business being introduced in the Legislative Council and, if it is not a money measure, I can move to delete it so that the funds will all go to debt retirement. On that note, sir, I seek your direction as to whether it is a money measure.

The ACTING CHAIRMAN: It is a money measure and, because it is listed as a suggested amendment made by the Legislative Council, it is entirely up to this committee to make a recommendation back to the Legislative Council accordingly.

Mr LEWIS: So, it is in fact in order for me to arrange an amendment to be put on file to delete that provision?

The ACTING CHAIRMAN: I think it is easiest if you vote against the amendment; that is the easiest way to go.

Mr LEWIS: But I would have to vote against the whole package.

The ACTING CHAIRMAN: The question is that the suggested amendment be agreed to and, as a consequence of that, you would normally vote against it if you were opposed to it. The member for Elder.

Mr CONLON: I am astonished that I have to rise again. I would have hoped that all the Independents would show the same percipience as the member for Hammond. I was astonished to find that the member for Gordon was making some noise about supporting this amendment because, apparently, the money will go to salinity programs. I will leave aside the issue about whether that is a proper way to run a budget, but I would just address this matter. The member for Gordon would support this because the money will go to salinity programs, but I remind the member for Gordon of what the amendment says. I suggest to the member for Gordon that what he is doing is relying on the integrity, honesty and good intentions of this government. If he is doing that, either he is not being honest with us or he is some species of simpleton. I would tell the member for Gordon that we have been told off the record what this is. We have been told off the record why the government wanted to sell the Lotteries Commission: it wanted some cash in the bank for the next election.

I still do not agree that this is right. I do not understand how a government can move an amendment, suggesting it will all go to debt reduction and then, three days later, come up with a better idea, somewhere between this place and another place. Does the member for Gordon not think that somewhere in there it would mention it? Does he think 'superannuation' is harder to spell than 'salinity', or that 'salinity' is harder to spell than 'superannuation'? Does he not think that there might be a word or two in there? I plead with him not to allow this mob to sell state government assets so that they can fill a hollow log before the next election.

Mr McEWEN: I accept that the amendments are a little loose, but with the very best of intentions.

Mr Conlon interjecting:

The ACTING CHAIRMAN: Order!

Mr McEWEN: My understanding is that the government will be entering into a commitment with the federal government and, in so doing, it will inherit a $100 million liability. It will be very good for this state if we enter into—

Mr Conlon interjecting:

The ACTING CHAIRMAN: Order! The member is out of order.

Mr McEWEN: I know that at some stage the member will give me the opportunity to answer his question.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order!

Mr McEWEN: We will get there eventually. My understanding is that the federal government is prepared to commit $100 million to salinity projects on the river if that is matched with $100 million of state funds. I think that it is a very good investment to double your money to fund a project that everyone in this House has acknowledged is way overdue. I understand that the sensible way in which to park that money for that commitment is into this fund.

Mr Conlon interjecting:

The ACTING CHAIRMAN: Order! The member for Elder has already had his say.

Mr McEWEN: We will be entering into a $100 million liability. We need the money to match that liability. I do expect the minister to put on the record an unequivocal statement to the effect—

An honourable member: He hasn't.

Mr McEWEN: I know that he has not. That is what I am asking him to do, because it is the understanding—

An honourable member interjecting:

Mr McEWEN: I have, and I just want the understanding on the record. We will get to this point eventually. My understanding is that this is a convenient vehicle in which to park that $100 million against the liability—and we will hear from the minister in a minute. On that basis, I think it is very good business for this state on a matter that we must face up to, which is salinity across the state—a matter that we in this place have all accepted requires significant funding—

An honourable member interjecting:

Mr McEWEN: We have just found $100 million; the member is right. We are so broke that we do not have $100 million. I agree with the member. We now have an opportunity for $100 million, which will suddenly be $200 million worth of expenditure in this state on a project that we all must face up to. I do not believe it is shonky.

Mr Foley interjecting:

Mr McEWEN: I believe that that is what is happening here, and I am sure that the minister will explain to us that that is exactly what is happening here.

The Hon. M.H. ARMITAGE: I am extremely comfortable in giving the member for Gordon an assurance that that is exactly what is occurring. The money that—

Mr Lewis interjecting:

The Hon. M.H. ARMITAGE: I have said it before, but I will repeat it. Maybe the member did not hear it, but I am happy to repeat it. The money will be applied, as the amendment says, against the state superannuation liabilities. What that means is that a diminished quantum will be required into the future. That money will be applied against the $100 million that we are required by the federal government to match for the salinity program.

I would, however, identify for the member for Gordon that my understanding of the salinity program is that it is slightly wider than just the river: there are water quality issues, and so on. So, I want to make that absolutely clear. But that is exactly the way in which the money will be applied.

The committee divided on the motion:

AYES (22)

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

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O. (teller)
Geraghty, R. K.	Hanna, K.

NOES (cont.)

Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis I.P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such R.B.
Thompson, M. G.	Wright, M. J.

PAIR(S)

Wotton D.C	White P.L.

The ACTING CHAIRMAN: The result of the division is that there are 22 Ayes and 22 Noes. Having carefully listened to the debate, I cast my vote in favour of the Ayes.

Mr FOLEY: I rise on a point of order, Mr Acting Chairman. I understand that earlier tonight in another place there was a tied vote on an amendment, and the President of the Upper House said that on an tied voted on an amendment there was 17th century precedent, and he voted with the opposition. Can we have a ruling in this case?

The ACTING CHAIRMAN: I point out to the member for Hart that I am not responsible for the actions of the members in the other House; my ruling stands.

Mr CONLON: I rise on a point of order, Mr Acting Chairman. This is probably a point of clarification, but for how long did you anguish with your conscience over that decision?

The ACTING CHAIRMAN: A considerable length of time.

Motion thus carried.

[Sitting suspended from 12.42 to 9.30 a.m.]

MARITIME SERVICES (ACCESS) BILL

The Legislative Council agreed to the bill without amendment.

HARBORS AND NAVIGATION (CONTROL OF HARBORS) AMENDMENT BILL

The Legislative Council agreed to the bill without amendment.

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without amendment.

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

The Legislative Council agreed to the amendments made by the House of Assembly.

ELECTRICAL PRODUCTS BILL

The Legislative Council agreed to the bill without amendment.

STAMP DUTIES (LAND RICH ENTITIES AND REDEMPTION) AMENDMENT BILL

The Legislative Council agreed to the bill with the following suggested amendment:

Page 9—After line 13 insert new clause as follows:

Amendment of s. 71CB—Exemption from duty in respect of certain transfers between spouses or former spouses

13A. Section 71CB of the principal act is amended by striking out 'five' from the definition of 'spouses' and substituting 'three'.

NATIVE TITLE (SOUTH AUSTRALIA) (VALIDATION AND CONFIRMATION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RACING (PROPRIETARY BUSINESS LICENSING) BILL

The Legislative Council agreed to the bill with the following amendments:

Page 1 (Long Title)—Leave out 'bodies other than clubs conducting' and insert:

persons carrying on certain businesses involving the conduct of

No. 2. Page 5, lines 22 and 23 (clause 3)—Leave out definition of 'club'.

No. 3. Page 5 (clause 3)—After line 31 insert new clause as follows:

'for-profit entity' means a person or body other than—

(a) a body corporate that is unable, because of its constitution or its nature, lawfully to return profits to its members; or

(b) a body corporate each of the members of which is a body corporate of a kind referred to in paragraph *(a)*; or

(c) a body corporate each of the members of which is a body corporate of a kind referred to in paragraph *(b)*;

No. 4. Page 6, lines 10 to 15 (clause 3)—Leave out definition of 'recognised racing club'.

No. 5. Page 6—After line 19 insert new clause as follows:

Proprietary racing business

3A. A person carries on a proprietary racing business if—

(a) the person carries on a business involving the conduct of races on which betting is to occur (whether in this State or elsewhere); and

(b) the person—

(i) is a for-profit entity; or

(ii) conducts the races under an agreement or arrangement with a for-profit entity.

No. 6. Page 8, lines 4 to 14 (clause 5)—Leave out the clause and insert new clause as follows:

Requirement for licence

5. A person must not carry on a proprietary racing business except as authorised by a proprietary racing business licence.

Maximum penalty: $100 000.

No. 7. Page 9, line 10 (clause 10)—After licence insert:

(which must not exceed five years)

No. 8. Page 10, line 24 (clause 13)—After 'enter into' insert:

, or be a party to,

No. 9. Page 10 (clause 13)—After line 25 insert the following:

(aa) an agreement or arrangement with a for-profit entity under which the licensee conducts races on which betting is to occur (whether in this State or elsewhere);

No. 10. Page 13, lines 22 to 31 (clause 18)—Leave out subclause (3) and insert:

(3) The Authority must not approve or ratify a transaction to which Division 3 applies, or would apply if the transaction were entered into, unless satisfied that each person who is or will be a party to the transaction (other than the licensee) is a suitable person to be or to become a party to the transaction.

No. 11. Page 16—After line 27 insert new clause as follows:

Limitations on associated betting operations

25A. (1) It is a condition of a proprietary racing business licence that the licensee must ensure that all reasonable steps are taken to prevent interactive betting operations on races conducted under the licence involving the acceptance of bets from persons within South Australia.

(2) In this section—

'betting facility' means an office, branch or agency established by a person lawfully conducting betting operations at which the public may attend to make bets with that person;

'interactive betting operations' means operations involving betting by persons not present at a betting facility where the betting is by means of telephone, internet communications or any other form of interactive electronic communications.

No. 12. Page 27—After line 10 insert new Schedule as follows:

SCHEDULE 1

Transitional Provisions

Interim proprietary racing business licences

1. (1) The Minister may grant an interim proprietary racing business licence to an applicant for a proprietary racing business licence if the applicant satisfies the Minister that before 26 October 2000 the applicant had commenced to carry on, or entered into substantial arrangements for the purpose of the applicant carrying on, the proprietary racing business to which the application relates.

(2) An interim proprietary racing business licence remains in force, subject to this Act, until determination of the application for a proprietary racing business licence.

(3) For the purposes of subclause (2), an application for a proprietary racing business licence will be taken to be determined when—

(a) a proprietary racing business licence is granted to the applicant; or

(b) the applicant is notified in writing by the Authority or the Minister that it will not be granted a licence.

(4) The Minister may impose conditions of an interim proprietary racing business licence (including conditions fixing fees or periodic fees payable for the licence) and may, by written notice to the licensee, vary or revoke the conditions or impose further conditions.

(5) An interim proprietary racing business licence is not transferable.

(6) Sections 8 to 13 (inclusive) of this Act do not apply to an interim proprietary racing business licence but the other provisions of this Act apply as if the licence were a proprietary racing business licence.

Consideration in committee.

Amendments Nos 1 to 6:

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

That the Legislative Council's amendments Nos 1 to 6 be agreed to.

For the committee's benefit, I point out that about 12 amendments were moved in the other place in relation to this bill. The government supports 11 of the 12 amendments and disagrees with one amendment, and has a new amendment in place. For the convenience of the committee, I will speak to all of them at once. Essentially, the government has moved some amendments in the other place that bring in probity and licensing requirements on any commercial relationship that exists between what we would call a traditional racing authority or club and a for-profit making entity. Those who have been following this bill would be aware of a contract that exists between the greyhound/harness authority and a company called Cyber Raceways. Under this bill, both the company and the controlling authority will go through a probity process, and the licence will be issued to the traditional racing entity. That matter was raised in debate in the House of Assembly, and the bill has been amended in the other place to reflect that requirement. The government certainly supports that amendment, and all these amendments flow as a result.

The only other amendment on which I wish to comment is that which puts a requirement in the bill that limits South Australia's capacity to bet via the internet in relation to betting on proprietary racing. That was a government amendment, so we obviously support that. I will speak later to amendment No. 7, to which we are disagreeing. I have another amendment standing in my name.

Mr WRIGHT: My colleagues want me to make another lengthy speech about racing, but it is probably more appropriate that I hold back. The minister and I discussed this matter last night and came to an agreement that we would move through this rather quickly. I want to ask a couple of questions about clause 11. We obviously steadfastly remain opposed to proprietary racing for a range of reasons, but if amendments Nos 1 to 6 improve the nature of the bill with respect to probity, as the minister has said they will, I imagine that would be a positive thing.

Motion carried.

Amendment No. 7:

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

That the Leiglsative Council's amendment No. 7 be disagreed to and the following amendments made in lieu thereof:

No. 7—That the amendment be disagreed to and the following amendments be made in lieu thereof:

New clause, after clause 31—Insert:

Records relating to default incidents

31A. (1) The Authority must cause a record to be kept of every default incident that comes to the notice of the Authority or an authorised officer.

(2) The record must include:

(a) details of the default incident; and

(b) details of any action taken under this Part in relation to the default incident; and

(c) if action was not taken under this Part in relation to the default incident, a statement of the reasons why action was not taken.

(3) A default incident consists of an incident that the Authority considers could, on the available evidence, reasonably be found to constitute a statutory default (whether or not, in the opinion of the Authority, warranting action under this Part).

Clause 49, page 26, lines 29 to 31—Leave out paragraphs (a) and (b) and insert:

(a) a copy of the records of default incidents under this Act for the preceding financial year; and

Amendment No. 7 from the other place was a Democrat amendment that sought to limit to five years the length of licence tenure. The government rejects the amendment on the basis that commercial operators are not likely to invest big sums of money in view of the limited tenure of the five year licence. There have been discussions with the Democrats and they are happy not to insist on this amendment on the basis of my moving the government's amendment. Our amendment refers to what is called in the bill 'default incidents'. This places a requirement on the Gaming Supervisory Authority that it must keep a record of every default incident under the bill that comes to the notice of the authority. The record must include such things as details of any default incident, details of any action taken under that part in relation to the default incident and, if the action was not taken under this part, a statement of the reasons why not. As a result of that, these matters are included in a report to the parliament which is tabled as a public document. So, it achieves more transparency in relation to default incidents in relation to the licence. My understanding is that the Democrats are happy with that amendment and will not be insisting on the five year licence. I recommend to the committee that amendment No. 7 be disagreed to and the new amendment be agreed to.

Mr WRIGHT: This was a Democrat amendment that was moved in another place. As the minister has outlined correctly, they are happy for this now to be taken out of the bill. That being the case, we will not have any objection to it.

Motion carried.

Amendments Nos 8 to 10 agreed to.

Amendments Nos 11 and 12:

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

That the Legislative Council's amendment Nos 11 and 12 be agreed to.

I will not add to my contribution; I have already spoken.

Mr WRIGHT: I know that this stands as a government amendment, but I wonder whether the minister will give us a bit more detail about where it comes from, apart from telling me that it is a government amendment, because he has already done that. As the minister knows, I have had briefings from the government, Cyber Raceways and TeleTrak. I think I have had briefings from anyone and everyone I possibly could with regard to proprietary racing. To me, this amendment seems to have come completely out of the blue.

The Hon. I.F. EVANS: During the negotiations, as often happens with bills between the two houses, the government agreed with arguments put to it by certain members of the other place that there needed to be some limitation on South Australians not betting on the internet as per the amendment. The government listened to and accepted the arguments, and agreed to move the amendment in the government's name.

Mr WRIGHT: So this amendment came as a result of the negotiations that took place in another place: it is not something that has been put forward by either TeleTrak or Cyber Raceways?

The Hon. I.F. EVANS: It is fair to say that originally TeleTrak indicated—and it was some time ago; and I would be guessing, but it would be 12 months or 18 months ago, so it is not in the last few weeks—that, if it was a requirement of government, they were not holding out as critical to their business a requirement for South Australians to bet on it. I think it would be their preference today that they still be able to have that requirement, but that was not necessarily a steadfast requirement 12 or 18 months ago. This amendment has not been put in at that their request; this is as a result of negotiation between the houses.

Mr WRIGHT: I will not dwell on this, but I appreciate that answer. We would need to look more carefully at the copy—and I know we cannot do so—but when this matter was discussed in the Legislative Council yesterday or last night, was reference made in some way to this notion being something that had come forward from TeleTrak?. I know that is not the case and the minister has just confirmed that. Will the minister confirm that this amendment was suggested by the Hon. Terry Cameron?

The Hon. I.F. EVANS: No, that is not true; the Hon. Terry Cameron has not suggested this amendment.

Motion carried.

The SPEAKER: Order! Does the member for Hammond have a point of order, or is he just standing there?

Mr LEWIS: No, I am waiting to get the call, Mr Speaker, so that I can—

The SPEAKER: If members have a point of order, will they please rise in their places and call 'point of order'. There are many occasions where members just stand in their places for other reasons.

Mr LEWIS: I wanted to speak on the consequential effect of the consolidated amendments on the legislation which had earlier passed this chamber before it went to the other place, and before it was finally agreed to.

The SPEAKER: Which bill is the honourable member talking about?

Mr LEWIS: The proprietary racing bill.

The SPEAKER: I regret that there is no opportunity for the honourable member to do that.

NATIVE TITLE (SOUTH AUSTRALIA) (VALIDATION AND CONFIRMATION) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

Mr LEWIS: No.

The SPEAKER: Leave is not granted.

The Hon. I.F. EVANS: I thank the House for the opportunity to read this second reading explanation. The Native Title Amendment Act 1998 (commonwealth) came into operation, as we well know, on 30 September 1998. It substantially amended the Native Title Act 1993. This government reviewed the legislative options available under the Native Title Act 1993 for South Australia and, as a result of that review, introduced the Statutes Amendment (Native Title No. 2) Bill 1998 (commonly known as 'the 1998 bill') into the parliament on 10 December 1998.

The bill now being introduced represents the state's legislative response to the amendments to the Native Title Act 1993 in so far as they relate to validation and confirmation provisions.

Let me make some comments on validation. This government, like the commonwealth parliament, is of the view that it was reasonable to act upon the legal advice that pastoral leases necessarily extinguished native title, based upon the decision in Mabo.

Section 22F of the Native Title Act 1993 allows the state to validate acts done over pastoral and other lands in the period between 1 January 1994 and 23 December 1996 (the date of the Wik decision) on the assumption that native title was extinguished. This will ensure the validity of acts on pastoral leases prior to the Wik decision.

The state is required to publish a list of all mining tenures granted in the relevant period in the event that native title holders whose rights were affected wish to seek compensation in relation to the effect of any validated tenure on their native title rights.

As you might be aware, Mr Speaker, section 24EBA of the Native Title Act 1993 allows states to validate invalid future acts by an indigenous land use agreement if state laws so provide. This is an appropriate provision to include in state legislation in case it is required in the future.

New South Wales, Victoria, Queensland, Western Australia, Northern Territory and the Australian Capital Territory have included validation provisions in their respective legislative responses to the Native Title Act 1993.

It is now therefore appropriate to amend part 6 of the Native Title (South Australia) Act to validate those acts covered by section 22F and also to provide for the state to be able to validate invalid future acts pursuant to section 24EBA.

Confirmation: Sections 23E and 23I of the Native Title Act provide for the state to confirm the extinguishment (total or partial respectively) of native title by previous exclusive possession acts and previous non-exclusive possession acts attributable to the state, including those listed in the list of extinguishing tenures for South Australia. As we all know, they are set out in Schedule 1, Part 5 of the Native Title Act.

This government, like the commonwealth parliament, believes that it is an appropriate exercise of legislative power for the parliament to say which tenures have extinguished native title, rather than to leave it to the courts to determine the effect of the native title of particular leases on a case by case basis over what would be an extended period of time. However, certain exemptions are made for some specified exclusive possession acts. In the case of these excepted acts, it will be necessary for the courts to determine whether or not they have extinguished native title.

The proposed provisions are consistent with the decisions in the Mabo and Wik cases and the principles identified in them. They will remove certain perpetual and other lessees who hold rights of exclusive possession from the process of determining native title applications in the Federal Court. It to appropriate for the state to confirm the extinguishing effect of those tenures covered by these provisions. I commend the bill to the House and seek leave of the House to insert the explanation of clauses into the *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of heading to Part 6

The scope of Part 6 is extended and the heading is consequently amended. The Part is divided into Divisions to assist in organisation of the provisions.

Clause 4: Insertion of heading to Part 6 Division 2

Division 2 as amended will deal with validation.

Clause 5: Insertion of ss. 32A to 32C and Division heading

Proposed section 32A provides for validation of intermediate period acts attributable to the State and is contemplated by s. 22F of the NTA.

Proposed section 32B corresponds to section 24EBA of the NTA and recognises that an indigenous land use agreement to which the State is a party may provide for the retrospective validation or conditional validation of a future act or a class of future acts attributable to the State. The agreement must be registered and any person who is or may become liable to pay compensation in relation to the act or class of acts must be a party to the agreement.

Division 3 is to contain the current provisions relating to the effect of validation of past acts. Previous exclusive possession and certain previous non-exclusive possession acts are excluded since they are dealt with separately in Division 5.

Clause 6: Insertion of ss. 36A to 36J and Division headings

Division 4 (ss. 36A to 36E) provides for the effect of validation of intermediate period acts as contemplated in section 22B of the NTA.

Division 5 (ss. 36F to 36J) contains provisions contemplated by ss. 23E and 23I of the NTA in relation to previous exclusive and non-exclusive possession acts.

Clause 7: Substitution of s. 38

The application of this provision is extended to intermediate period acts and previous exclusive or non-exclusive possession acts attributable to the State.

Clause 8: Amendment of s. 39—Confirmation

Section 39 is amended to accommodate similar amendments to those made to s. 212 of the NTA.

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

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The SPEAKER: As there is not an absolute majority of the whole number of the members of the House present, it is necessary to ring the bells.

An absolute majority of the House being present:

The SPEAKER: Order! I have counted the House and, as there is absolute majority of the whole number of the members of the House present, I accept the motion.

Motion carried.

The Hon. M.D. RANN (Leader of the Opposition): South Australia, particularly during the 1960s, 1970s and 1980s, and even the start of the 1990s, was a place that was prepared to provide progressive leadership in this area, and nowhere has this been more apparent than in the area of indigenous issues. I want to reflect on a number of trends that have occurred over the years.

In 1965, South Australia was the first state in the nation to pass Aboriginal land rights legislation. Indeed, that was the time when it set up the Aboriginal Lands Trust through legislation of this parliament when Don Dunstan was Attorney-General and also Minister for Aboriginal Affairs. Since that time, we have approached indigenous issues in a bipartisan way. That is not to say that there have never been differences of opinion, but those differences have always been treated respectively. In South Australia we have been spared the worst of the hysteria associated with Hansonism. In this state, we have not played the race card, so often used to despoil and ruin relations with indigenous peoples around the nation. I am disappointed the Minister for Aboriginal Affairs, who did not even introduce this legislation, is now leaving the chamber. I would have thought it would be of interest to her.

The simple fact is that in South Australia we have not seen conservative politicians play racist games in order to try to win votes. We have not seen that. We have seen, indeed, bipartisan support for Aboriginal land rights and we have seen bipartisan support for multiculturalism. So over the years, we have seen, in 1965, the Aboriginal Lands Trust—landmark legislation. We then saw, of course, in the 1970s—in fact, 1978—then Premier Don Dunstan introduce the Pitjantjatjara land rights bill, which again was groundbreaking in terms of legislation in this parliament.

It was not passed by the brief Corcoran administration, because the election was called before this parliament was to deal with that legislation but, to his great credit, David Tonkin (Liberal Premier of South Australia who recently passed away) pushed forward with his deputy, Roger Goldsworthy, and in a bipartisan way negotiated an historic agreement with the Pitjantjatjara people to secure land rights, and that was passed in this place, as I remember, unanimously. So again, we saw a Labor government pass land rights legislation; we then saw a Liberal Government with Labor's support pass land rights legislation.

In 1984, when Greg Crafter was Minister for Aboriginal Affairs, another large slice of South Australia's outback became Aboriginal land when the title was granted to the Maralinga Tjarutja people. I remember attending that ceremony with Mick Young, Greg Crafter and Barbara Wiese. There were people there from around the nation to celebrate the historic passing of that legislation and the handing over of title to the leader of the Maralinga Tjarutja people, Archie Barton.

Then in 1990, when I was Minister for Aboriginal Affairs, we amended legislation to bring in a new land rights area around Ooldea, which was then successfully passed with the very strong support of members opposite, including the member for Stuart who is here today and who was a member of the Aboriginal Lands Committee with me, both when I was a backbencher and then as a minister. So, on three occasions we saw historic land rights legislation being passed by this parliament with the support of both sides.

There were other issues, too, for example, the transfer of the Wanilla forest to the Port Lincoln Aboriginal people. On each occasion we showed the rest of Australia that indigenous issues could be handled in a decent and proper way and, even with the passage of native title legislation a few years ago, despite some disappointing statements and comments from the government of the day, the lease was passed reasonably decently. We are proud to say that we have tended not to see the screaming headlines with racist overtones in South Australia.

Instead, where there have been differences we have been able to work them out in a consultative way with fairness and passion. One of the reasons that occurred was the great success of the parliamentary Aboriginal Lands Committee, set up, basically, to service and report back to the parliament and to the Minister of Aboriginal Affairs on the Pitjantjatjara land rights legislation and an amendment by the member for Stuart. Then, of course, we had the Maralinga Tjarutja parliamentary lands committee and then, while I was minister, the committee also covered the Aboriginal Lands Trust lands. Again, we dealt with issues; we went as a bipartisan group around the state to listen to issues, whether from Andamooka miners or from the indigenous people, to see how the land rights were working, what issues needed to be addressed and what amendments to legislation needed to be made.

That committee has not met, as I understand it, since this minister became minister, this minister who is so interested in Aboriginal land rights and Aboriginal issues that she did not and will not deal with this legislation. It has been handed to the Minister for Environment and Heritage, and the Minister for Aboriginal Affairs is not in this chamber today. We have had 30 years of decency and bipartisanship on Aboriginal issues and Aboriginal land rights, yet this minister cannot even find the time to be in the chamber to deal with the issue. I would like to be asking her detailed questions about amendments because I bet that she does not have a clue, from what I have been told about how she conducts her business in the department.

The consultative process associated with this bill before us today is at least an example of a cooperative approach, which has been the tradition in the area of indigenous issues in South Australia, certainly from my memory throughout the 23 years or more I have been in this building and the 15 years I have been a member of this parliament. Negotiations have not been easy and the two years it has taken for the legislation to get to this stage is testament to that. I am, however, saddened that legislation was put to the parliament without full agreement on all aspects of the bill being reached beforehand. That has not been the South Australian way in the past. I acknowledge that all sides have been willing to compromise and have actively sought compromise. The bill passed by the other place is a substantial improvement on the legislation as originally mooted and put forward by the Attorney-General, Trevor Griffin.

This bill keeps the options open in a number of areas where there is significant ambiguity regarding the existence of native title. There is no certainty in the case law on these issues, as anyone knows who has followed the progress on these issues in the courts and the work done by the Native Title Tribunal. Hopefully over the next 12 months significant cases will be decided which will remove much of that ambiguity. Unfortunately some parts of this legislation pre-empt decisions of the High Court and that is extremely disappointing. It is akin to putting the cart before the horse. The bill before the House gives South Australia the chance to lead again if we do the right thing—and we should do the right thing.

Members interjecting:

The Hon. M.D. RANN: There was an interjection from members opposite. It concerns me, and my plea to every member of this chamber and this parliament is that we continue the tradition of dealing with Aboriginal issues in a bipartisan way because our state will not only suffer, the image of our state will not only be damaged interstate and internationally, but also we will do a great disservice to all the people of this state if we break that tradition of consensus in terms of Aboriginal land and other indigenous issues. I appeal to members opposite to put aside their belief that somehow fiddling around on these issues in a less than decent way will give them some electoral advantage.

The bill before the House gives South Australia the chance to lead again. It can provide a sound template for other states to follow. The amendments to the bill put on file by the government, striking out amendments made in the other place, in my view substantially weaken the intent of this bill. They extinguish native title in areas where the courts are yet to decide. They extinguish native title forever. It is an attempt to pre-empt the courts of Australia. There is no need to rush to judgment on this. There will be substantial decisions by the High Court, but the amendments being put in by the Attorney-General are basically a little side deal trick to try to pre-empt the courts to extinguish native title forever in South Australia. They take away from a section of the South Australian community, the Aboriginal community, their common law rights.

The government has claimed that parts of this bill are merely confirming a previous extinguishment of native title. There seems to be serious doubt at least that these parts of the bill in themselves extinguish native title. The particular case in point is that of public access rights. There is considerable doubt over the proposition that native title is extinguished, even in cases where leases have a reservation of a right of public access. I am advised that the Full Federal Court in *Western Australia v Ward* provides the argument for the opposite proposition. In discussing public access rights the courts said:

> . . . have at all times free and uninterrupted use of the roads and tracks. . . the breadth of this condition is contrary to an intention to grant rights to the lessee that are inconsistent with the enjoyment of any native title rights.

The government has claimed that the effect of the bill, which it originally put into the parliament, was just to 'confirm the effect of acts'. That is not the case. In its original form the bill did far more than that: it extinguished native title where there was still considerable doubt whether such rights had been extinguished. It pre-empted the effect of acts rather than confirmed the effect of acts. That is why what the Attorney-General has done in this regard is quite dishonest.

The current form of the bill as amended by the other place avoids those pitfalls in the area of leases with public access rights and others. The effect of the government amendments would be to reintroduce the pre-emptive nature of the original bill, and that in my view and the view of the Labor opposition is simply unfair. Once native title is extinguished it is extinguished forever. If we get it wrong today we get it wrong forever. There is no turning back and that is why the Attorney-General has acted in this duplicitous way in order to extinguish native title forever before an important court judgment comes down.

However, in a spirit of further compromise the opposition will put forward further amendments in the area of leases with public access. These amendments anticipate a decision by the High Court in the *Western Australia v Ward* case by the end of next year as it is listed for hearing in March 2001. The effect of the amendments will be to allow the status quo in relation to public access rights to be preserved only until the High Court decision takes effect. I make that point to the minister. Our amendments will be to allow the status quo in relation to public access rights to be preserved until the High Court decision takes effect. We are trying to preserve those existing rights, where we acknowledge there is confusion, until the High Court decides this important test case. What the government is doing, which is quite different, is basically saying, 'Let's wipe it out now before the High Court hears this matter.' This is an insult to the Aboriginal people of this state and is a change to the consensus we have achieved over 30 years.

After the High Court decision came down, the clause of the bill that preserves that right made by regulation ceased to take effect. We are trying to put in place a holding action. The other amendment we are putting forward further restricts the definition of leases with public access rights where native title may be preserved. I strongly appeal again to members opposite, both Independent and members of the Liberal Party, to preserve the tradition we have enjoyed in this House since 1965 of making sure we deal with those matters by consensus, by agreement, in a bipartisan way, acting in a non-partisan way in the interest of all the people of this state.

To extinguish native title now, before the High Court decision comes down, would be a travesty of justice, and I would not think that this Attorney-General would want to retire from this parliament with that scar on his reputation. So, I strongly urge this House to support the legislation and the compromise amendments proposed by the opposition—merely a holding action to preserve the current situation until the High Court decision comes down.

I also want to hear today from the Minister for Aboriginal Affairs. I went to the corroboree at the Sydney Opera House, where I heard Aboriginal people individually tell their stories. One story was from Mick Dodson, about how his father was imprisoned in Western Australia simply because he went ahead and married his mother—because he was half-caste and his mother was half-caste and, under the iniquitous laws in Western Australia in the 1950s, he had to go to gaol for loving his mother. We heard individual stories from Aboriginal people of extraordinary abuse and dispossession. There, in front of me, was the Minister for Reconciliation, Philip Ruddock. Instead of listening (as the Governor-General did; as every Premier did; and as every Leader of the community of Australia did), there was the Minister for Reconciliation doing his clippings and his cabinet bag, working on a speech about Croatia—an incredible contempt for reconciliation with the Aboriginal people. This is the Minister for Reconciliation!

I find it extraordinary that, in this state, with this state's history in terms of Aboriginal land rights and indigenous issues, the Minister for Aboriginal Affairs, who has treated this issue with contempt, is not here. Are we going to hear from the Minister for Aboriginal Affairs today about where she stands on these issues, or is she basically running and hiding so that she is not held to be accountable by the people whom she is meant to serve? I urge the House to support the legislation and the compromise amendments proposed by the opposition.

The Hon. R.B. SUCH (Fisher): I want to make a brief contribution. This is a very emotive issue, and so it should be. At the end of the day, I believe we need clarity, certainty and fairness. I can understand people who have developed properties and have put in a lot of effort—whether it is pastoral, agricultural, horticultural, or owning their own home, and so on—being very sensitive to any suggestion or threat to what they have developed and to what they own.

On the other hand, the Aboriginal people, whose ancestors have been in this land going back well over 60 000 years, have not really had a fair go, although I am encouraged by what I see in recent days as signs that we might, as a nation, be moving towards a greater level of maturity. I have never had a problem with the concept of an apology. The argument that, 'We did not do it; therefore, we do not apologise,' is a strange one, because we are the beneficiaries of what other people did to Aboriginal people years ago. It is a bit like accepting the proceeds from a bank robbery and saying, 'It is nothing to do with me.' We are the beneficiaries of what has happened to Aboriginal people over time.

I have said on many occasions here, and I am pleased that the Leader of the Opposition has said, that no-one is playing the race card. I have always had great affection for Aboriginal people, and I have had close association with many of them over a long period. I have mentioned that, in my youth, some of the people who are very prominent in the Aboriginal movement today were welcomed into my family's home back in the 1950s, which was pretty unusual.

However, one area that I would like to see explained relates particularly to miscellaneous leases. It is hard to get a definitive answer on what that actually means. I have spoken to Liberal, Labor and Democrat spokespersons on this issue and—I do not know whether I am particularly dense—I have to say that it still has not been made all that clear to me. On the one hand, I am told that it relates to bits of open space, such as racecourses. I am also told that it does not apply to people who have a horticultural, pastoral or agricultural property. So, I appeal to the minister who is handling this legislation to clarify that issue, because it is a very important issue.

I look forward to the time when native title is no longer an issue—when we have moved beyond fighting over the real estate and we can actually operate and work as a total community in harmony with each other, working together as one people, although the great tradition and heritage of the Aboriginal people are, sadly, unknown amongst many non-Aboriginal people. But I come back to the original point: I want to see clarity, I want to see certainty and I want to see fairness in this legislation.

Mr HANNA (Mitchell): This is an opportunity for me to speak generally in relation to the bill, and I want to address two particular issues in general terms. One is the concept of certainty in this area and the other is in relation to the concept of compromise.

In relation to certainty, of course, that word has been used to justify a lot of anti-Aboriginal sentiment and to move to extinguish Aboriginal rights in land, which we know as native title rights in the debates that we have had over the last seven years or more. So, I want to say at the outset that certainty can be achieved but, if it is at the expense of justice, that is not the sort of certainty for which we should be striving. A doctor could always ensure the certainty of a patient's health by cutting the patient's head off, but that would not be right.

We can render native title rights extinguished, and can create some degree of certainty by doing that, but, if it is unjust, we should not do it. It is that simple. It seems strange to me that, so often, the people who are arguing for certainty in relation to their own property rights—whether it be a farming lease or a residential home—are failing to see the other side of the equation whereby Aboriginal people are equally concerned about their own property rights and, in particular, the right to continue doing what they have been doing for hundreds of years. That is what we are talking about when we speak of native title rights.

So, all the talk of certainty may have led to this bill, but we can only take that principle so far. Where we are, indeed, pretty clear in our knowledge of the state of the law that there are no native title rights in respect of particular leases, then there is no reason not to proceed to confirm that in legislation. But where there is doubt as to the state of the law, then we must act cautiously; otherwise, we risk permanently deleting people's native title rights. We are not talking about rights of people from Mars or some other country: we are talking about the rights of our fellow Australians. To say that it is acceptable to abolish some Australians' native title rights for the sake of certainty in relation to others is as preposterous as forbidding residential home owners to walk onto their front lawn. That is how preposterous it is. However, I am afraid a lot of people do not see that because perhaps they choose to hold on to racist notions whereby they accord Aboriginal people fewer rights than they themselves have.

There has been a lot of talk of compromise and, in fact, there has been a lot of genuine negotiation and agreement between representatives of Aboriginal people on the one hand and the government and representatives of pastoral interests on the other. The bill, as it comes to us, is a model of compromise, but to strip from it the preservation of native title rights in respect of a number of leases would be to strip the bill of its genuine compromise and to create injustice. It seems to me that we can talk about compromise in the debate and, if this bill goes to a conference between the two houses to resolve the two differences between the various parties, there will be talk of compromise, but when you are talking about taking away people's rights, in a sense, it is clear cut.

If you take away a right, that is not compromise and you cannot say, 'Well, we will let you have some rights but not others. We will take away the property rights of some Australians but we will leave the property rights of other Australians.' That is not a proper and just compromise and that should be unacceptable to members of this parliament. With those general comments, I presume that the bill, ultimately, will be supported, but only if the injustices that have been put forward by the government are removed from the bill; and we will do that only if the view put forward by the Labor Party, the Democrats and others prevails.

The Hon. G.M. GUNN (Stuart): Like the Leader of the Opposition, I have been involved for a long period of time in matters relating to Aboriginal land rights. I did participate in amendments relating to the Pitjantjatjara and Maralinga lands and other amendments. It is true to say that a number of people already believe that there is a need to have a close look at the Pitjantjatjara lands. Only a fortnight ago I was approached by some senior people in that part of the state who wanted to discuss with me the need for more flexibility to allow the Aboriginal people living in that part of the state the ability to be better able to operate their land.

I have also had discussions in recent times in relation to other groups that want to be able to have a freehold over land that is currently owned and administered by the Aboriginal Lands Trust. I support that concept because I believe that people should have a security of tenure and that they should have freehold title over their land so that they can develop and enjoy it on all occasions. This bill comes before us after long and lengthy discussions, but a few facts ought to be put on the table clearly and precisely. It is very well for the member for Mitchell to talk about people's property rights but, in relation to this proposal, we are talking about removing property rights from people who have already had them.

Mr Hanna: Rubbish. If you are talking about farmers, that is rubbish. They can keep what they have got and co-exist.

The Hon. G.A. Ingerson: You have already had your say—listen.

The Hon. G.M. GUNN: The farmers were sold out by Rick Farley. They were given undertakings. If you want to stir this up, fellow, we will stir it up, because some of us will not let down our constituency, make no mistake about that. The rural community built this country and created opportunities so that people like the honourable member can have a decent lifestyle. They were sold out once and we will not stand by and see them sold out again because scoundrels like Rick Farley dudded them. He did a sleazy deal with Paul Keating, and those of us in rural Australia will not stand by and see it happen again. So, if the honourable member wants to stand up, I will very happily take him down that track.

Mr Hanna: Not all people are unreasonable in rural Australia.

The SPEAKER: Order! The honourable member has made his contribution.

The Hon. G.M. GUNN: When you start talking about interfering with people's rights on miscellaneous leases, like I have in my constituency with a number of people, and when you start talking about interfering with their perpetual leases you are touching a raw nerve.

Mr Hanna: We are talking about co-existence, Graham.

The Hon. G.M. GUNN: We are talking about the ability to run and manage. If you want to have co-existence, I suggest that you allow native title in the electorate of Mitchell over the properties there and see what the reaction—

Mr Hanna: If native title rights exist, that is fine.

The Hon. G.M. GUNN: Let us see what people think about it. It is all right if it does not affect you or your area. It is all very well to want to say, 'Look, it does not affect us, but we will impose these conditions on people elsewhere.' The line has been drawn in the sand, because what people want to see is certainty, absolute certainty, so that people know exactly where they stand on these issues. The preamble stated that pastoral leases extinguish native title. What a con job that was. Everyone went along with it. Perpetual leases in South Australia bear no relationship to the situation that was involved in the Wik case, none whatsoever—they bear no relationship.

There was a different history and a different involvement of the people who were involved in the Wik case. It was completely different. But to impose those conditions is quite wrong and unfair. Those of us on this side very strongly believe that the proposal put forward by the government and the Attorney-General was fair and reasonable. It has evolved over a long period of time. It had gone far enough because, at the end of the day, if this country is to have any future it must have industries that can operate with certainty. They

must have security of tenure so that, from time to time, they can realise on those assets. Where ever there is a doubt you create a problem.

I say to the honourable member that these amendments, which have been put forward by the Democrats and others, appeal only to a very small, narrow group in the community—about 8 per cent of the population. That is all the Democrats are appealing to. They can therefore make the most outrageous propositions, knowing full well that it does not matter whether or not they are successful. They are playing a most irresponsible political game because they are appealing to a very narrow base in the community. That is what they are doing, as they do on all issues. They appeal to a very narrow base, knowing full well—

Mr Hanna: Do you want to take away the rights of the 8 per cent?

The Hon. G.M. GUNN: I am saying that one must see very clearly through the attitude of the Australian Democrats because they appeal to a very narrow section of the community. They do it purely for base political reasons, because they know that they will never have the responsibility of having to administer this state in government. It will never have that responsibility, fortunately, because they would be quite irresponsible and industry would leave this state in droves. We would turn it into a basket state. Notwithstanding that, that does not stop them from wanting to make out to the community that they are the new messiahs; that they have the answers to all problems.

Of course, they would leave behind them a legacy of uncertainty, of dislocation and something which this parliament just could not wear. I am happy to support the original bill but, with respect to the amendments that have been moved, particularly those amendments to clause 6 in relation to leaving out paragraphs (e), (f), (g) (h), (i) and (j), there is no way that I can support them under any circumstances.

The Hon. M.D. Rann interjecting:

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

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will desist.

The Hon. G.M. GUNN: The leader can make whatever comments he likes about this matter. The government has made a responsible and positive move in this area.

The Hon. M.D. Rann: To extinguish all native title ahead of the High Court decision.

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

The Hon. M.D. Rann interjecting:

The SPEAKER: And the leader will not ignore the chair.

The Hon. G.M. GUNN: It was good enough for the leader's mates Peter Beattie and Bob Carr. Fortunately, in government, they have realised that they have a responsibility to all sections of the community and they have acted responsibly and sensibly. The leader should tell Peter Beattie and Bob Carr that they are wrong.

The Hon. M.D. Rann: Do the right thing.

The Hon. G.M. GUNN: We are doing the right thing.

The Hon. M.D. Rann: All we are asking you to do is to do the right thing.

The Hon. G.M. GUNN: I will do the right thing—

The SPEAKER: Order! I am asking the leader to do the right thing. He can have an opportunity to speak shortly.

The Hon. G.M. GUNN: He has already had his go.

The Hon. M.D. Rann: I'll have another go, don't worry.

The Hon. G.M. GUNN: If the leader wants to play the race card, it suits me fine—any time he wants to. He tried at the last election. Who paid for the how to vote card for the Independent? Who organised the Independent the last time? If the leader wants to play the game, it does not worry me. Let us take the gloves right off.

The Hon. M.D. Rann: So, it is the race card?

The Hon. G.M. GUNN: The leader is the one who has played it. I am prepared to support the bill as it was introduced in the other house, because I think that it is a sensible and fair balance. I always believe in commonsense—I always have—but this measure creates uncertainty and is contrary to the negotiation and the original intention of the native title legislation which went through the federal parliament many years ago.

Mr LEWIS (Hammond): I think it is very unfortunate that the government has introduced this bill this morning. It is not even a formal sitting: it is still Thursday, as far as the procedures and records of the House are concerned. It introduced a new bill this morning and delivered a second reading speech and suspended standing orders to push the legislation through on the same day, without even the minister at the bench understanding—I think—what the term 'native title' means, let alone members of this place. And I am quite sure, from the remarks that have just been made by the Leader of the Opposition, that he also does not know what the term 'native title' means. Equally, I am quite sure that a large number of members here do not know the extent of the definition; where the limit of the ideas embraced by the term 'native title' is—if there is a limit.

The other thing about which I am disturbed—and always have been—is that the Leader of the Opposition and members of, I guess, the Labor Party, the Democrats and the Greens, as well as some members of the Liberal Party, do not understand that, in constitutional concepts, parliament makes law. The courts interpret it—and I will not go into what the criminal courts do in the process of their interpretation, because that is not relevant in this context. However, I am compelled to make the simple observation that the court does not make the law in the criminal context: it merely interprets the law in the circumstances in which the offence is alleged to have been committed to determine whether or not sufficient proof exists—beyond reasonable doubt, in most instances—that such an action as the law says is an offence did occur. And, if the court finds, through its process, whatever that may be—and it is different from court to court—beyond reasonable doubt that the alleged action took place and that it constituted an offence, the court's role is to determine a penalty. This is not about penalties; it is not about right or wrong: it is about basic cultural morality, and to that extent it is vital.

I have been distressed over the past 20 years by the idiocy of some of the High Court judges in determining that there is an implied right in existence and an implied law in existence, when no such right has ever been written down and no such law has ever been put on the statute books. They just simply go off and, like Dickens, create fiction, and it is very interesting reading that stuff.

The Hon. M.D. Rann: It's called the common law.

Mr LEWIS: Common law it may be, as it was inherited from the people who invented the language and invoked the law—and they were not, in this case, indigenous people of Australia; they were not you and I. They might have been forebears of some of the people in this place; they might not have been, either, because some of the people in this chamber this morning are certainly not derived from anyone who was

born in what is now called the United Kingdom. We inherit the law, and members opposite are drawing attention, by using a language which comes from there, to the law which comes from there. When they use the expression 'common law', it has nothing to do with Italy; it has nothing to do with Australia pre-European settlement; it has nothing to do with Russia; and it has nothing to do with a good many other places on earth. It is very much something that is derived from the processes of parliament and the development of law in the United Kingdom. It is called the Westminster Parliament and the separation of powers.

It is about time that the High Court came to understand that the separation of powers applies to it. Had it not been for the idiocy of Keating, Hawke and other fools on that side of politics in federal parliament in abolishing appeals to the Privy Council, this kind of divisive legislation that we are debating this morning would never have come before us. They would never have attempted it, and the conspiracy between Susan Reynolds and others that resulted in Eddie Mabo being encouraged to do what he did not initially set out to do, and for Mabo 2 and Wik to follow it, would not have happened. But that is history: let us now pass on to what we are debating today.

It is important, against the background of history, to understand the definition of 'native title'. I do not have a problem with the concept of native title, but I do have a problem with the commonwealth governments of the day and the commonwealth parliament's attempt to define it, when it said (and I will read it into the record, if I may: I will read from the commonwealth act under Division 2—Key concepts: Native title and acts of various kinds):

> The expression *native title* or *native title rights and interests* means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:
>
> (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
>
> (b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
>
> (c) the rights and interests are recognised by the common law of Australia.

That is what it states in the act. But it then goes on and states, after talking about hunting, gathering and fishing:

> (2) Without limiting subsection (1), *rights and interests* in that subsection includes hunting, gathering, or fishing, rights and interests.

I can accept that, and I do. Then it turns back on itself in a non-sequitur and says 'subject to (3A) and (4) of native title rights and interest as defined by subsection (1)'. It is not defined there. It is indefinite. It is infinite in total. It just has no boundaries; it goes on for ever; and that is where the federal parliament got it wrong. It cannot go on for ever. There has to be a boundary on the set of ideas embraced. I am saying that there has to be a boundary not on the set of practices but on the set of ideas, because you cannot begin to distinguish where morality should be invoked and where the law itself has limits.

If there are no limits, then it is a matter of whimsy, and this is where I am at great odds with the Leader of the Opposition, when he says that it is the job of the High Court. For God's sake, my sake and every other Australian's sake, it is the job of parliaments to make law, not the ruddy courts. Not the courts! The courts were never intended to be legislatures, yet that is what the Labor party and Democrats wanted, and that is what the federal parliament produced in an act of idiocy, because it has been more divisive in this society than any other act has ever been since Federation.

An honourable member: We actually support the High Court.

Mr LEWIS: And I do, too, and it ought to stick to its knitting. It ought to do its job and not pretend to be what it is not. It is not elected; it is appointed. Its role is to interpret the law, not to make it. That is why I am distressed. Now we therefore have an indeterminate, ill defined—indeed, incapable of definition—set of ideas embodied in the statute that can be determined only by the courts. And the Leader of the Opposition and the Labor party are happy with that! Well, I am not; it does not happen in any other area of the law.

An honourable member: It happens in every area of the law.

Mr LEWIS: It does not. We inherited, as the honourable member by way of interjection earlier said, common law from the United Kingdom, which has grown up over 700 years. It had civil wars there to determine whether or not it needed law to codify behaviour and practice that would be accepted as common law, and it came from a time in the history of human beings living on those islands where the majority of them—not just 51 per cent, two-thirds or three quarters but over 98 per cent of them—were illiterate. That is why the notion of common law came into existence: people could not read or write but they were told what was and what was not the law.

It gradually evolved to provide them with rights as individuals, where formerly they were serfs and, because they were not asked to be born, they were told by their lairds that they would do what they were required to do or otherwise suffer the consequences. And we know what they were. It is only less than 200 years since transportation for some of those kinds of offences was abolished.

Altogether, this parliament has led the way in defining what are civilised individual rights in so many respects. As the member for Mitchell sits in his place, he can look to the centre panels on either side of this chamber and see one of those great advances in the development of a democratic civilisation that this parliament, this chamber, has contributed. So do not tell me that the chamber is incapable of doing those things.

People also have the right to an education; indeed, it is the responsibility of the parent to ensure that every child gets an education. This was the first place in the world where that occurred. We have the ability to do it. If we think ourselves inadequate, I do not think we ought simply to handball it to an institution that was never intended to provide it, because it is not accountable through the ballot box.

Let me return to the measures which are before us today and which are contingent on an understanding of the notions to which I trust I have just been addressing members' attention. It refers to a determination of native titlees to the extent that the land or waters in the determination area are not covered by a non-exclusive agricultural lease or a non-exclusive pastoral lease, whether the native title rights and interest confer possession, occupation, use and enjoyment of that land or waters on the native titleholders to the exclusion of all others. It is difficult to understand that concept, although, if you think about it carefully enough, I am sure you can do so.

Therefore, I go from that and say that I do not accept the propositions that have been put under that federal legislation by the other place in the amendments which have been moved

there and supported by, it seems to me, the Democrats and the ALP. There are the national park leases. As it currently stands, the clause means that all leases granted under the National Parks and Wildlife Act would not be confirmed as extinguishing tenures, and the government opposes that, because we do not know what that means. If you do not extinguish tenure, does it mean that the national park will disappear? It could. Under the law as it stands, 'exclusive possession' could mean, as was the case on Murray Island, that it is awarded once again to people who claim to be, and on the balance of probabilities are found to be, descendants of those people who it is said were the inhabitants of that land at the time, in South Australia's case, of William the Fourth's act of 1828 which guaranteed native title.

I wish that some of the members on the opposite side of this Chamber would read the legislative history of the establishment of the province of South Australia, because they will see in the preamble of that act that the very first thing that Westminster included in that legislation was the recognition of the existence of the native people in the province of South Australia. Admittedly, the boundaries of the state are somewhat different as a result of events that have occurred since 1828, but the fact remains that that is what Westminster intended. It was not done by military fiat here; it was done by an act of parliament. Of that much I am proud.

By way of digression, but somewhat relevant, I must say that I am not proud of the day on which European occupation at Botany Bay and Sydney Cove occurred on 26 January more than 200 years ago. That was a military fiat acquisition. No-one else was consulted. It was simply a matter of, 'Here we are. We're taking over. Get out of the way or we'll shoot you.' I am not proud of that, and I do not celebrate the foundation of a nation on that day.

If the New South Wales people want to do it, that is their business. but I do not. The day I want to see celebrated is the day that democratic government came to this nation as a nation, and that is May, not January. That is when we ought to celebrate it, because that is when the court to which the member refers, the High Court, got its breath and power as a consequence of the constitution that was adopted and the parliament elected and brought into being.

We come back to the other amendments that have occurred—the leases, with public access reservations. As we go through the committee stage, we will have an opportunity to get the minister to explain what these things mean. Even though they are not of his production, we need to understand what they mean in order to determine whether or not we support them as members. They are historic leases, and I am not quite sure what they mean. Apparently, it would have the effect of removing all leases that are previous exclusive possession acts and not current as at 23 December 1996 from the operations of the bill.

Previous exclusive possession acts include commercial, exclusive agricultural, residential, community purpose leases and scheduled interests. Scheduled interests are listed in part 5 of the schedule and are mostly perpetual and miscellaneous leases. The way these leases are defined in the Native Title Act 1993 means that they are all explicitly, or implicitly, grant rights of exclusive possession—that is a worry. Then there are community purposes leases and leases greater than 40 square kilometres. I do not know why it is legitimate to include leases that are greater than 40 square kilometres in leases which should be perpetual leases or pastoral leases that should be subjected to native title claims of one kind or another. That is an indeterminate, nebulous thing—remember that—it is not just rights of access, traverse, or hunting; it can be that, but it could be anything more than that up to exclusive possession, which means that the current lease-holder is dispossessed and, if continuous occupation can be demonstrated (or nearly so), there is a probability that the court would grant it. Members need to recognise that because it is divisive.

As I said earlier, it will not help the reconciliation process where we see ourselves as a multicultural society in which we are all equal and have one common future, if there is one group of people who, by virtue of their race, have different advantages and rights in property to anyone else. That is the very thing that I found so repugnant about South Africa. It is the very thing that I still find so repugnant about Malaysia, and it is the very thing that I find so repugnant about Indonesia's constitution. It is very distressing that members opposite and the Democrats want to introduce this same apartheid approach to policy in this legislation. It distresses me that they want to do that. I want everyone in this country to recognise that they are one people, from different origins but with one future, and unless we get together on that point we will have an enormous problem.

Ms BREUER (Giles): I am very angry at the comments that I have heard today. I am feeling extremely angry and basically what we I see in this chamber today is racism rearing its ugly head, as it does in every aspect of our society. We are talking about comments being made to frighten people and frighten pastoralists, as happened when this legislation first reared its head. The comments went around South Australia and, as a result, farmers and pastoralists were frightened and people were frightened about losing their back yards and their back lawns. It is ridiculous.

Today we heard the very eloquent contribution from the Leader of the Opposition. There is no problem there; there is no question of where he stands on this. Then we heard the ramblings of member for Stuart, who, because of his long connection with his electorate and Aboriginal people, believes he knows what they need and what they want. The member for Stuart has a very paternalistic approach. Where is the minister today? She has not been in this chamber while this discussion has been going on. We have not seen a sign of her. She walked in and she walked out as soon as we started discussions. And I am still trying to work out what the member for Hammond was talking about and what his point was.

Yesterday, we heard a story from the member for Price about an issue of racism that happened in his electorate where a young woman was questioned in the belief that she was aiding and abetting someone who committed a robbery in the store. The only reason she was questioned was because of the colour of her skin: the fact she was Asian and the person who was picked up was Asian. That is racism; that is what happens in our society.

None of us in this chamber have any concept of what it is like to be Aboriginal. We might think we do; we might spend time with Aboriginal people; we might think we understand how they feel, but we have no idea. I have been with Aboriginal people all my life. I have worked with Aboriginal people. I have spent hours with Aboriginal people. I have no real concept of what it is like to be Aboriginal in our society. I think I understand, but I really do not, and anyone in this chamber who tries to tell us that they do understand what it is like to be Aboriginal is talking through their hat—they have no concept.

I will relate a story that revealed the problem of racism to me a few years ago. I have some friends who live in Alice Springs. They came to stay with me for Christmas. There was my friend, who is a lawyer in Alice Springs, her parents—her mother was one of the head tribal woman in Alice Springs, a very respected woman, a very respected Aboriginal artist in Alice Springs; her father was also a very respected tribal elder of his group in Alice Springs—and her three children. The two boys, mum and dad got sick. I said, 'We will go to see my doctor. He is Indian; he will understand. You know, some of the doctors here have a bit a problem working with Aboriginal people, we will go along and see my doctor.'

So we went to my doctor. First of all, dad went in. Dad's English is fine, but he has that accent which Aboriginal people have and which we from the south often do not connect and think that they are not really able to speak English. Then mum saw the doctor. She spoke to the doctor and her English was a little limited. She can speak six Aboriginal languages, but her English was a little limited. So he had a few problems with her. When my friend went to take her young boy in who was quite sick, the doctor said to me, 'Will you come in with her?' I thought, okay, I will go in with her.

He asked me what was wrong with the boy and I said 'Well, he has been sick'. Obviously, the boy had hepatitis, which he had picked up at school. I explained the symptoms to him. He would ask me and I would turn to her and say such and such. Then he would sort of listen to her but then turn back to me and ask me what she was talking about. We went through the symptoms. Then he turned to me and said, 'This boy is very sick. Can you explain that he is sick and that he has to go to hospital.' I looked at the doctor, and suddenly it occurred to me that he was getting me to interpret for my friend because he believed that my friend was a tribal woman and could not understand what he was talking about.

Mr LEWIS: Mr Speaker, I rise on a point of order. How does a person's health have anything to do with native title?

The SPEAKER: The chair was slightly distracted at the time, but I suggest that, if the member is straying from the point, she knows the rules of debate, that is, we stick to the bill.

Ms BREUER: I am talking about the issues involved in this legislation and basically we are getting to the point of racism. As I said, I realised that this doctor was trying to explain to me and get me to interpret for my friend what was going on with this little boy. This woman, whom I was interpreting for, is a qualified teacher, a qualified lawyer and headed up the Aboriginal Legal Aid Department in Alice Springs. I could not dare look at her because I knew we would both start to laugh. After a few minutes, this poor doctor realised that perhaps he had made a mistake and that she could speak English and that she could understand what he was talking about. Then he said to her, 'You are Aboriginal'. She said yes. He said, 'Are you half-caste?' She said, 'I am Aboriginal.' He said, 'What, you are quarter-caste?' She said, 'I am Aboriginal.' He had no concept; he got himself deeper and deeper into the muck over this.

Anyway, the end of story was we walked out. He realised that he had made a mistake; he did not really apologise, but I know he felt bad about it. We started to laugh when we got outside because, as she said to me, 'You will dine out on this story for years.' But it was absolutely an incredible example of racism. He assumed that, because of the colour of her skin and because her parents had been in before her, she did not know what she was talking about and that she needed me to interpret for her. This is a woman with two degrees and recognised all over Australia. That is what racism is all about. That is what it is like to be an Aboriginal person in Australia today.

This legislation will not overcome this or sort out issues such as this. Racism is inherent in us: we all have this problem and we all have this issue. It is just a way of life for Aboriginal people and it is the way that they live. Whatever this law does, it will not stop that. However, the amendments that we propose may do something to overcome some of the issues and problems that Aboriginal people have and perhaps make life a little more worthwhile. I thoroughly recommend our amendments.

Mr CONLON (Elder): It is appropriate that this legislation is here on the last day of parliament because it is the sort of legislation that serves to define us as a parliament. I must say that the conservatives in this state, though we have difficulties and have our amendments, have probably taken—and I must give them credit—a better approach than conservatives in most other parliaments around Australia, and certainly a better approach than that divisive little grub who currently masquerades as a prime minister. However, I will give credit to the conservatives in this state who have done at least a better job than some of their colleagues, and despite the bizarre outbursts of a couple of them who, I am happy to say, do not rule the roost in this regard. I must say the member for Stuart's contribution was more akin to a Pavlovian conditioned response than it was to a reasoned debate. We know with the member for Stuart that, if you ring the bell, the dog salivates.

I want to address some of the comments of the member for Hammond which are so profoundly erroneous. The member for Hammond would have it that somehow the High Court has suddenly interfered with property rights in Australia. Well, the member for Hammond needs to know a little about the history of law in general and the history of common law doctrines in this country. The simple truth is this: the doctrine that divested the indigenous peoples of this country was a doctrine of terra nullius. It was a doctrine not made by legislatures, as the member for Hammond believes, but, rather, it was constructed by jurists and given flesh by courts.

It was a doctrine that had at its heart a massive lie. The doctrine of terra nullius, invented by courts and handed down by courts until Mabo, was based on the massive lie that when white people came to this country it was empty. I know we do not refer to the gallery, but the massiveness of that lie is evident if we did—simply look around you. What the member for Hammond would have is that when the High Court of Australia considered Mabo and when it considered the applicant at the bar, it should have continued with the lie that the applicant did not actually exist. If that is the proposal the member for Hammond has for this parliament, if it is his proposal that the High Court, having been wrong for a long time, should continue to be wrong, then I find it an astonishing proposition.

Let me explain this, too. The courts in our country, and for many years, have granted property rights, not because legislation exists but on common law doctrine. The best example would be to contrast the old common law doctrine of adverse possession. The common law doctrine of adverse possession arose from the times of enclosures in England. It protected those people from acts of parliament which enclosed space by finding that certain people who had used that land for a period of time did hold title to it. It was the

courts' interfering with unfair legislation, not just with a bad doctrine. Usually it required you to have been on that land for, I think, 14 years—I cannot recall the history; it is not a doctrine much used—but the courts would recognise, of course, if you were white and if you had been on the land for 14 years, you held title.

What they could not come to recognise was that, if you had been there for 30 000 years, you could have title. That is why the member for Hammond's contribution is so completely erroneous. If we remove the morality just for a moment—even though we never should—had we dealt properly and legally with the indigenous people of this country, we would not be having this debate; had we treated them as they were, that is, a conquered people, and applied our own laws at the time, we would have been required to come to a treaty with them.

The Hon. M.D. Rann interjecting:

Mr CONLON: Had we been absolutely fair, we would have established our cities and farms by agreement with them, recognising their title. It is an absolutely disgraceful argument that, because we have had the benefit of a massive lie, we should do nothing to remedy it. As I say, we urge the government to support our amendments. I have no more to say about the hysterical outbursts of some members on the government side. I trust the decency of the bulk of the conservatives to treat fairly with this. The amendments have been well canvassed by the Leader of the Opposition and, as I say, I do not want to leave this place making anything but the suggestion that I think the conservatives in this state have at least treated people better than they have in other states and than has that grubby little bloke in Canberra.

Mr CLARKE (Ross Smith): I support the comments of the Leader of the Opposition and the amendments that the Labor Party proposed in the Legislative Council. I was the shadow minister for aboriginal affairs in the last parliament when the South Australian native title legislation was first brought in and passed into law. That was a very torrid time. The member for Mitchell was on the staff of the Leader of the Opposition of the Legislative Council at the time and he assisted me to grasp the very difficult and complex legal issues involved. Finally, we resolved the dispute between the two houses and an acceptable compromise was worked out without surrendering the basic principles of the commonwealth legislation dealing with native title—which was exactly what the state Liberal government wanted to do. Fortunately, we were able to prevail here in South Australia.

A bit like the member for Elder, I wish to comment on some of the points that have been made by the member for Hammond. I realise that the member for Hammond is a member of the Samuel Griffiths Society, which says that the High Court of Australia should interpret the Constitution of Australia as it was written in the last century and not as an evolving document to take into account the movement and the times and the context of modern Australia. In the years leading up to federation, Australia was primarily people of white Anglo-Saxon background or Celtic origin, such as Ireland, whereas it is now made up of people of 150 nationalities, of many different religions, and many different colours and creeds. The fact of the matter is that why this issue, as the member for Hammond pointed out, would appear to be so divisive is that, if you go back to the Mabo decision of the High Court in 1992, the court, quite rightly, as the member for Elder said, recognised the lunacy of the former legal doctrine of terra nullius and recognised that Australia was a country that had people in it before white occupation. It dealt with that matter, and the parliament of Australia had to deal with an issue. Paul Keating gets vilified for it, but he had one of two choices: he could have passed legislation to override the High Court and restore the basic legal fiction of terra nullius, or grapple with the real life situation of what we know to be factually true; that is, Australia was occupied by the Aboriginal people for 40 000 years, or more, and they had rights. You do not take away those rights once they have been recognised.

As I say, the commonwealth government under Paul Keating could have done one of two things, that is, overrule the High Court or bring in a system which would give protection to freehold land ownership, recognise the rights of Aboriginal people and cobble together an acceptable piece of legislation which would do justice to all in the light of what Australia was in 1992. But what did we have? We had a Liberal Party so intent on winning office federally that, rather than cooperate with a federal Labor government, obstructed it at every turn. Rather than use bipartisanship to deal with a very complex legal issue and one which, if you just scratch the surface of Australian society, can ignite enormous passions because of ignorance and unnecessary fears, the Liberal Party of Australia in that federal parliament at that time chose to play to its gallery and it would not cooperate in the Senate in the passage of legislation.

The Labor government under Keating could get only the best it could, cobbling together the various other parties—the Democrats, the Greens and others. The Liberal Party and the National Party dealt themselves out of negotiations of native title because they refused to get in on the act. They played the spoiler right down the line for base political purposes. The member for Hammond would say—and did say in his contribution—'Nothing like this would have happened if we had left it to the Privy Council. If only Labor had not abolished appeals from the High Court to the Privy Council and the Law Lords of London.'

I would far prefer to accept the rulings and judgment of any Australian born and Australian citizen judge who lives in Australia and understands the different mores and nuances of this society than does a law lord sitting in London who may not have even visited Australia or have had any connection with Australia except perhaps as an absentee landlord. It is a nonsense to believe that we should turn over our legal appeal systems to a foreign country such as existed with the Privy Council.

In response to the interjection of the member for Stuart, or his contribution with respect to Queensland and New South Wales Labor governments, my view is that Daryl Melham was correct in the federal parliament. He was principled on his position, and I think the Queensland and New South Wales Labor governments should have adopted his position. Fortunately, we in the Labor Party in South Australia have been more progressive than have our fraternal parties in those other states and have led the way with respect to land rights, as has the Liberal Party in this state.

The Liberal Party in this state has had a track record far better than the Liberal Parties in any other state or nationally, and it should not spoil its record. The comments by the members for Stuart and Hammond are not the sentiments of David Tonkin when he was Liberal Premier and introduced the legislation that Don Dunstan wanted brought in with respect to land rights in the Pitjantjatjara lands. It is true that some parts of that legislation had to be strengthened by the Labor Party and by Don Dunstan with respect to the absolute

control of those lands by the Aboriginal community, but the Liberal Party in those days was streets ahead of its counterparts.

I will conclude by saying that the Liberal Party is allegedly great on rights, particularly on the issue of retrospectivity. We have legislation put forward by the Labor Party and the Democrats in another place that says, in effect, 'Let us wait until the High Court rules on these claims. There are matters before the courts and we as a parliament should not just go over the top of those claimants while they are before the High Court and take away the rights they may have. We do not know whether they do until the High Court makes its ruling.'

Only last week we passed legislation without any retrospectivity allowing a couple of card sharks to avoid their tax obligations to the tune of $6 million in stamp duty and, when I proposed that we ought to make it retrospective, there was a cry of, 'No, we can't touch it; people have gone about their normal business.' The courts ruled that way and allowed them to take advantage of a loophole that saved one individual over $5 million in money which should rightfully belong to the Treasury of South Australia and which could have gone into our schools and hospitals. However, their rights were sacrosanct, but not on this issue. We can pass legislation, according to this government, that would deny people their rights and their day in court to determine their rights. We have to be a bit consistent about this, and the Liberal Party has to be consistent and support the proposition put forward by the Labor Party.

In terms of other criticisms of the High Court and the legal fiction by the member for Hammond, I did not hear any criticism from the Liberal Party in the 1970s when the Barwick High Court emasculated the income tax acts of this country and allowed wholesale tax rorting and a total destruction of our tax base. There were no screams of outrage from the Liberal Party federally or at a state level. So, let them not have this cant hypocrisy on the criticism of the High Court of Australia with respect to their decision, which all goes back, as the member for Elder quite correctly pointed out, to overturning the legal fiction that this country was unoccupied at the time of European settlement. I urge the House to support the Labor Party's amendments.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

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

Leave out subparagraph (iii) of paragraph (d) of the definition of 'excepted act' in proposed section 36F(4) and insert:

(iii) the interest arose under a lease granted under section 35 of the National Parks and Wildlife Act 1972 solely or primarily for any of the following—

- garden;
- grazing and cropping.

Leave out paragraphs (e), (f), (g), (h), (i), and (j) of the definition of 'excepted act' in proposed section 36F(4).

We have agreement with the opposition that we will also speak about the opposition amendments in order to make it easier for the House. I understand that the opposition will also speak on all amendments at the same time.

In the course of the passage of the bill through the Legislative Council, the government moved amendments to the bill which reflected what the government understands to be the major indigenous concerns regarding it. Amendments were also moved by the Democrats to the bill, and those amendments are unacceptable to the government as they undermine the certainty that the bill is intended to create and substantially compromise the aims of the legislation. The amendments that I now propose, we believe, remove these unacceptable amendments from the bill. I will take some time to walk through the amendments which were moved by the Democrats in another place and which I understand are the subject of Labor Party amendments in this place now.

In relation to national park leases (new section 36F(4)(d)(iii)), the clause as it currently stands would mean that all leases granted under the National Parks and Wildlife Act 1972 would not be confirmed as extinguishing tenures. The government opposes it. The proposed government amendment would mean that two national park leases, one for a garden and a second for grazing and cropping, be removed from the schedule to be consistent with the removal of miscellaneous leases granted solely or primarily for grazing and cultivation purposes. The government is firmly of the view that all national park leases contained in the original bill extinguished native title at the time they were granted.

The removal of leases, which included grazing as a purpose, was done to be consistent with the government's preparedness to ensure that grazing leases per se would never be extinguishing tenures by virtue of this legislation and at the request of the South Australian native title steering committee.

The other leases on the schedule relating to the national parks are clearly for intensive purposes to the exclusion of other interests and are in the form of common law leases that grant rights of exclusive possession. It is not appropriate to exclude them from the operation of the bill. I refer to leases with public access reservations (new section 36F(4)(e)). This clause will mean that all leases with rights of public access would not be covered by the bill. The government's amendments in the Legislative Council have already excluded all historical leases from the schedule. This provision would apply to exclude current leases from the legislation. The government opposes this provision. The government has considered carefully the arguments put by the steering committee in the congress of native title management committees about leases with public access rights, but still disagrees with their interpretation of the relevant legal authorities.

The government strongly disagrees with any suggestion that the mere existence of a public access clause in a lease means that the lease does not extinguish native title. This is akin to suggesting that freehold titles do not give the owner exclusive possession just because ETSA and other utilities have rights to come on to the property and read the meter. The High Court decisions of Wik, Mabo and Fejo state that, where there is an exclusive possession grant, extinguishment will necessarily have occurred. The decision of Mason J in the High Court case of Goldsworthy Mining Ltd v. Federal Commissioner of Taxation (1973) 128 CLR 199 that the presence of public access rights in a lease does not prevent a grant from being one of exclusive possession is relevant in this context. To make the existence of such a public access reservation the sole factor in excluding leases from the bill would lead to results inconsistent with accepted legal authorities and dramatically undermine the certainty that this legislation is intended to provide. The government is not prepared to exclude leases with public access reservations from the bill.

In relation to historic leases (which is clause 36F(4)(f)), this clause would have the effect of removing all leases that are 'previous exclusive possession acts' and not current as at 23 December 1996 from the operation of the bill. 'Previous

exclusive possession acts' include commercial, exclusive agricultural, residential and community purposes leases, as well as 'scheduled interests'. 'Scheduled interests' are listed in part 5 of schedule 1 of the Native Title Act and are mostly perpetual and miscellaneous leases.

The way these leases are defined in the Native Title Act 1993 means they all explicitly or implicitly grant rights of exclusive possession. The government has already excluded scheduled interests that were not in existence as at 23 December 1996. Historic scheduled leases are excluded from the confirmation provisions once and for all and will not 'creep back', even if they come under another category of 'previous exclusive possession act' in section 23B of the Native Title Act.

In relation to community purpose leases (clause 34F(4)(g)), this clause would exclude all such leases from the operation of the bill—that is, they would not be considered as extinguishing tenures. As common law leases, community purpose leases in this category, by definition, grant exclusive possession to the lessee. These are leases which are solely or primarily for the community, religious, educational, charitable or sporting purposes. If exclusive possession is not granted, the interest is likely to be a licence and not a lease and, therefore, not covered by the legislation in any way.

In regard to leases greater than 40 square kilometres (clause 34F(4)(h)), this clause would exclude any lease larger than 40 square kilometres, which allows the lessee to use the land for grazing or pastoral purposes, even if it also allows all sorts of other purposes from the confirmation provisions of the bill. This would include perpetual and common law leases that are not confined to a specific purpose. This places a disproportionate emphasis on the size of the lease, which is only one of the numerous factors that need to be considered when determining if a lease is granted exclusive possession. Other relevant factors include obligations on the grantee, capacity to upgrade, term, the historic origins of the lease, rights of third parties and location of the lease. These principles are consistent with the High Court Wik decision.

To the extent that the size of the leases on the schedule is relevant in determining whether the lease granted exclusive possession, it has already been taken into account. To limit the operation of the bill based on some, but not all, of the relevant criteria that indicate exclusive possession has no basis in law and would make the operation of the bill very arbitrary in practice. It is incorrect to assume, as this clause does, that leases that allow the leased land to be used for any lawful purpose grant fewer rights than leases granted for specific purposes.

The mere fact that grazing could take place on a lease does not, by itself, mean that native title rights will survive the grant of the lease. If the lease involves other rights over the land that are inconsistent with the continuing existence of native title, the fact that grazing is also allowed on the land is irrelevant. For example, it is quite possible for owners of freehold land to use their land for grazing, but this is not an argument for saying that freehold titles do not extinguish native title.

In regard to leases requiring building works forfeited or surrendered without building works being done (subclause (4)(i)), this clause would exclude from the legislation all previous exclusive possession acts consisting of the grant or vesting of a lease which contains a condition that the lessee construct buildings or other permanent improvements (apart from fences) where the lease is forfeited or surrendered before there has been substantial commencement of such construction from the operation of the bill.

To the extent that any such condition is relevant in determining whether the lease granted exclusive possession, that factor has already been taken into account in the process of compiling the schedule. This amendment also misinterprets the relevant High Court authorities that state clearly that where exclusive possession is conferred on a lessee it is not necessary to consider what activities occur 'on the ground'.

In regard to the leases for the terms of 21 years (clause 36F(4)(j)), this clause would mean that any lease granted for a period of 21 years or less that is either: larger than 12 hectares; or less than 12 hectares and allows the lessee to use the land for grazing or pastoral purposes is not covered by the confirming provisions of the bill. This amendment places disproportionate emphasis on the term for which the lease is granted. It assumes that a 21 year lease is a short term lease. To the extent that the term of the leases on the schedule is relevant to determining whether the lease granted exclusive possession, that factor has already been taken into account. To limit the operation of the bill based on some, but not all, of the relevant criteria which indicate exclusive possession has no basis in law and would result in some lessees being covered by the legislation and some not, on a completely arbitrary basis.

Again, it is incorrect to assume, as this proposed amendment does, that leases not restricted to specific listed purposes grant fewer rights than leases granted for specific purposes. In fact, the situation is quite the contrary.

The ACTING CHAIRMAN (Hon. G.A. Ingerson): Minister, I suggest that we deal with this in three parts: the first relates to subparagraph (iii) of paragraph (d), which concludes with the words 'grazing and cropping', on the amended No. 1 sheet; we then have paragraph (e), which has the opposition's amendment to it; and then we deal with the remaining paragraphs (f), (g), (h), (i) and (j). Accordingly, the first amendment is to leave out subparagraph (iii) of paragraph (d) of the definition of 'excepted act' in proposed section 36F(4) and insert new subparagraph (iii), which concludes with the words 'grazing and cropping'.

Mr HANNA: I want to ask the minister a question in respect of national parks. I will make a point which applies to a number of the amendments, that is, where there is the possibility of native title rights existing they should not be taken away. The critical point to understand, which has been overlooked—perhaps deliberately—by at least one government member, is that this bill does not give anything additional to native title right holders. It does not give anything additional to Aboriginal people, if that is what some on the other side are worried about. In respect of national parks, the position we hold is that in national parks there is an explicit or implied right of public access, in some cases camping rights or rights of traversing a national park. Those rights may have been a shelter, if you like, for continuing native title rights and, if that be the case, those rights should be preserved. It is not a matter of giving anything extra to anyone: it is a matter of preserving rights. To restrict that position, as the minister's amendment seeks to do, would be potentially to take away rights, and that is why we would be opposing the minister's amendment.

Amendment to leave out subparagraph (iii) carried.

Mr WRIGHT: I move:

After 'waters' in paragraph (e) of the definition of 'excepted act' in proposed section 36F(4) insert:

unless the reservation or condition was to provide access to the sea coast and no part of the land or waters abuts the sea coast

After proposed section 36F(4) insert:

(5) The Governor may, by regulation made after 31 December 2001, declare that an exclusive possession act that was an excepted act because of paragraph (e) of the definition in subsection (4) ceases to be an excepted act.

(6) If such a regulation is made, this section applies to such an exclusive possession act as if it had never been an excepted act.

The opposition has three amendments which I have moved as one. I will speak about the first amendment and then speak about the second and third amendments together. With respect to the first amendment, some leases are in existence that provide for a right of access. Current argument before the High Court in March will involve whether leases with public access extinguish native title, and the government bill is pre-empting that High Court decision. We have raised this issue consistently during the second reading.

We are extending the clause because some of these leases provide public access to the sea but they are nowhere near the sea. In effect, this is a concession taking that into account. But, quite critically, as we have made the point on a number of occasions, the importance of this relates not to the hearing before the High Court in March but to the subsequent decision later in the year, and that should not be pre-empted. That is the tenor of the first amendment we have on file. With respect to the next amendment, in the spirit of a compromise, once the High Court has made its decision, the government will be able to put forward a regulation to, in effect, strike out this clause.

Again, this is something that we foreshadowed during the second reading. We have put forward this amendment, which is a compromise position to preserve the status quo with respect to leases with public access rights until such time as the High Court has considered the issue in Western Australia v Ward which, as I said, will be heard in March 2001, with a decision being made later that year. If the Attorney's view in relation to the effect of leases with public access rights is proved by the High Court to be correct, by regulation the Governor may declare that section 36F(4)(e) ceases to operate, with the result that extinguishment would be confirmed with respect to leases with public access rights from the date of grant of the lease as if section 36F(4)(e) has never been enacted.

It will ensure, if the High Court finds that some native title rights may be preserved by leases (which include a right of public access), that this bill does not extinguish native title rights that still exist at common law and thereby give rise to claims for compensation. It provides certainty in the sense that, once the High Court has considered the issue, the legislation will reflect the common law and will therefore not be subject to further challenge. It is unlikely to have any impact in relation to any possible new claims. I will get the opportunity to speak later about the government's other package of amendments.

The Hon. I.F. EVANS: As I understand it, the opposition amendments essentially seek to await the outcome of the Ward decision in the High Court. I do want to make some comments in relation to that issue. First, we should discuss the likelihood that the Ward decision will not decide the issues relevant to South Australia's schedule of extinguishing tenures, and I want to walk the committee through some reasons for that. The High Court appeal will potentially resolve none of the points of disagreement between the government and indigenous legal representatives in relation to the validation and confirmation bill.

One of the main objections of indigenous groups to the government's legislation has been the presence of public access reservations in some leases. There is nothing in the Ward appeals to indicate that the court will necessarily say anything on this issue. The courts are limited to determining the case that they have before them. In recent native title decisions, the High Court has decided questions narrowly rather than in the broad. The Ward appeal will consider tenures granted in a Western Australian context and pursuant to Western Australian legislation, not in the South Australian context in relation to the South Australian legislation.

By definition, the Ward case is about tenures not covered by Western Australia's validation and confirmation legislation. The High Court will be considering Northern Territory pastoral leases and leases to Conservation Land Corporation. These leases are not scheduled interests and High Court consideration of these leases has no relevance to the validation and conservation bill. To the extent that the court comments on general principles, these comments should be consistent with earlier High Court decisions on which the schedule was based.

If indigenous groups are unhappy with the High Court decision in Ward, they are likely to argue that the South Australian legislation, under which the scheduled leases were granted, differs in some way to the Western Australian legislation being considered in Ward. It is likely that indigenous representatives will support the bill only if each and every piece of legislation named in the schedule has been individually considered by the High Court. If such a situation came to pass there would be no need for a schedule. Such a situation would exist only after many years and spending many millions of dollars. This is an outcome that the schedule attempts to avoid—that is why the schedule was developed in the first place.

On the other hand, the government firmly believes that the basic principles of extinguishment set out in Mabo (No. 2), Wik and Fejo provide a sound basis for compiling the schedule. In Mabo (No. 2) Brennan J. said that the recognition by the common law of the rights and interest in land of indigenous inhabitants would be precluded if the recognition were to fracture a skeletal principle of the Australian legal system. A finding that the residential and agricultural leases on the schedule grant anything other than exclusive possession would fracture a skeletal principle of our legal system. An outcome so unlikely cannot justify delaying consideration of the validation and confirmation bill.

I want to make some comment also on the timing of the hearing of the High Court appeal and the decision. As I understand it, there are four appeals to the High Court arising from the Full Court decision in Western Australia versus Ward. These appeals are currently set down to be heard together by the High Court in March 2001. A decision would not be expected from the court until some time well after September 2001. Given the number of issues being argued in these appeals and the extent of the material being considered, it is possible that a decision will not be made until the end of next year. In the meantime, if the bill is not passed, the National Native Title Tribunal (NNTT) will be forced to notify several thousand perpetual and miscellaneous leaseholders of native title claims over their properties.

In August, approximately 14 000 South Australian landholders, including perpetual and miscellaneous lessees, were notified by the NNTT of nine native title claims over land and

inland waters in the Eyre Peninsula, Lake Eyre, Flinders Ranges, Lake Torrens, Coorong and Mallee regions. The applications ranged in size from 18 000 square kilometres to 103 000 square kilometres.

Under the Native Title Act, the Native Title Registrar is obliged to notify any person who, when an application is filed in the Federal Court, held a proprietary interest which may be affected in relation to any part of the claim. In addition, any person whose interests generally may be affected by a determination in respect of an application may also be notified if the Registrar considers that appropriate.

All applications excluded private freehold land, which is not claimable. Perpetual and miscellaneous leaseholders would also have been excluded from this process if the validation and confirmation bill had passed. This notification process resulted in a lot of confusion and uncertainty for the holders of those scheduled leases. As a result of the notification process, there have been more than 2 000 applications to become parties to the claims, most of whom should have had no need to be involved.

The National Native Title Tribunal is planning further notifications in the following claim areas in South Australia during the period of the three months from 1 December 2000: in the South Australian-Victorian border area near Mount Gambier; the lower Flinders Ranges; the Far North; the West Coast; the eastern Eyre Peninsula; the north-east region north of the Murray River; and the far north-east. There are several thousand tenure holders to be notified, of which a significant proportion would be holders of scheduled interests. Further notifications will also take place after 1 March 2001.

As was the case in August, the holders of the perpetual and miscellaneous leases will be drawn into a notification process if this bill is not passed. This is despite the fact that, at common law, these leases are extinguishing tenures. The underlying principles, then, behind the schedule and processes that the schedule compiled are that there are valid legal and policy reasons to confirm that the leases in South Australia's schedule have extinguished native title.

The schedule of extinguishing tenures was compiled because clear principles were set out in the High Court in Mabo, Wik and Fejo about what type of leases grant exclusive possession. If every type of perpetual and miscellaneous lease on the schedule of extinguishing tenures had to be considered by a court, it would be time-consuming and a very expensive process. The schedule reflects a judgment about public policy made by the commonwealth parliament that the clear authority about what categories of leases extinguish native title, and the level of uncertainty and inconvenience a perpetual and miscellaneous leaseholder would experience if the extinguishing nature of their leases were not confirmed justified compiling the schedule. The schedule was compiled applying a conservative test of extinguishment and includes only those tenures that have most clearly extinguished native title.

There is nothing to indicate that awaiting the decision of the Ward appeals will necessarily add anything to the debate over this legislation. There are, however, significant reasons to deal with this legislation sooner rather than later. The government, indigenous groups and other stakeholders have invested large amounts of time and money in the indigenous land use agreement negotiations. Failure to pass this bill will potentially stall those negotiations due to the uncertainty as to what can be negotiated. Indigenous representatives have conceded that the majority of tenures on the schedule have extinguished native title. I urge the House, therefore, to reject the opposition's amendments.

Mr HANNA: I will be speaking to both the amendments moved by the member for Lee, who has correctly described them as a kind of compromise position that we had hoped would be acceptable to the government.

In respect of the accepted act in terms of reservations providing access to the sea/coast or waters generally, we are being reasonable in saying that, where the leasehold land is inland and there is no real prospect of access to the sea or to the relevant waters, let us recognise that there will not be native title rights to the nearest water. However, where there are leasehold lands adjacent to the sea/coast, there is no justification for ruling out native title rights in respect of access to the waters.

So, again, it is an example where we are not seeking to give anything extra to Aboriginal people but we are seeking to preserve Aboriginal rights which may yet persist in respect of some leases. Clearly, with this compromise position, the representatives of indigenous people are cutting it as finely as they can in terms of preserving what they already have, but not asking for too much in terms of native title rights that are probably extinguished. So, it is a reasonable proposition. I cannot understand why the government would not accept that as a compromise.

Regarding leases which contain public access rights, the argument is very simply that, with respect to many of these leases, the rights to public access may have provided a kind of shelter for the persistence of native title rights—for example, rights to travel across the land in a traditional manner—rights that might have been exercised for hundreds or thousands of years. Again, we are not talking about giving anything extra to Aboriginal people, but simply preserving their rights.

Again, this is a compromise, because we say that there is some doubt about whether native title rights are extinguished by these leases. It may be—but not necessarily—that the Ward case, when it reaches the High Court and when we hear of the High Court's judgment in that case, may tell us that native title rights have been extinguished in respect of these leases. If that is the case (and we will accept the wisdom of the High Court in relation to that matter), a regulation under this amendment would say that the South Australian government at the time, if we know that it is a lost cause in terms of the law, can acknowledge extinguishment of those leases. But we do not know that at this stage. We do not know the law well enough, because it is a developing area of the law and it needs to be tested in the courts.

In respect of the notices to which the minister referred, I acknowledge—along with many of the conservative politicians—that the notices that went out to land-holders in the Riverland and other places in respect of leases earlier this year were disastrous in terms of public relations and in terms of the cause of reconciliation, because they scared people unnecessarily. They gave people a shock without giving them an insight into what it really meant. And the government has failed in this, too, because it has a role not to scare people but to reassure people about their rights—whether they be farmers, white or black, or whether they be native titleholders.

So, if the minister is trying to scare us politically by saying that, if we do not go along with the government's view on these leases, the Native Title Tribunal will be sending out thousands of notices that will make land-holders angry because of the possibility of native title rights on their land,

I am sorry: we must stand firm in the face of that potential anger and look at a constructive solution, which would be for the Native Title Tribunal to get its act together in terms of having a notice which properly explained the implications of potential native title rights, and the government must get its act together in terms of educating people about what these notices mean.

The notices that were sent out, and the notices that will be sent out next year, really only mean to alert land-holders to the possibility of native title rights, and it is quite clear that those native title rights will not take anything substantial away from the land-holders. The land-holders can continue to farm; the miners can continue to mine; and the people with backyards can keep playing in their backyards. This bill and the entire native title rights experience in the courts and in the parliament has never been about taking rights away from farmers, homeowners or any of those other categories. In summary, this compromise position allows the preservation of rights until we know the true position. That is all we are asking.

The Hon. I.F. EVANS: I understand what the member for Mitchell is attempting to do and what the amendment is trying to do. I will reinforce for the committee that the opposition's amendment basically brings in an exemption in relation to providing access to sea coast, or land where no part of the land or waters abuts the sea or coast. That is in a direct response to an example given by the Attorney in another place where there was a right to public access to a Rotary Club on a lease in the hundred of Mingbool. However, that example was 30 kilometres from the coast. The Labor Party has now drafted an amendment that tries to deal with that one example or other examples similar to that example. The committee needs to be aware that there are 20 000 leases. So if this amendment got up that means someone would have to go through 20 000 leases and make a judgment about whether it falls into the category defined under this amendment. That is a matter of time and resources. Of course, the other point is that the Attorney gave only one odd example of existing circumstances. Many other examples in 20 000 leases would need to be addressed if the Labor party amendment gets up. You would have to come back and move other amendments for other anomalies in the lease system. There are 20 000 leases. To come in and draft an amendment to try to fix up one type of example given by the Attorney is impractical, and it is impractical to go down the path of saying that someone has to go through and make 20 000 different judgments. Who makes the judgment?

An honourable member interjecting:

The Hon. I.F. EVANS: No, but you are talking about access in relation to sea coast. There will be other circumstances within the 20 000 leases. These leases have been around for many years, a lot of them in standard forms. I have no doubt the circumstances the honourable member's amendment is trying to address have been adopted, because it is a standard clause put in leases probably all over the state. There are other standard clauses that, while they would have applied correctly initially when used, are probably irrelevant in others areas where they are used, and the honourable member's amendment does not and will not deal with that. We are saying that the approach the Labor party is putting up is impractical for all intents and purposes.

Mr WRIGHT: We obviously think quite the opposite or we would not move amendments of this nature. These amendments are extremely fair—they could not be fairer, in fact. They strike a good compromise, and we believe very strongly that waiting until the decision of the High Court next year is a minimalist position and a good compromise position, and very fair principled approach to take.

Mr MEIER: I did not take the opportunity to speak in the second reading debate because I have concerns mainly about this clause. There is no doubt that this bill is long overdue in coming. I say that because of the many inquiries I have had to my office from concerned constituents. In most cases, those constituents are farmers who are farming miscellaneous lease land. I am talking particularly about Yorke Peninsula. Over the years, a lot of the farmers have had miscellaneous leases and have farmed that land. If you drive around—even today—you would not have any idea whether a farm was freehold or leasehold. Over the years, farmers have sought to freehold from time to time. It has depended very much on economic circumstances and conditions, and whether they have been able to afford to freehold. It is also dependent on what the government of the day has done with respect to offering perhaps a special deal to freehold. It is also determined on a number of other factors which also could include the condition of the land. I know that some of the leasehold land would not be regarded as prime land. It is probably more marginal land, and farmers have to make the decision whether they want to pay out good money to own it or simply to lease it.

Over the years a lot of leasehold land has gone freehold. In recent times I have heard particularly from farmers who have not taken the opportunity to freehold, and suddenly they have been hearing about the native title bill and saying, 'Hang on, what's the situation if tomorrow I want to seek to freehold? I have been thinking about it for some years and have not actually taken the opportunity.' What worries me about the conditions that have been put into this bill in the upper house is that that certainty of farmers being able to freehold, which has been there all the time the current leasehold provisions have applied, will suddenly be taken away, particularly if their lease is for 21 years or less.

Therefore, I have great problems with the way this bill reads and the way it stands. I do not believe that there should be the discrimination applied. It should not be a matter of saying, 'If you managed to get in five years ago, that was half your luck; it is too late now,' or saying, 'If you managed to get in 25 years ago, you did well; it is just too bad now.' We are treating people differently from that point of view. Certainly, farmers in my area have had some very difficult years in the past decade or so. This year, thankfully, seems to be pretty good in just about all areas, although I have heard of one or two exceptions. However, it has not been possible for farmers to come up with the ready cash to freehold land where they may have wanted to. As I said earlier, whether a farmer is growing wheat, barley, peas, lentils or whatever crop, you could not tell whether it is on freehold or leasehold land. The bill in its original form sought to overcome that problem without any difficulty at all by inserting the amendments in the other place that are now before us. Problems will be created. I would have thought that the whole idea of this bill was to give much greater certainty to all people. That is what I want to see happen, and the minister's amendment, therefore, will help to ensure that that does happen.

Mr CLARKE: It is worth going through how big a problem we are dealing with. The minister talked about 20 000 leases, the resources that would be used, and so on. Information I have—and I will be interested to hear the minister's view on this—indicates that only about 50 perpetual leases out of some 18 000 leases and about

50 out of 200 or 300 miscellaneous leases are still subject to legislation. In terms of finding out which leases are affected, with 20 000 leases all up, maybe 100 leases turn up something of a non-standard or potential interest; and it is something which the Crown could do easily as far as its searching is concerned within the resources available to it. I would be interested in knowing whether the minister agrees that the dimension of the problem is not about going through 20 000 leases, but they can be cut down to the core very quickly. I would be interested also to know whether the minister agrees that we are talking about the numbers to which I have just referred.

The Hon. I.F. EVANS: I am not sure where the honourable member gets his figures from, but my advice is that Crown leases perpetual current as at 12 July was around 18 000 and there are about 23 different types. In relation to Crown leases current at 12 July, about another 2 200 are roughly covered by the bill. So, all up, we are talking about 20 200 leases that would have to go through this process to be checked.

Mr CLARKE: The difficulty I have with what the minister is saying is that there might be 20 000 leases, but in terms of the numbers to which there may be some native title claim, and in light of the opposition's amendments, it is not 20 000—we are talking about a fraction of that number. What I cannot quite understand is why the minister is referring to such huge resources that need to be consumed to work out where those areas of dispute or potential dispute are. We all agree it is not the full 20 000: it is something less than that number—and I would suggest to the minister significantly less than that number of potential disputes—and it is not beyond the resources of the government to come down to the kernel of the issue, and that involves numbers which are significantly less than what he has indicated.

The Hon. I.F. EVANS: I am not sure how the member comes to the conclusion that there might be 50 out of 20 200 that might or might not be caught by the provision. What I am saying to the honourable member is that my advice is—and I have checked it three times—that someone will have to go through every single lease and make a judgment about whether or not it is caught by the legislation or through the amendment. Only at the end of that checking process will you know whether you are dealing with 50, 70, 100 or 2 000, but unless someone goes through the 23 or 24 different types of perpetual leases and all the Crown leases—and there are 22 200 of them—some agency will have to work out in their judgment whether they are caught by the legislation, let alone someone else's judgment, and there will be some dispute over that probably. All I am saying to the honourable member is that it is impractical to check 22 200 individually.

The Hon. R.B. SUCH: It seems incredible to me that we are spending all this time arguing about something, the quantum of which we have no knowledge. It seems that somewhere along the line someone should have looked at these leases and come before parliament with a figure that is realistic and appropriate so that we are not fighting a straw person who may or may not exist. Before we take away people's rights, we want to be a bit cautious about it and at least do the homework and know what we are taking away and how big the problem is. I would have thought it was elementary that you do a bit of research and find out whether we are talking about 200, 2 000 or 20 000. The dilemma with the information given in relation to this bill is that people seem to be plucking figures out of the air. If you cannot come up with something precise and concise, then you have to err on the side of caution.

Mr CLARKE: In relation to the example that the Attorney used in the other place as to the perceived difficulties with the Labor opposition's amendment, how was he able to pluck that one example out of 20 000 leases? How long did it take him to have his department go through 20 000 leases to find that one particular example?

The Hon. I.F. EVANS: My advice is that that was a set of circumstances that the agency came across when examining that particular lease for other reasons and so they raised that—

Mr Clarke interjecting:

The Hon. I.F. EVANS: In fairness, there are 20 000 leases. We have a whole Crown land department that is dealing with issues arising in relation to leases every day of the week. If an officer came across a set of circumstances—

Mr Clarke interjecting:

The Hon. I.F. EVANS: The bill has been around for two years. If an officer in the Crown land area came across a set of circumstances that might reflect on some legislation, it would seem sensible that they might pass that through the system.

The committee divided on the amendment to leave out paragraph (e):

AYES (24)

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

NOES (22)

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

Majority of 2 for the Ayes.

Amendment thus carried.

The ACTING CHAIRMAN: As a result of the division, the member for Lee's amendments now lapse. The question is that clause 6—to leave out paragraphs (f), (g), (h), (i) and (j) of the definition of 'excepted act' in proposed section 36F(4), be agreed to.

Mr HANNA: We are now dealing with a series of provisions which were put into the bill by members in the upper house and which protect potential native title rights in a number of different scenarios. The government is now seeking to delete those amendments so that those native title rights, should they exist in particular cases, will be extin-

guished. That is unacceptable to us. I presume the minister will go through the different scenarios.

Essentially, the areas where the government is seeking to extinguish native title rights are in the following cases, the first of which is where there are certain previous exclusive possession acts (that is using a technical term from the legislation and essentially refers to certain non-current leases in respect of community purpose leases). This is another example where there may be continuing native title rights because in a number of these leases there are reservations for access rights, for example, so that there may be cases where indigenous people have continued their traditional access across land in respect of some of these leases. The very fact that—

The ACTING CHAIRMAN: I advise the camera operators in the gallery that they know what the rules are. If they would like to have their film confiscated, we would happily to do so.

Mr HANNA: The point is that, if there is a possibility of native title rights, we as a parliament in a sense have no right to take away those rights. We do not have the right to abolish them before we know whether or not they exist in a particular part of the country. There is also the possibility of native title rights in respect of leasehold land where we are seeking to draw a line around small leases which are used for intensive purposes. In some of these cases, we have to concede that native title rights have been given away but, again, the government goes too far in a blanket extinguishment across a range of scenarios.

I will be brief. It depends on the minister's response whether I will have more to say, but, essentially, the government is trying to extinguish native title rights where they might exist in a range of circumstances, and that is unacceptable unless we are absolutely sure that native title rights cannot exist in those circumstances.

The Hon. I.F. EVANS: The member for Mitchell may not have been here at the start of the debate, but I spoke for 10 minutes on each of the amendments then. Does the honourable member want me to go through that again, or is he comfortable with that? He said that he wanted me to explain each of the amendments. I understood that I had done so.

Mr Hanna: You have nothing further to add?

The Hon. I.F. EVANS: I have nothing further to add. I have put my argument.

Mr WRIGHT: The government bill has been around for some time, something like two years I think. Basically, it confirms the effect of acts, but it has the effect of extinguishing native title where there is some ambiguity. The government has come some way towards a position of compromise and, in fairness, that needs to be acknowledged. But the government's amendments reduce the fairness of the bill. For that reason, the opposition will be opposing these amendments very strongly. It is important and critical that there is public access. Once public access is established, it is beyond that point that discussions, negotiations and deliberations take place as to how that public access will occur.

What must be repeated, as earlier highlighted by the Leader of the Opposition, is that when you extinguish you extinguish forever; it is gone forever. Let us not forget that point. It is critical to the argument. We oppose the government's amendments. This has to be about fairness, and the government's amendments are simply not fair—just like it is not fair that after two hours of debate on this critical issue in walks the Minister for Aboriginal Affairs.

It is an absolute disgrace. It is an absolute shame that we have not seen her for two hours. She swans in here and votes on the government's amendments on these critical issues that will affect Aboriginal people. It is an absolute shame. She has also shunned the Aboriginal Lands Trust Committee, a parliamentary committee which for three years she has never called together. What on earth has the Aboriginal community got here in a minister who is meant to represent that Aboriginal community? It is an absolute disgrace that we have not seen the minister here. And for the Premier also not to be involved in this debate also shows a great deal about the lack of his character.

The ACTING CHAIRMAN: I remind the gallery that, although I understand your enthusiasm, it is out of order to barrack.

The committee divided on the amendment to leave out paragraphs (f), (g), (h), (i) and (j):

AYES (24)

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

NOES (22)

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

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (7 and 8) and title passed.

Bill read a third time and passed.

PREMIER: NO CONFIDENCE MOTION

The Hon. M.D. RANN (Leader of the Opposition): I move:

That standing orders be so far suspended as to enable me to move forthwith a motion without notice which will read:

That this House has lost confidence in the Premier as a minister of the Crown and leader of the government and is of the view that the findings of the Prudential Management Group Report on matters reflecting on good and proper public administration arising from the Crammond report, including the key finding that lack of acceptable standards expose our state to perceptions of partiality, favouritism, patronage and corruption, that the misleading nature of statements made by the Premier to this House regarding the Motorola issue, the excessive secrecy surrounding the deal, the lack of due diligence and probity associated with the contract and the Premier's failure to meet

acceptable parliamentary standards, indicate that the Premier is not fit to lead the government of South Australia.

The SPEAKER: I have counted the House and as there is an absolute majority of the whole number of members of the House present, I accept the motion. Is it seconded?

Ms HURLEY (Deputy Leader of the Opposition): Yes, sir.

The SPEAKER: Does the member wish to speak to the motion?

The Hon. M.D. RANN: Yesterday this parliament saw the ultimate illustration of the Olsen government's secret state mentality. The Premier was forced to release a report that criticised him and his government for excessive secrecy, but the Premier had kept the report secret for a year. He covered up the report that attacked him for covering things up.

Members interjecting:

The SPEAKER: Order! Will the leader resume his seat. Can I give a direction here, and I do not want to interrupt again. The reason for suspension is to give the reasons why we are suspending standing orders, which really is to say why it cannot be on at another time and why the debate has to happen today. It is nothing about the speech that the member will give later if the standing orders are suspended and the debate goes ahead.

The Hon. M.D. RANN: The simple matter is: why do we have to hear this today? Because this is the last day of parliament until March next year. The Premier had this report that talks about corruption, talks about his lack of accountability and talks about his favouritism. He has had it for one year. He removed the date of the report and only yesterday released the report because he was forced to do so by the member for Hammond. The report criticises the Premier for his secrecy and lack of accountability, and also refers to a cover-up; a dodgy deal that had been done in this state worth hundreds of millions of dollars was suppressed.

The SPEAKER: Order! Will the leader come back to the motion. He will have ample opportunity to develop the argument if the suspension is agreed to. We are talking about the reasons why it has to be done now and not at a later time.

The Hon. M.K. BRINDAL: On a point of order, sir, I thought it was out of order for any member to stand while the Speaker was on his feet.

The SPEAKER: That is very true.

The Hon. M.D. RANN: You have asked us to explain why it is necessary to suspend standing orders today and not at another time. The reason why we should suspend standing orders today is that this is the last day of parliament and that this report—which was promised to this parliament two years ago—has been suppressed for a year. It was released today—today in the parliamentary sense—because the Premier knew that it was the last day of parliament. This is a good, old fashioned cover-up of the fact that this government has been involved in favouritism and, indeed, in the report's own words, it 'leads to suspicions of corruption'.

The Hon. R.G. KERIN: I rise on a point of order. The Leader of the Opposition is drifting, in defiance of the chair.

The SPEAKER: Order, the member for Hart! I have explained the reasons. I want the leader to be very clear and precise about the reasons why he must have the debate today and not at another time, and keep away from the substance of the subsequent debate.

The Hon. M.D. RANN: That is right, the government wants to keep away from the substance of the issue. The reason that we have to have this no-confidence motion today—and I invite the Speaker to examine Erskine May—is that we have a Premier who said yesterday that he would now insist that his government was accountable, prudent and would insist on probity. For the Premier, this accountability is a one day virus—24 hours later the virus is over, there is no more accountability and the cover-up continues. We have a Premier who, yesterday, had a report—prepared by his own department—that talks about his secrecy and lack of accountability, and yet, today, we have a Premier—with the support, presumably, of a couple of Independents—apparently going to vote to suppress any debate on a fundamental report into issues of governance in this state. That is what it is all about. There is no accountability, no probity.

We have a government that is frightened to have a debate on a report prepared a year ago by the head of the Premier's own department, and that is a disgrace. This is about a $250 million contract that went wrong. We have a government that, yesterday, dropped—on the last day of parliament—a report that talked about a government cover-up. What is the government doing today? It is going back to the cover-up to not allow this parliament to debate that issue. What is wrong with the standards of accountability that the Premier promised us yesterday? Where are those standards? Yesterday, with crocodile tears, the Premier said that there would be a new accountability in this place by his government: he would insist upon it. But today it has all changed—24 hours later probity and accountability are out the window.

Members interjecting:

The SPEAKER: Order! The leader will come back to the reason for suspension, not the debate that may subsequently follow.

The Hon. M.D. RANN: The debate that may subsequently follow will be much more serious in nature about issues identified by the head of the Premier's own department—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —which talk about corruption inside this government.

The SPEAKER: Order! The leader will resume his seat. Let us get this back onto an even keel. I have set down the parameters for this debate. You will have ample opportunity later to develop the argument in the general debate. I do not want to keep interrupting the leader, but I suggest that he keep to the substance of this motion.

The Hon. M.D. RANN: Mr Speaker, you have asked me today, in moving this motion, why we should deal with it today and not on any other day.

The SPEAKER: That is right.

The Hon. M.D. RANN: There is a reason for that—because this is the last day of parliament for three and a half months. This parliament, under this government, seldom sits. I do not know what they do for their money—they go away on holiday. The simple fact is that they enjoy—

The SPEAKER: There is a point of order!

The Hon. M.D. RANN: —but do not want the responsibility of dealing with the issues of this state.

The SPEAKER: Order! Settle down, everybody. Can I remind members that, when the chair rises to speak (and in later debates this afternoon), members should resume their seats, or people will be named and they will not be here for any votes. We have a point of order.

The Hon. R.G. KERIN: The point of order was defiance of the chair. When you were on your feet, he just continued to speak.

The Hon. M.D. RANN: Let us get to the nub of the issue. The Speaker has asked me, as Leader of the Opposition, to explain why it is important for the parliament of this state, representing the people of this state, to debate this report today and not on any other day. The reason is that the Premier sat on the report for one year, erased the date from the report, dropped it on the last day of parliament and hoped that the cover-up would persist—hoped that he would be looked after by elements of the media and hoped that the Independents would not insist on the debate. That is what is really happening.

We want to debate an issue of central importance to this state—a $250 million deal that went wrong—that involved favouritism, that involved the suspicion, according to the report itself, of corruption. I would have thought that a report by the head of the Premier's own department that talks about corruption involving a major government deal should be a subject that this parliament debates. But what happened is, instead of releasing that report so that parliament and the people of this state could read it and then debate it, the Premier sat on that report for 12 months and dropped it on the last day of parliament so that it could not be debated and so that his own involvement could not be exposed, in the hope that Christmas and the possibility of an early election would rid it from public memory.

The standards of this government are that we should not debate a major issue that was addressed by a former Chief Magistrate. We have a report written by the Premier's own department—not by an independent inquiry, but by the head of his own department, together with the head of Crown Law—which found enormous errors of judgment, lack of accountability and secrecy. The Premier's response, hoping that he will be looked after by the Independents, was to sit on that report for one whole year. On the last day of parliament we now have more cover-up, more suppression, no accountability and no probity because the Premier of this state is fearful that several Independents might support and vote for a no-confidence motion against him. We have a government that, in my view, treats this parliament, and the people of this state, with utmost contempt.

The Hon. R.G. KERIN (Deputy Premier): I rise to strongly oppose the motion.

An honourable member: Why?

The Hon. R.G. KERIN: Because it is absolute theatre.

Members interjecting:

The SPEAKER: Order! The chair treats this as a very serious debate, and we are not going to tolerate scatter gun interjections across the chamber.

The Hon. R.G. KERIN: The reason why we oppose it is that, once again, it is an absolute stunt. It is bringing the standards of this place into disrepute. It is absolute theatre. The whole time, despite defying the chair constantly, the Leader of the Opposition looked nowhere but at the television cameras. That is what this is all about. They were well and truly warned about this. The corridors were running with the story that this was going to happen today. They knew they could not get it up, but it was intended to create mayhem. That was the statement made by many people. It was about creating mayhem: it was about disruption of the parliament and the parliamentary process. It was about throwing hand grenades—bring the cameras in; let us have a bit of theatre on the last day of parliament; let us get one more run on television before parliament gets up for the year.

Members interjecting:

The SPEAKER: Order!

Mr Lewis interjecting:

The SPEAKER: I warn the member for Hammond.

The Hon. R.G. KERIN: There are obviously a few others who want to join in the theatre. However, today is a serious day. We have a lot of very serious business to consider. It is about time we got on with the business of the House.

The SPEAKER: I warn the member for Hart.

The Hon. R.G. KERIN: We oppose the motion. It is about disrupting the House and creating mayhem, and it does this House no justice whatsoever.

Members interjecting:

The SPEAKER: Order! Members will resume their seats. Under standing orders only one speaker is permitted on both sides, each speech to be of 10 minutes' duration. The question before the chair is that the motion be agreed to.

Mr CONLON: I have a point of order. I ask you to explain your ruling that there is only one speaker on either side.

The SPEAKER: During voting on a motion for the suspension of standing orders, the mover of the motion may speak for 10 minutes, explaining the reasons for the suspension. One other member can speak for 10 minutes. At the conclusion of that debate, the chair is compelled to put the motion. The question before the chair is that the motion be agreed to. For the question, say 'Aye', against 'No'. As there is a dissenting voice, there must be a division.

The House divided on the motion:

AYES (23)

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

NOES (23)

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

The SPEAKER: There being 23 Ayes and 23 Noes, an equality of votes, I give my casting vote for the Noes.

Motion thus negatived.

Mr FOLEY: I rise on a point of order, sir. Your casting vote was given in favour of the government. Could you please explain the reason for the Speaker's not allowing the parliament to suspend standing orders?

The SPEAKER: The chair is not required to reveal any of its logic or reasons other than to stick to the standing orders and run the House in accordance with those standing orders.

Mr CONLON: I rise on a point of order, sir. I would like to move that standing orders be so far suspended as to allow a debate at 2 p.m. today on the report tabled by the Premier with respect to the Prudential Management Group.

The SPEAKER: The chair is of the view that the House has just resolved that issue.

Mr CONLON: With the greatest respect, sir, the previous motion related to a motion of no confidence in, or a censure motion of, the government. It failed to win the support of the Independents. It has been indicated to me that a motion to debate is a matter materially different—regardless of what the Premier's little butler would like—and may win the support of the Independents. There is no stronger argument that it is a matter materially different than the fact that the vote of the House on it may well be different.

The SPEAKER: If the House thinks that the issue is different, the chair is happy to allow a motion to be moved to attempt to suspend standing orders, and the House can make its own decision. The chair believes that we are starting to canvass similar ground, but I will pass it to the House, which can decide whether it wants a debate at 2 p.m. in relation to that matter. I ask the member to move his motion again.

Mr HAMILTON-SMITH: Sir, I rise on a point of order. I draw your attention to standing order 403, which deals with the issue of no notice suspensions and states:

> After the orders of the day have been called on, no motion for suspension without notice may be entertained until the consideration of such orders is concluded, unless the motion for suspension is moved for the purpose of expediting the progress of a bill or otherwise facilitating the business of the House.

The member for Elder's motion does not do so.

The SPEAKER: I do not uphold that point of order. I ask the member for Elder to re-move his motion requesting suspension of standing orders.

Mr CONLON: I move:

> That standing orders be so far suspended as to allow the House to debate at 2 p.m. today the report tabled by the Premier yesterday of the Prudential Management Group.

The SPEAKER: I have counted the House and as there is an absolute majority of the whole number of members of the House present I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does the member wish to speak in support of the motion?

Mr CONLON: I do, sir. There is a very good reason why this debate should be held, and should be held today. The fact of the matter is that a report, a report that reflects, and I quoted, 'on matters reflecting on good and proper public administration', has been in the hands of the Premier of this state since September last year. The report raises concerns about public administration in South Australia and the Premier's actions, and the Premier did not table that report in this House until the very dying moments. The Premier came to this place during the last question time of the House and tabled the report, in the fond hope that people would not be able to read it before question time was concluded. He was unsuccessful in that, but his fond hope was to have the report tabled and then to scurry off like a thief in the night. It is disturbing, with respect to the previous debate, that, in fact, the Independents—although I would more compare them to invertebrates—are holding the door open for the Premier to scurry through.

Mr Lewis: Don't you reflect on my spine!

Mr CONLON: No, not you Peter. We know where you stand, and you voted the right way.

Members interjecting:

The SPEAKER: Order! For the civility of the House, can we get back to calling members by their electorates and not by their Christian names across the chamber.

Mr CONLON: I point out that I exclude from my remarks, of course, the Independent members for Fisher and Hammond, who have shown some spine with respect to this matter. The primary reason why this debate should be allowed today is that behaviour such as that which occurred yesterday should not be rewarded. We had a Premier who promised to release a report, who hid it for a year and who brought it in and tried to scurry off, as I said. That behaviour alone, setting aside the merits of the matter (and the merits are very serious; it was a damning report), should not be rewarded by a parliament.

The behaviour is exacerbated by this fact. Not only is the parliament denied any opportunity for debate and scrutiny but the Premier went one better. He snuck in his own ministerial statement. We are in the position where, if this matter is not debated today, the Premier's defence in a ministerial statement is put forward with no scrutiny of this House. That is unfair, in anyone's language. I will refer in a moment to Erskine May to show just what a lack of standard is being shown by this government in refusing a debate or refusing a censure motion on the matter.

There is no more eloquent argument for why this matter should be debated today than that made for us by the Premier in his ministerial statement—in his unanswered ministerial statement, undebated, if we are not allowed a debate on this matter. I refer to this sentence in the ministerial statement:

> Mr Speaker, clearly this government is committed to openness and accountability.

Mr Speaker, I can offer no more eloquent words than those for why a debate should be allowed on that report. It is a gross denial of justice for one person's side of the argument to be put in a misleading fashion. The Premier's ministerial statement does not even refer to the blame laid at his feet—the $247 million worth of blame—for a side deal with Motorola. It is a grossly unfair position in which the opposition finds itself.

Since the member for Echuca—Unley, sorry—has seemed so het up about the proper standards to apply, I rely on Erskine May for why a debate should be allowed, why, in fact, the previous debate should be allowed, and I will close with this argument. Eskine May (Twenty-Second Edition, page 280) says this:

> From time to time the opposition put down a motion on the paper expressing lack of confidence in the government—a 'vote of censure'—

These comments I address also to the call for a debate—

> as it is called. By established convention the government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of such motion. In allotting a day for this purpose the government is entitled to have regard to the exigencies of its own business, but a reasonably early day is invariably found.

I will go on, but I say at this point that, to suggest that next March is a reasonably early day to debate a report tabled by the Premier yesterday, is an outrage. But I go on:

> This convention—

The convention that this mob ignored because they had no standards—

is founded on the recognised position of the opposition as a potential government, which guarantees the legitimacy of such an interruption in the normal course of business.

And I rely on this heavily:

For its part, the government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment.

Well, most governments would. I close by saying that, if we are not allowed a debate, after the Premier has been given the chance to put his, then the people on the government side of the House are an assembly of cowards.

The SPEAKER: The Deputy Premier.

The Hon. M.D. RANN: Sir, I rise on a point of order. The standing orders and the conventions of this House say that one person on each side of the chamber shall be entitled to speak. The first member who stood up was the member for Hammond. Let him speak.

Members interjecting:

The SPEAKER: Order! The Deputy Premier had already intimated to me that he wished to speak: I was advised well before the member for Hammond rose. The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): I think that we have once again witnessed what this is all about—

Mr SCALZI: Sir, I rise on a point of order. I ask the member for Peake to withdraw the last statement with respect to the Deputy Premier.

The SPEAKER: What was the statement?

Mr SCALZI: He called him a coward.

The SPEAKER: Order! The Deputy Premier is in the chamber. He is perfectly capable of asking the member for Peake to withdraw. I ask members to conclude this debate.

The Hon. R.G. KERIN: I think once again—

Members interjecting:

Mr SCALZI: Sir, I rise on a point of order. I ask the member for Mitchell to withdraw his reference to me as a coward.

The SPEAKER: Order! This is not helping the tenor of the debate. I ask the member for Mitchell if he will withdraw his inference of calling the member for Hartley a coward. I think that it is unparliamentary in the context of this debate.

Mr HANNA: Sir, there are a lot of things that the member would not be afraid of.

The SPEAKER: I ask the member to withdraw.

Mr HANNA: I withdraw.

The Hon. R.G. KERIN: Once again, we strongly oppose this motion. This is just a stunt. What has happened is that the member for Hart also tried to get his head on the television camera—got up and did it. It is absolute theatre. This is really about television, and nothing more.

Members interjecting:

The Hon. R.G. KERIN: Have a Bex—I think the member had better have a big lunch. Once again, I will repeat what I said before, because there was repetition on the other side. This matter was talked about last night, and it was never about getting a vote up or a debate up. It was about causing maximum mayhem. It was about disrupting the work of the House: 'mayhem' was the word that was used constantly everywhere.

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

The Hon. R.G. KERIN: As I was saying, the fact that this is nothing more than a stunt has been well and truly demonstrated. My statements were justified by some press releases that went out before the vote was held. That is quite amazing. Press releases went out saying that people had voted a certain way when the vote had not been held, which—

Members interjecting:

The Hon. R.G. KERIN: Yes—showed the game that was being played. I just repeat that this is something that was cooked up last night to create mayhem and to disrupt the House. It does none of us any credit. It is about throwing hand grenades. I thought that the Labor Party might well have listened to some of the polling that has been going on about the way its focus groups and others look upon it. This exercise has not helped the Labor Party whatsoever. We need to get on with the work of parliament; there is important legislation before this House. To go around in circles, playing the games that have been played is not much good at all. The Labor Party has lost the plot. We oppose the motion.

The House divided on the motion:

AYES (23)

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

NOES (23)

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

The SPEAKER: Order! There are 23 Ayes and 23 Noes. There being an equality of the votes, I give my casting vote to the Noes, and the measure is resolved in the negative.

Motion thus negatived.

STAMP DUTIES (LAND RICH ENTITIES AND REDEMPTION) AMENDMENT BILL

Consideration in committee:

(Continued from page 867.)

Suggested amendment:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's suggested amendment be agreed to.

Motion carried.

SITTINGS AND BUSINESS

Mr LEWIS (Hammond): Mr Speaker, I would like to wish you, other members, Hansard, and so on, a merry

Christmas. I do not know whether it is possible for me to do so at this stage.

The SPEAKER: Order! The chair would like to reciprocate the greetings from the member for Hammond, but I think the Deputy Premier plans on doing that at a later stage this afternoon. I will have that opportunity to reaffirm my greetings to the honourable member then.

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 611.)

Mr ATKINSON (Spence): It is necessary background to this debate to know that in 1984 our parliament was the first in Australia to divert alleged adult drug offenders whose alleged transgression was simple possession of an illegal substance other than cannabis, from the prosecution system. Such alleged offenders were offered the chance to appear before a Drug Assessment and Aid Panel.

Mr Scalzi: Who was in government?

Mr ATKINSON: The Australian Labor Party, I think.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: A new party? No, the oldest party of all. These panels would comprise three people, a lawyer and two persons who had extensive knowledge of physical, psychological or social problems of misusing controlled substances or who treated people who misused such substances. The purpose of the panels was to have the alleged offender informed about the dangers of illegal substances, such as amphetamines and heroin, and, if necessary, treated by a medical practitioner. If the alleged offender wanted to protest his or her innocence or was unwilling to go through the panel system, then he or she was not diverted from the criminal justice system.

After 15 years of the Drug Assessment and Aid Panel working in South Australia, the government ordered an evaluation of DAAP. This was about the time that the commonwealth decided to pour consolidated revenue into an approach to drug offenders that concentrated on diverting them from the courts and the penal system into consensual medical or other treatment. One must bear in mind that although this was 15 years old in South Australia, dating from the time of the Bannon government and health minister Cornwall, it was new for some states and territories.

When the commonwealth hands out moneys to the states it usually imposes conditions. Those states that did not have a diversion program were to establish one so that they could take the cash. In 1999, the Council of Australian Governments responded to the Prime Minister's drug initiative by establishing national principles for handing out the dough, one of which was 'the approach should, wherever possible, build on existing structures and practices to ensure value for money within the spirit of the COAG communique'. Partisans of our Drug Assessment and Aid Panel would say that South Australia did not need to change anything much to get the cash. The Chairman of DAAP Mr Noel Twohig, a Cork man, says this about DAAP and the evaluation—and I quote:

> DAAP has operated on a total budget of around $300 000 dealing with up to 900 offenders in a 12 month period. The evaluation referred to was long requested by DAAP and was budgeted for by the state government in the 1999-2000 budget year. The primary object of the evaluation was to gain a better understanding of what actually happened to offenders diverted from the criminal justice system.
>
> The management body for tendering regarding this evaluation was the Drug and Alcohol Services Council. The evaluation was tendered as a 12 month exercise to enable meaningful follow-up of clients. This never happened despite the budget allowing for it. The evaluation was cut short after two months by DASC with 75 per cent of the 12 month budget being expended and no follow-up study undertaken. What the minister relied upon was called an interim report which basically told us nothing that we did not know already. The interim report told us that DAAP was under-resourced; that the police procedures for referring clients were slow and inconsistent; that there was a lack of available services for DAAP assessed clients to be referred onto; and that Aboriginal clients were not seen in any numbers by the panels. None of these problems are actually attributable to the functioning of DAAP as an assessment and diversion service.
>
> It is important and only fair that parliament and the public understand that, while it is positive that DAAP is retained in the current bill—

The SPEAKER: Order, the Deputy Premier!

Mr ATKINSON: Thank you for returning the Deputy Premier to the proper dignity to be maintained in the chamber. I continue with Mr Twohig's submission as follows:

> It is important and only fair that parliament and the public understand that, while it is positive that DAAP is retained in the current bill, it is crucial that it have a real existence with a set accountable statutory function. The bill does not guarantee that.

The state government had decided to abolish DAAP and replace it with private consultants to be known as accredited assessors. The parliamentary Labor Party did not much like the idea of individuals acting in a private or contractual capacity, or companies doing the same, making decisions about whom shall be prosecuted and whom not. If an alleged offender decides not to persist with DAAP and the treatment program it orders, his case may be returned to the police for prosecution.

We opposed the bill at its second reading in another place and this resistance found favour with minor party members of the other place, though the Attorney-General warned us about the commonwealth's withholding millions of dollars in cash from us owing to our recalcitrance. Eventually, the Attorney-General realised our opposition was durable and he brought amendments to the other place that would allow DAAP to continue in competition with consultants or other accredited authorities. We were happy to have preserved DAAP and, with the advice and consent of the DAAP chairman, we gave the Attorney-General our word, only to be told later by others that we should have held out for something better for DAAP. In politics one's word is everything so we kept our bargain with the Attorney-General, even though DAAP may face a bleak future with a Liberal government. Critics of DAAP could point to the backlog of cases; to alleged offenders reoffending before being heard by—

The Hon. Dean Brown interjecting:

Mr ATKINSON: Yes, I will refer to that—before ever they got to a DAAP hearing; to Aboriginal Australians not making it to DAAP; and to alleged offenders living outside Adelaide never having a DAAP visit to their region. The Attorney-General told another place that significant delays in referrals to DAAP have resulted in large numbers not attending, not being followed up or returning to court. Well, all true, says DAAP, but able to be overcome with the $9.16 million of commonwealth money available—I read it as over four years—for diversionary programs in South Australia. DAAP asks parliament to build on the foundations

of the current system, but the Attorney-General says the only way to get speedy referral, decentralisation, equity of access and accountability is by making DAAP compete with accredited authorities. In predicting how this legislation will work, much depends on who makes the first referral.

Now, overlaying this parliamentary struggle was a departmental difference of opinion, characteristic of the tertiary stage of governments. The Attorney-General and the Minister of Human Services had long ago gone native in their portfolios—and the minister attests to that, although I do not think it is on the record, in the sense that he says he is a supporter of DAAP: the Attorney-General is certainly not—and had become proxies for the ambitions and doctrines of their departments.

The Minister for Human Services was keen to preserve DAAP from the Attorney and has partially succeeded. The government says that an assessor working alone will do the first assessment of an alleged offender within five days of the diversion from police. According to the Attorney there is a three month waiting period to get before DAAP. The opposition is not happy with the change. We would have preferred to persist with what is in place and have it improved by the massive injection of commonwealth money: $9 million over four years is a hell of a lot better than the $300 000 that DAAP has been working with this year. The opposition does not think the legislation is a necessary response to the commonwealth initiative in order to get the funds, but nevertheless we will acquiesce in the bill—

The Hon. Dean Brown: The commonwealth is saying it wanted the changes.

Mr ATKINSON: The minister says that the commonwealth says that it wanted changes: I doubt very much whether it would have withheld the money from the state that pioneered diversion of alleged offenders from the courts system. The opposition reluctantly acquiesces in the bill.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for his contribution to the debate. I make very clear that I am a very strong supporter of what DAAPs have done because they have pioneered the way for drug diversion in Australia. They were a first and, although there have been some areas where there have been administrative difficulties, they arise from outside the DAAP and cannot be blamed on the DAAP. After approximately four years of operation, it is a matter of looking at how we make adjustments to make them more effective. The commonwealth government wants a system for drug diversion which is similar for juniors, adolescents and seniors (people over 18 years of age).

The federal government does have funds available and we are keen to access those stage 2 funds. The commonwealth is saying that it will provide funds after the passage of this legislation, which is one reason why the government would like to get it through as quickly as possible. The new system still preserves the DAAPs, and that is important. It puts more flexibility into their operation and puts more flexibility and coordination into the entire operation of drug diversions here in South Australia.

The honourable member read out part of a report in relation to an assessment of the DAAP. First, the assessment was quite inadequate because it was never completed; and, secondly, whilst the assessment may have been critical of some aspects of the DAAP, it largely involved issues outside the control of the DAAP. In terms of availability of services in the country, that involved a lack of funding rather than any criticism of the DAAP. Therefore, we get the greater flexibility. This is a significant improvement on the previous bill introduced and, as the minister who now administers the DAAP and will administer the new diversion program in terms of selecting who are the providers, I strongly support this legislation, which I urge the House to pass as quickly as possible.

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

QUEEN ELIZABETH HOSPITAL

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I answered a question yesterday concerning the number of extra beds that have been opened at the Queen Elizabeth Hospital. I have had somewhat conflicting information in terms of the exact number of beds. I was given information yesterday which I was led to believe might be slightly inaccurate. It is only at the margin, but I want to correct the record. First, the claim was made that only two extra beds had been opened. In fact, 20 extra beds were opened at the Queen Elizabeth Hospital in late October and have remained open throughout. They are step-down beds. In addition, other beds were opened up. I indicated that on Wednesday I had been told that a total of 26 extra beds were open. One source now tells me that it was 24 beds. I indicated yesterday that I thought 30 beds were open. I think there was a mistake, because the information that came back talked about an extra four beds and so 26 plus four came to 30 beds. I am told that 24 beds were actually open yesterday.

I correct for the record that 24 beds were available both yesterday and today and 26 beds the previous day. I have had two conflicting reports on the exact number. The point remains, as I said yesterday, that the number of extra beds open is flexible depending on the demand. There were enough beds yesterday and enough the previous day, and I am assured that there are enough beds today, so far at least.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 654.)

Ms KEY (Hanson): I wish to discuss this bill in the form in which it has come back from the Legislative Council because a number of comments were made by the minister in another place, to which I feel I need to respond. This bill had plenty of debate and discussion when it first came before the House and I was the shadow minister. I know that my colleague the new shadow minister, the member for Lee, will certainly want to make some comments. I note that the point I raised in the initial discussion with regard to a division 7 fine being increased five times as opposed to being doubled was a point taken up in another place.

One of the questions raised in debate on the bill related to proposals introduced by the Hon. Nick Xenophon in another place with regard to rights for workers or their agents to follow through with a prosecution. In looking at *Hansard* Of 11 April this year, I note that the minister talked about the opportunity for people other than Department of Administrative and Information Services inspectors following through

with prosecutions. I believe he either mistakenly or selectively quoted from the report called 'The Protection of Workers' Health and Safety, Volume 1: Report of the Occupational Safety, Health and Welfare Steering Committee'.

This document was quoted by the minister. It was presented to the South Australian ministers for labour and for health in 1984. One of the reasons for raising this issue is that I was one of the steering committee members at that time. I note that our report, which was presented on 25 May 1984, was presented to the Hon. Jack Wright, who was then the Deputy Premier and Minister for Labour—and our new shadow minister's father—and also the Hon. John Cornwall, MLC, who was the Minister for Health. As a fairly young person in those days, it was a great honour, and also a good experience, for me to be part of the steering committee looking into occupational health and safety. I well remember the discussions and debates that we held and the witnesses we saw and the submissions we received with regard to this inquiry.

Although it is not related directly to the topic, I would also like to say that I received very sad news today that Mr Cliff Dolan, who was the ACTU President while this inquiry was going on, has died. Cliff Dolan succeeded Bob Hawke as President of the ACTU in 1980 and continued as President until 1985. He had a very deep interest in and passion for occupational health and safety. So, although it is a coincidence that I have the opportunity to talk about this inquiry today, it is very sad news that I bring to this House that the former Leader of the ACTU has died. I remember his interest in the inquiry, and I also remember him as a very important person, along with George Polites, in introducing the traineeship system into Australia—one for which we now have some support and which we have taken on as an initiative, particularly for young people bridging the gap between leaving school and going into the workplace. Mr Dolan was an electrician and, before he became President of the ACTU, was a full-time official with the Electrical Trades Union back in 1949. So it is with great sadness, and a coincidence, that I report on that today.

Getting back to the steering committee report, one might ask why it is important, in the year 2000, to look at a 1984 report. It is because the minister in another place quoted selectively or misquoted what was in that report. Having been a steering committee member, I still have my report which, without being too immodest, I think sets down a really important structure for and an analysis of health and safety. It looked at the model in the UK and the Robens Report in 1972, and it also looked at the UK Health and Safety at Work Act 1974, as well as at other national regulatory systems in health and safety.

Part of the background to the Health, Safety and Welfare Act, as we now know it, looked at the Factories Act 1894 and a number of different issues, including the relationship with workers' compensation and the current administration. In those days, we had the Department of Labour, the Department of Mines and Energy, the Health Commission and health authorities, and then a number of sections which really have not changed that much. There was the occupational health section, radiation control section and local authorities. We looked at resources and services—in particular preventive, consultative and research services in occupational health and safety, and radiation control.

Evidence was received from employers and unions. We also looked at a number of the federal awards that, in those days, had provisions for health and safety. We looked at issues such as protective clothing; first aid kits; protection of employees; transfer to safe work; auxiliary health and safety clauses; workplace agreements (a little different from the workplace agreements that are being put forward by the conservatives today); asbestos related diseases; repetition strain injury (and repetition strain injury, I think it would be fair to say, in the early 1980s was not considered to be as serious an issue as it is today); heat stress; and safety performance.

The report came up with a new framework for health and safety and, as I said earlier, it also looked at the legislation and the role of the state with regard to prosecutions, penalties, the power of inspectors and designation of inspection agencies. Then, of course, it looked at issues such as the control of different hazards, regulations and the appropriate framework that needed to be set up for all the issues that are associated with health and safety.

A view was taken by the steering committee—which was later taken up by the two ministers in legislation—with regard to the power of inspectors. The committee was impressed with the success achieved by the UK Health and Safety Executive in utilising its power to issue improvement and prohibition notices under the 1994 Health and Safety at Work Act. We also thought that it was important not only that inspectors educated the community but also that they enforced legislation and made clear that they would accept no excuse for legislation not being observed and enforced. However, there was a decision that assistance was needed in the process by developing improvement and prohibition notices, and we looked to Victoria at that time because it was a good Australian example of where this process had been put in place.

The Hon. Mr Lawson, in the other place, in his contribution on 11 April 2000, also thought it was worth mentioning the Mathews Report—the one to which I am referring to, Dr John Mathews being the Chairperson of our steering committee. He said that the report led to the 1986 legislation, which is precisely what I have been saying. He said:

> [It] came from a committee that was appointed in the early 1980s by the then Labor government. It established a steering committee on occupational safety, health and welfare. The report, 'The Protection of Workers' Health and Safety', was a most comprehensive report, usually referred to as the Mathews report. One of its members was Ms Stephanie Key, then not a member of this place but now a member of the House of Assembly and currently shadow industrial relations minister. That committee looked extensively at all the issues, and it specifically recommended against giving individuals the right to bring prosecutions in their own name. The committee observed (at page 193), and I think it is worth placing it on the record—

I turn to page 193 in my version of the Mathews report, which was, in fact, the official version. Because I was a steering committee member, I think I can be quite confident in making that point.

The quotes on pages 193 and 186, which the minister supposedly quotes from, do not match up. I raise some concerns about their being not only a genuine mistake, as I said previously, but that I told the minister that he had made this mistake in April and I am fairly sure that he has not corrected that mistake. I was very disappointed to see that my concerns about being misquoted (admittedly from a report dated 1984) were associated not only with such an old report but that the views of our steering committee were attributed to me in this place this year—although, I must say, I have not changed my mind in any way.

I am very concerned that the minister has not seen fit to correct that quote. I do have some personal views about prosecution, and I have made them quite well known, both to the trade union movement and also within my own caucus. I would wish that, as a result of the number of people who are injured and killed in South Australia each year, we take notice not only of the steering committee's structural suggestions and powers with regard to inspectors but that we also put in place some of the other initiatives that were put forward in 1984. If the minister thinks that this was a good report (which I am led to believe, judging by his contribution on 11 April) I appeal to him to make sure that the follow up in terms of powers for health and safety representatives and inspectors, the legal proceedings and, as I said earlier (probably a softer option but I think the practical option), improvement and prohibition notices be looked at by him quite seriously.

I have said in this place a number of times—particularly when I did have responsibility for industrial relations—that I believe education of employees and employers is absolutely essential. With respect to the improvement notice system, I understand from figures from Workplace Services and DAIS that very few improvement notices have been issued in the past 10 years. With regard to prohibition notices, again, one figure I saw a couple of years ago indicated that there had been a 70 per cent decrease in prohibition notices. It would also be fair to say that I have raised a number of times in this House the fact that the government seems to have followed through on very few prosecutions.

Even in cases where people have been maimed or killed, this government does not have a good record with respect to following up those cases. While I do have respect for the Hon. Nick Xenophon in his attempt to broaden out the opportunity for individual workers or their families to follow up on prosecutions, I think that the ground work set out in the health, safety and welfare legislation in 1986 would be better followed by the government and the preventative program (the welfare program), which was the cornerstone of the Matthews report (of which, as I said, I am very proud to have been a part) and which should be the guide for the government: not the very weak position in which many of the workers and, certainly, the inspectors at Workplace Services find themselves.

The culture at the moment is that we just educate: if people do the wrong thing, well, that is too bad. I have been really concerned about the lack of follow up. In the other place this week the issue of the Royal Show and the amusement rides was raised, I think, by the Hon. Terry Roberts. A concern was raised by Labor about the lack of enforcement that would be potentially available in that Royal Adelaide show matter because the regulations have not been proclaimed. This is an absolutely disgraceful situation and I think that the fairly lame answers that have been provided by the minister, both on the radio (I heard him on the ABC, I think, on Tuesday morning) and also in the Council do not demonstrate the concern that I believe the government should have for the whole area of health and safety.

Whilst supporting the bill before us, as indicated by the shadow minister (the member for Lee), I would like to raise these points and say that I hope that as the penalties are being doubled—and, as I said, in the case of individuals being increased five times—that this is an indication that the government is going to use the system. It seems hardly relevant to change the penalties in any way in the light of the government's very poor track record of not acting, whether it be with respect to improvement notices, prohibition notices or prosecutions, and I believe that the government should be ashamed. I am hoping that this change in the penalty rate will serve as an incentive for it to get out there and do what it was supposed to do.

Mr CLARKE (Ross Smith): I support the comments made by my colleague the member for Hanson. I will not take up too much time of the House because the honourable member has covered the area more than adequately. I want to dwell on one aspect to which the member for Hanson referred and that is enforcing our occupational health and safety laws. Since this government has been in office, when I was the shadow minister, there has been a progressive run down of enforcement of health and safety by inspectors. Basically, it has been along the lines—because of the government's direction, if you like—of saying, 'We are just going to educate employers more rather than prosecute.'

It needs both because there are very good employers who take their occupational health and safety responsibilities very seriously, have a comprehensive program in place and do not tolerate slackness either by employees or by their subordinate management when it comes to the health and safety of employees, and I will use two simple examples. I have referred one example to the Minister for Workplace Relations with respect to the prosecution of a motel. I will not name it at this stage but business at this particular motel over the January period slackens off. It does not open for breakfast in the dining room. It has an employee take the breakfast trays up a series of flights of stairs, and so on, to the rooms. The particular woman concerned, who would take up these trays on several occasions, asked her employer for assistance in terms of having someone help her carry these large and heavy breakfast trays—not just one but several—to the different rooms. The employer would say, 'Yes, I will get around to it,' or 'Maybe,' or 'No, we haven't got anyone on, you will have to do it yourself.' This woman has now destroyed her back. She will never really be able to work again—certainly not in the hospitality industry, carrying trays and the like.

She is unlikely to be able to work in a clerical occupation because she cannot sit still in one spot for more than an hour, at the most, because of the pain. She is on medication, all because the manager would not supply either the right equipment to help the woman carry the trays or, in particular, to provide that additional staff member to assist in that job. This woman will get her income maintenance but she is only in her 40s. She would like to have done a range of other things. She does not want to live in pain and she does not want to have to live on income maintenance from WorkCover: she wants a normal life for her own private pleasure and pursuits, like we all do.

At the present time, under WorkCover, because there is no common law for negligence, the only way in which an employer can be brought to book for slack occupational health and safety is to belt them in the pocket and, through prosecutions, we can impose these penalties and double them again. But, unless we have inspectors out on the job and the preparedness of a government to support prosecutions so that wayward employers know that they will be caught and that they will be prosecuted to the full extent of the law, we will get slack attitudes by employers in that area—and slack middle management as well.

I will give an example of something that is closer to home in my case. My daughter recently started working in the hospitality industry as a casual employee. She tells me that,

because of the pace at which she works, there are dangers in the kitchen. She does not work in the kitchen—it is a big hotel—but on the so-called non-slip flooring in the kitchen masses of soapy water wash all over the floor. So, when my daughter goes in to pick up the trays for banquets, and the like, she has to tread very carefully to avoid slipping and/or falling over, which could easily damage her back permanently, at 19 years of age. This is a big company with an HR department, supposedly with occupational health and safety policies, and it has these types of slack attitudes. If my daughter were to complain (and nearly one-third of employees in South Australia are casuals), she fears that she could quite easily just lose her shifts. Of course, because she is a casual and has been working for the company for less than six months, she does not have any rights to unfair dismissal legislation.

We have a very heavy responsibility to provide not only the legislative framework but also the regulatory framework to ensure that employers do what they are supposed to do under the occupational health and safety act and that there are regular inspections and that, when wayward employers are found, they are belted well and truly about the ears in terms of penalties, so that they learn not only through education but also out of the old hip pocket that it does not pay to have an unsafe working environment. We can say whatever we like here about how employers and employees are becoming far better educated and they are doing this and that. In the real world, one-third of the work force is casual and people are fearful of losing their shifts—their rosters—simply because they raise issues of concern with their employer. In fact, in the first example I gave of the motel, the occupational health and safety delegate in that motel was the manager to whom this woman complained about wanting assistance to carry those trays, and nothing was done.

A lot of work needs to be done in terms of enforcement, and the government and the department should not be shy of using resources to prosecute wayward employers, because if we can achieve a better health and safety culture in the workplace it will save billions of dollars—if we just want to look at it in dollars and cents terms—but, more importantly, it will save wasted lives, particularly in respect of our young people, who deserve an opportunity to be in the work force until they decide for themselves that they want to give it away. I urge the government to give serious consideration to reinvigorating the enforcement branch of the department.

Mr HANNA (Mitchell): I support the bill. I support the concept of increasing penalties for occupational health, safety and welfare breaches. There are plenty of them, and they cost the state plenty in economic terms but, more importantly, they cost workers a lot in terms of their flesh and blood, literally. So, while I support what the government is trying to do by increasing penalties, I am well aware that penalties alone are not the only answer. Just as in the law and order debate penalties are not the only answer, the same applies in this area.

I sincerely hope that the government and the WorkCover Corporation will move to incorporate the additional penalties that would be imposed as a result of this measure in their education programs for employers, especially smaller employers who do not necessarily have the benefits of a sophisticated human resources manager or a human resources system within their organisation.

Two measures were proposed by the Hon. Nick Xenophon in another place, and I have a lot of sympathy for what the Hon. Nick Xenophon was trying to do. The first measure related to the right to bring a prosecution where there has been an occupational health, safety and welfare breach. In that regard, it seems to me a fair thing that an aggrieved worker—or the aggrieved worker's family, in respect of a killed worker, in particular—should be able to take up the cause of justice if the appropriate government agency will not take it up. I believe that the inspectors we have sincerely apply themselves to their duties, but they are not sufficiently resourced at present, and I am deeply concerned that under this Liberal government the number and the extent of investigations has not been anywhere near what it should be. It is a matter of priorities in expenditure and application of resources. So, while I do not blame the inspectors we have, I do believe that there have been inadequacies in the investigation and the prosecution of workplace breaches which have led to serious work injuries.

Secondly, there is the issue of whether injured workers should be able to receive a portion of a fine imposed as a result of this measure. That proposed amendment by the Hon. Nick Xenophon in another place was clearly based on a recognition that injured workers are not well compensated for a lot of their injuries. Even if they receive, arguably, fair compensation from the WorkCover system, such as we have, there is still no recognition in that system of the injustice that a worker feels when injured as a result of the negligence of an employer.

The member for Ross Smith has raised one example. I can think of plenty of other examples where not only has the employee been injured as a result of the negligence of the employer but the negligence has been brought to the attention of the employer repeatedly. In this day and age, there are still examples every year of workers being injured because guards are not properly placed on machines. In some cases, guards are deliberately moved from industrial machines, and when that is done the risk of serious injury is increased—and generally that happens because the employer wants to speed up the rate of production.

The Hon. G.A. Ingerson interjecting:

Mr HANNA: If the member for Bragg disagrees with that, of course, I invite him to get up, with the courage of his convictions, and blame the worker—which is what I suspect is his view of the matter. Whereas I have sympathy for what the Hon. Nick Xenophon has tried to do, it is quite clear that we do not have the numbers in this parliament to properly address the issues that have been raised. What we do have is a compromise: it is very much a compromise but it is of some help to injured workers.

The bill as it comes to us from the other place has a provision which entitles injured workers to initiate prosecution, but only after 18 months effectively, after giving time for the inspectorate to investigate and launch a prosecution themselves. My grave concern about that compromise position is that it gives so much time for evidence to be cleared away, for machinery to be shipped out of the factory and dumped, and for witnesses to melt into the background, particularly in the case of some industries which are primarily characterised by itinerant workers.

I am afraid that some of the injustices to which I have referred will continue to occur if the inspectorate is not adequately resourced and if workers themselves—perhaps with the help of their union—are not able to initiate prosecutions within a few months of the injury being sustained.

With those misgivings, I support the bill, because I agree with the policy position that underpins it. However, it

certainly is not the complete answer to resolving the issue of workplace injuries.

Mr WRIGHT (Lee): As has already been outlined by the three eloquent speakers who have preceded me, we support this legislation. I thank the member for Hanson for filling in for me. Her doing so is appropriate, because during this debate it was largely she who had the responsibility as the shadow minister to work on this bill. It has disappointed all of us—and this is not a shot at anybody—that this has taken some time, not through any fault of this House but another place, because this bill has been around for approximately 15 months.

Upon introduction, the bill had bipartisan support. Basically, this bill provides for a doubling of penalties for employers and also a sting for workers, because penalties increase in varying amounts. Sometimes they can increase by up to five times or more for workers, so that certainly would amount to a sting for them. This is an important reform. It needs to be effected as a package, and no doubt the member for Mitchell is correct in talking about some of the other work that needs to be done in this area.

The amendments moved by the Hon. Nick Xenophon obviously led to a whole range of debate which I dare say will continue in varying degrees. Ultimately, the Nick Xenophon's amendments were a position of compromise, which is often what is required in both this House and the Legislative Council, where there has to be give and take on the part of members with regard their opinions. It has ultimately led to a compromise position whereby, once this legislation has been passed, the worker will have an opportunity after 12 months to instigate prosecution if the state has not already done so. However, beyond that notification being given, the state will have a further six months to lay charges upon that notification being given by the worker. That is a welcome improvement.

One of the criticisms is that very few prosecutions are launched. One might ask, 'Why is that a criticism?' Clearly, it is not a criticism if you do not have injuries and negligence in the workplace occurring, but that is not necessarily always so. One could perhaps argue that there should be further investigation with respect to some of the workplace accidents that occur. It would be fair to say, on behalf of the union movement, that it believes there is a lack of inspectors who are there quickly enough to deal with some of these problems. A dearth of charges have been laid in recent years. From an overall package point of view, we have to look at the bill—as important as it is—not only as an important reform going through the parliament to which we offer our bipartisan support—and we welcome and acknowledge the role of the government in bringing it forward—but also from the viewpoint that occupational health and safety is such a critical and important issue that we as legislators must give the highest priority to it.

It does not do any of us in this Chamber or beyond any good when the debate involves an 'us and them' situation. As best we can, with a critical issue such as this we need to try to get around the table and look to the best possible outcomes, both for workers and employers in putting together the most appropriate range of safety conditions possible. Of course, quite clearly beyond that there is a responsibility of the state if a duty of care has not been followed. That obviously is the core of this legislation.

The opposition welcomes this bill, and we hope that it can move through this House rather quickly. We wish it every success.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank all members for their contributions to the debate on what is an important bill. Occupational health and safety is obviously a multi-factorial component of the workplace. I was the minister who introduced this legislation into the parliament, recognising that there is a need for a carrot and a stick approach—and this obviously is a stick. The carrot we determine to be a better workplace, where everyone was focussing on improved safety, and that was exemplified in the Work to Live campaign, which I have previously reported to the parliament has been so successful in changing the culture in the workplace, obviously hoping that that will get much better results in the perspective of diminished workplace injury and, indeed, illness.

For those people who are unfortunately injured, a third component of this is to look at the rehabilitation afterwards. Whilst this bill does not particularly mention that, I am happy to report to the House that the so-called 'WorkCover.com' initiative, which, as Minister for Information Economy and Minister for Government Enterprises, I suggested the WorkCover board might embrace—and to its credit it has done so wholeheartedly—will see people getting into rehabilitation schemes more quickly, and hence the outcomes will be greatly improved.

A number of speakers spoke about the inspectorate. It is important to identify that, over the past three years, an additional 11 inspector positions have been created, which is an increase in the inspectorate of 25 per cent. Obviously that required the generation of funding for that. Again that is another prong to the occupational health and safety efforts of the government. We are pleased that the bill is receiving support from members in this chamber and in another place, and I look forward to the effects of the bill being seen in improved occupational health and safety.

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

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 780.)

Mr WRIGHT (Lee): The opposition once again is happy to provide its support for this bill. The scheme will be changed in a number of areas. The directors will have their retrospective benefits changed. They will be put into the same position as a self-employed contractor and will come under section 37A of the act. There will also be a change to the amount of time that a person can be out of the industry and still continue with the superannuation fund. If you are working for less than five years in the industry and leave and you are out of the industry for 24 months, you will lose your entitlements. Currently, that is three years. If you are in the industry for greater than five years and leave for three years, you will lose your entitlements—that part stays the same.

The part that is reduced is for those workers who are in the scheme and working in the industry for less than five years and leave for a period of 24 months. They will lose their entitlements. As I said, currently you can work for less than

five years and be out of the scheme for three years before you lose your entitlements. So there will be a reduction of 12 months. There will also be a change in the arrangement with regard to pro rata payments. The bill will change the existing arrangements so that the restriction will apply to the period of service in the construction industry. You will also receive a service recognition for an absence resulting from a work related injury to be limited to two years. It also allows workers on allowable absences, such as sick leave, annual leave and so forth, to be credited with the corresponding period of effective service.

In the main, these are a range of changes which will tighten the scheme. The opposition has consulted closely with the affiliated trade unions, the appropriate businesses and board and received advice on this. The advice that we have received is that it is imperative that this bill go through quickly; that the government should have moved much quicker with this piece of legislation; that there have been warnings for some time from the Attorney-General; and that there is a need to protect the sufficiency of the fund. Going hand in hand with these particular changes that I have just referred to, I think on 1 or 2 November this year the levy rate was increased from 1 per cent to 1.6 per cent.

Two to three years ago that rate was 1.6 and was reduced to 1 per cent. That has now reverted back to that figure of 1.6 per cent. The member for Reynell may be able to correct me if I am slightly wrong with the timing of all that, although I am not wrong with the percentages. As a former chairperson of this board—and a very good one, too, might I add—the member four Reynell will probably be able to give some specific examples of some of the difficulties that this particular fund has been experiencing, but certainly the strong advice is that it is imperative for the protection of the fund and for the sufficiency of the fund that this legislation be passed.

I guess it is fair to say that the current act is overly generous. The scheme has been run down and that needs to be addressed. I noted in this year's annual report when reading the president's report that Mr David McNeil identifies just that and says:

> 1999-2000 was a year of enforced consolidation for the board. Lack of progress in negotiations with the government to amend the act prevented the board from both administering the scheme in the best interests of the construction industry and preserving the sufficiency of the construction industry fund.

Quite clearly, it has been identified that changes need to be made and that, unless changes are made to the overly generous nature of the fund, the fund cannot operate in the best interests of the employees who are participants in the fund, and having a fund of that nature is of little value to anyone. It really needs to be addressed and we need to ensure that funds are available to ensure that this scheme is administered in the best interests of the existing employees with respect to their entitlements.

The opposition is pleased to support this bill. It is an important bill and it is overdue. In relation to the changes being recommended, although, in some cases, one might be able to say there is a reduction in the benefits to the worker, in reality it will turn out to be a benefit to the worker. I do not think that some of the examples I gave exist in any other industry in respect of superannuation entitlement, nor do they even exist, as I have been advised, in the building industry. Obviously, the building industry needs to have a transient type fund, but it does not need to have conditions which simply do not make the fund sustainable—that is not in the best interest of anyone, least of all existing employees who are paying into the scheme.

Not only does this have bipartisan support in this House but it also has bipartisan support outside of the House, which is very important as well. This board (which I have already referred to) is made up of both employers, representatives from Business SA, representatives from the trade union movement—nominations by the UTLC; I think there are three from each—and a chairperson. To its credit, the board has given its unanimous support to a bill of this nature. The quicker we can get on with this and ensure it has good passage through both houses, the better it will be for the fund and for existing employees contributing to the fund.

We as an opposition welcome the changes that have been brought forward by this piece of legislation and we believe that a bill of this type certainly deserves the support of both sides of the House and, for that matter, perhaps even the Independents.

Ms THOMPSON (Reynell): As the presiding member of the Construction Industry Long Service Leave Scheme prior to the current presiding officer, Mr David McNeil, I want to add my support to the passage of the bill in a very speedy manner because it has already been delayed well beyond that which was hoped for by the board.

As a previous member of the board, I can testify to the way in which the board works in an extraordinarily cooperative manner. Employer and employee representatives work together in a rigorous but cooperative manner for the best interests of the workers in the construction industry. It is a difficult industry for people to maintain their entitlements. There is so much movement around the industry within the state and, particularly over the last few years with the Olympics construction, there has been a huge amount of movement interstate as well.

During my time as presiding member there was much discussion about the desirability of developing reciprocal agreements with other states so that workers could be protected when they moved interstate. I am glad that success has now been achieved by the board in that respect. When I was presiding member it was the long-term objective of the board both to expand to take in other industries and to reduce the levy rate to zero. The fact that the board is now recommending, very strongly and vigorously, and has for some time, that the levy rate be increased indicates that it really does need to be increased. The board would not be making such a recommendation without having followed a rigorous process of investigation of both its investments and liabilities. The actuary, Mr William Mercer, has been long associated with the scheme and is well aware of its performance and the objectives of the board. His advice that it is imperative to move can be looked on with a great deal of confidence.

One other objective I had when a member of the board was for the board to extend the scheme to other industries where there is a lot of transient work. My preference for the first area outside the construction industry was the hairdressing industry, which is another industry where employees work for many years within the industry but not necessarily with the same employer. I must say that suggestion was not always greeted with enthusiasm by other members of the board, but certainly the desire was there to identify industries where workers missed out on entitlements because of the nature of the industry. This is where the industry was such that long-term service with an employer was not usual.

In the years since I have left the board, and I finished in 1994 I think, the transient nature of the work force has increased rather than decreased. We see many more workers now working on a casual or contract basis for small terms with one employer but often within the same industry. I think the objectives of the board to look at how the scheme can be extended to other industries are even more valid today than they were in the early 1990s when I was working with them. I think it is very important that we act on their recommendation now embodied in legislation and increase the levy; make some changes to the eligibility rules within the scheme so that it can continue to be viable; and, hopefully, extend the objectives to other workers, although it does seem that the objective of having the scheme self-funded might take a little longer. I commend the bill to the House.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members opposite for their support for the bill. I do wish to clarify the time frames because both members who spoke appeared to allege that the government had been unnecessarily slow in coming to this legislative proposal. I am able to inform the House in relation to this because I was the minister at the time. On 14 December 1998, nearly two years ago, cabinet approved a number of proposals for legislative amendments as made by the board. However, we did not approve a proposal of the board that there should be a levy on apprentices. We felt that apprentices in this area are definitely to be encouraged rather than discouraged and, accordingly, we went back to the board and said that we would agree with all the legislative amendments but that we would not put up with a levy on apprentices.

Indeed, the board took the view then that its proposals were a package and that a levy on apprentices was an integral part. It has taken until now for that to be worked through. That is the reason for the delay. We were comfortable with legislative amendments, but did not want to see a levy on apprentices. I thank members opposite for their support and I think the Construction Industry Long Service Leave Act will be bettered by the passage of these amendments.

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

TAB (DISPOSAL) BILL

The Legislative Council agreed to the bill with the amendments and suggested amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly, and which suggested amendments the Legislative Council requests the House of Assembly to make to the said bill.

No. 1. Page 14, lines 6 to 9 (clause 16)—Leave out subclause (6).

No. 2. Page 15—After line 2 insert new clause as follows:

Superannuation Trust Deed

16A. (1) The Trustee must, as soon as practicable, obtain appropriate advice and, on the basis of that advice, determine the amount by which the Fund exceeds that necessary to maintain the level of benefits payable from the Fund to the Members (the Fund surplus).

(2) The Board and the Trustee must, as soon as practicable after the Fund surplus has been determined and in accordance with the Deed, amend the Deed so that 50 per cent of the Fund surplus (or as near to 50 per cent of the Fund surplus as is reasonably achievable) will be applied in the provision of benefits to the Members in a manner that the Board and the Trustee determine to be equitable as between the Members.

(3) If the making of a transfer order or sale agreement will necessitate the making of an employee transfer order, the transfer order or sale agreement must contain provisions necessary to continue the application of the Deed to the employees who will be transferred by the employee transfer order.

(4) In this section—

(a) "Deed" means the deed of trust dated 28 July 1969 establishing the superannuation fund known as the *South Australian Totalizator Agency Board Staff Superannuation Fund*, as amended from time to time;

(b) the expressions "Board", "Fund", "Member" and "Trustee" have the same respective meanings as in the Deed.

(5) This section comes into operation on the day on which this Act is assented to by the Governor.

Schedule of the suggested amendments made by the Legislative Council.

No. 1. Page 24, lines 10 to 13, clause 3 (Schedule 4)—Leave out paragraphs (a) and (b).

No. 2. Page 24, lines 17 to 21, clause 4 (Schedule 4)—Leave out paragraphs (a) to (e) inclusive and insert:

(a) by striking out from section 3(1) the definition of "the Hospitals Fund" and substituting the following definition:

"the Hospitals Fund" means the fund of that name kept at the Treasury and continued in existence under this Act;

(b) by inserting after section 16A the following section:

Hospitals Fund

16AB. (1) The Fund entitled the "Hospitals Fund" established at the Treasury will continue in existence under that name.

(2) The Hospitals Fund may only be used for the provision, maintenance, development and improvement of public hospitals and equipment for public hospitals by making payments as approved by the Treasurer to the Consolidated Account to match amounts appropriated by parliament and paid from the Consolidated Account for those purposes.

No. 3. Page 24, lines 22 to 24, clause 5 (Schedule 4)—Leave out clause 5.

Consideration in committee.

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

That the Legislative Council's amendment No.1 be agreed to.

Amendment No. 1:

The ACTING CHAIRMAN (Mrs Penfold): The question is:

That the Legislative Council's amendment No. 1 be agreed to.

Mr WRIGHT: The opposition moved an amendment with respect to the superannuation which has had a fairly rocky ride to the government's now accepting it and moving an addition to that which basically ensures that the other 50 per cent of the surplus will be paid to TAB or TABCO. That addition which the minister brings to the chamber we are happy to support because certainly the intent of the amendment brought in by the opposition was for 50 per cent of the superannuation fund to go to existing employees and for the other 50 per cent to continue and go to the new owner or, as the minister has said, depending on the circumstances, to TAB or TABCO, and we have no problems with that.

We thought all along that it was important as a part of this legislation that the superannuation matter needed to be addressed. From the outset, we have been a very strong critic of the privatisation of the TAB. Quite clearly we have lost that debate, but we welcome this amendment which is now receiving the support of the government in the House of Assembly. This is in the best interests of existing employees and of the continuation of the fund. From a fiscal viewpoint, the 50-50 split, which the union previously acknowledged it

would support, is the best compromise position, and a resolution of this type is an important one to which we should look forward as a piece of legislation which will work out best for the existing employees and which will also allow the fund to continue subsequent to any arrangements that the government will make upon the passage of this bill and its proceeding with its stated aim of privatising the TAB.

This has been a fairly rocky debate because in committee, when we first debated the bill in the House of Assembly, the minister told us about how a percentage, I think 50 per cent, of the benefits had already been in some way paid to the existing employees. If I have that slightly incorrect, I stand to be corrected. However, some further information was brought back a few days later by the minister to clarify that position. That may have been brought into the House yesterday. We also had the Treasurer making what appears to be contradictory statements, and I am sure the shadow Treasurer will make a clearer assessment of what the Treasurer said.

In looking through the comments made by the Treasurer in another place with respect to the amendment that Labor moved in the Legislative Council, there seems to be an illogical argument that he tries to follow through. At one stage he slams the union. At another stage he has a crack at the opposition and tries to wed them together, saying that, as a result of this amendment, the workers will be at a disadvantage. He was talking about the fund's being wound up and tagging that back to the union and going across and talking about what effects this amendment would have on existing employees if it was to proceed. So, it really was a mish-mash of an argument presented by the Treasurer in the Legislative Council, all of which we have had checked in the past 24 hours, and the advice we have received is that that information given to the Legislative Council by the Treasurer does not stack up.

I will conclude by saying again that a whole lot of this could have been avoided. Much time and energy could have been saved if the government had got around the table with the union and progressed this debate, and if all the information was put on the table as we worked through a whole range of questions, which were led largely by the member for Ross Smith when we were going through this clause by clause in this place. Ultimately, we have reached a good decision. Labor had every intention of moving this amendment during the debate in the House of Assembly, but in part we were sidetracked (not deliberately, I hasten to add) by information that was given to us by the minister, and we subsequently took the decision to move this amendment in the Legislative Council.

Fortunately, in that place the amendment was passed by the narrowest of margins, giving it the opportunity to come back here. Now the government has seen the wisdom of the fine amendment that has been moved. This amendment will give some additional benefits to the existing employees. We do not need to go over the argument again, as we all want to try to get home before midnight tonight.

There is little doubt, certainly on the opposition side and I suspect on the government side, and with the Independents as well as with honourable members and Independents upstairs, what will happen to the existing work force once we have a private operator, who will almost definitely come from the eastern seaboard. One of the existing TABs will by this TAB. There is little doubt that the great majority of the existing work force will either not want to stay or be kept by the new operator, and we will see a huge change and a huge reduction in the number of existing employees.

For that very reason, we need to ensure that the maximum possible protection is given to existing employees, and this amendment is one way in which we have ensured that that will done. I am delighted that finally the government has seen the wisdom of the amendment and has accepted it. It has taken it a long time to get to that position, but finally it is there and we will accept that concession.

Mr FOLEY: It has been a hard few weeks for the Minister for Government Enterprises. I have been a little hard on him over the past few weeks. I am always quick to be critical. However, I saw the Prudential Management report into the probity and conduct of our Premier when he was a minister negotiating the Motorola contract, when preferences were given for what ended up being a $250 million contract, and no cabinet submission was properly considered by Crown Law; a letter offering preference to Motorola was not drafted with assistance from Crown Law; the Economic Development Authority was accused of being gung ho and not talking to the Office of Information Technology; and the Premier, as the then minister, was totally negligent and incompetent, and he should have been sacked. If that is the benchmark of this government, then this minister has actually done better in recent weeks. So the minister can take that as a backhanded compliment. He has not been quite as bad in his handling of these things as the Premier.

However, on this particular issue, it has been a very long and drawn out debate, first highlighted in this place a few weeks ago. It went to the upper house. This morning I read the contribution from my counterpart—my combatant in all things political—the Treasurer, in another place, who went on something of a frolic last night, lashing out at just about everyone. I suppose, as leader of government business in another place, he is a bit tired and testy, but he certainly seems to have a grievance with the union and considered whacking the union as an appropriate course of action. He certainly was critical of Labor members and was attempting to ridicule and to be highly critical of members of the opposition, and others, in another place.

Mr Wright: Not particularly becoming.

Mr FOLEY: No, it was not particularly becoming of a Treasurer to have conducted himself in such manner but, of course, with the Hon. Rob Lucas, that is commonplace. As I read through the debate, he seemed to be missing the point, seemed to be all over the place and seemed to be wanting to vent his annoyance at unions, more than actually debating the specifics of the issue. He was quite dismissive and quite emphatic, indeed, that he would reject this amendment because he thought it was a wrong amendment, a silly amendment, a poorly thought out amendment—a whole series of criticisms. I assumed that today we were going to get a barrage from the government, that we would get another salvo of criticism and that the government would be pulling this amendment to pieces, telling us why it cannot work, telling us why it is factually wrong, telling us why it is a nonsense amendment, and all of that. What do we find? The government has agreed to it.

Mr Wright: They had a sleep last night.

Mr FOLEY: Exactly, and a few hours sleep can change government ministers. Here we find the government agreeing with us—which really should not surprise us because it was a course of action, I understand, that was recommended by the former chair of the TAB and, for some reason, dismissed by the government. We are really back at that point. We are

simply saying that, in a scheme that is transferred to a new owner, should there be a surplus—and there are debates about (a) whether there is a surplus and (b) whether the surplus is $1 million, $1.5 million, $3 million, $4 million or $5 million, although at the end of the day that is not the issue as far as I am concerned—it should be rightly shared between the contributors, being both the government and the work force of the TAB. I would have thought that it is an eminently sensible amendment, something that I thought should have been readily accepted. Clearly, the former chair of the TAB thought it was a sensible thing to do. The actuaries will tell us whether we have a surplus. If we do not have a surplus, there is nothing to distribute: if you have a surplus, there is a mechanism in place to have that distributed. It seemed eminently sensible. I am not sure what all the fuss was about but, as this government has chosen to do, they seem to make—

Mr Wright: A mountain out of a molehill.

Mr FOLEY: They do make a mountain out of a molehill, but they also make life very difficult for themselves. The most disappointing feature in all of this is that with these sorts of issues it should not necessarily be the role of parliament to involve itself in what are, essentially, industrial negotiations.

The Hon. M.H. Armitage: You moved the amendment.

Mr FOLEY: We had to move the amendment because you were incapable of meeting with the union and resolving it. We are the last course of action.

The Hon. M.H. Armitage: You destroyed your own argument.

Mr FOLEY: No, not at all. I am saying that parliament should not need to get involved in industrial negotiations when activities such as this are being undertaken by government—because government should be about resolving them before we get to this place. I would not have thought that it is a difficult challenge for a minister to sit down with a work force and resolve this issue—particularly given your preparedness to negotiate redundancy packages with the unions involved. We have made a number of points about that series of negotiations. Why you could not have resolved this one, in a timely fashion, I think is both disappointing and has wasted a lot of this parliament's time, when we should have had that resolved. It particularly would have saved a lot of debate in another chamber. I suspect my colleague, the Treasurer, would have preferred this issue to have been agreed to at about 8 p.m. last night, because it probably would have allowed him, and my colleagues in another place, to get to bed an hour earlier. Anyway, that is the way this government operates. As I said, I am not going to go over the point too many times.

Mr Clarke interjecting:

Mr FOLEY: I will leave that to the member for Ross Smith. But I want to put this question to the minister, because it is pertinent to the amendment. Given that we have the numbers on the table as to the potential redundancy packages of upwards of $17.5 million, if not more, the $18 million capital outlay, the cost of consultants of some $3 million or $4 million I think, and sundry costs, if for argument's sake a bid of $21 million is put on the table, which is well under the cost of unwinding the TAB from government ownership, is the government going to allow the asset to be sold for under the costs of redundancies and capital payments and the other costs?

The Hon. M.H. ARMITAGE: I can absolutely guarantee that if we get a bid of $21 million the TAB will not be sold. If there are bids which are under 'the value', and, as I have indicated before, if there were other considerations such as employment maintenance and so on and that was a bid that was in competition with another bid that was slightly higher but it did not have employment maintenance, they are the sorts of things we would take into account. We have identified that since day one.

Mr WRIGHT: With respect to that question, obviously as part of what happens in this place there are deliberations, negotiations and give and take, and we have highlighted that in this amendment. But one of the things that has been said consistently by the Hon. Terry Cameron is that he would not support this bill unless he knew and was advised by the government what the value of the TAB is. What advice has he received with respect to that?

The Hon. M.H. ARMITAGE: I have had a number of discussions with Mr Cameron. He has sought a number of bits of advice. I have not provided him with the government's specific valuation.

Mr FOLEY: In relation to the cost of consultants, can you advise this committee about the arrangements in the contract for payment of your consultants for the sale of the TAB? Are those consultants engaged to be paid up until such time as this parliament either passes the legislation to sell the TAB or rejects the legislation to sell the TAB?

The Hon. M.H. ARMITAGE: I hope that I can provide all the answers to the questions. The consultants are paid until the completion of the sale as a monthly fee. As I have already identified, they are paid a success fee, which is 1.25 per cent of the final sale price.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: No.

Mr FOLEY: If, as a government, you had chosen to voluntarily withdraw the legislation because you did not feel that the legislation would pass, is there any penalty in terms of what you would be required to pay the consultants?

The Hon. M.H. ARMITAGE: Again, I think that there are two answers to the question. The first answer is yes; if the government withdrew the legislation voluntarily there would be a payment to the consultants. If it does not sell the TAB, either because of its not passing parliament or market conditions, there would be no success fee.

Mr WRIGHT: I was a bit surprised by the minister's answer to my previous question but that does not mean that I do not believe it: quite the opposite. However, in those discussions with the Hon. Terry Cameron, has he ever mentioned a figure to you about the sale price of the TAB and, if he has, what is that figure; and/or has there been anyone beyond you, in government or from the consultancy, who has mentioned a sale price to him and, if they have, what is that figure?

The Hon. M.H. ARMITAGE: To him?

Mr WRIGHT: To him, yes.

The Hon. M.H. ARMITAGE: I certainly am not my brother's keeper and I have no idea what conversations the Hon. Mr Cameron has or has not had. He certainly does not report them to me on a daily basis. My understanding is that there have been some potential bidders who may have indicated a range in which they were bidding—may have, I am not sure of that; I was not there at the time. The government's experience very much with these sorts of asset sales is that often, as well as those people who identify an interest and end up being part of the bid process, there are two other very important features: those people who identify early that they have a real interest in purchasing the asset and,

when it is actually on the sale block, do not materialise, for whatever reason; and the other particular type is the people who see that the asset is for sale, understand that it would fit their portfolio, keep their cards very close to their chest and tell absolutely no-one until the sale is under way.

Frankly, if people have been expressing an interest in telling anyone a price I, and the government, take absolutely no notice of that because the only price that matters is the one involving those people who are actually in the bid process, because we have seen so many other people not materialise.

Mr FOLEY: Does the federal government's decision to ban internet gaming for 12 months have a material effect on the sale price and value of the TAB?

The Hon. M.H. ARMITAGE: No, because the TAB has its internet licence already.

Mr CLARKE: I will not cover all the ground that my colleagues have covered. I only regret that we are dealing with this amendment, because if the Legislative Council did the job which it should have done and which it says it does, reviewing government legislation, this bill would have been knocked out on the second reading and we would not be here today discussing an amendment. At the end of the day, the TAB will be sold as a result of the passage of this legislation through both houses of parliament, notwithstanding the fact that evidence basically given by the minister in this House, which should have been taken on board by the Legislative Council, clearly showed that massive job losses were in store for TAB workers.

There is very little by way of economic benefit to this state in terms of what price we might get for the sale, less the costs that were identified by my colleagues on the opposition front bench and me. If the Legislative Council was doing its job, as a house of review, it should have chucked the legislation out on the second reading at the very latest. Indeed, I trust that my party, which has a newfound love affair with the Legislative Council given our change of policy on it, will note that, notwithstanding our policy of retaining the Legislative Council, it has not saved our TAB, the Ports Corp, ETSA, and the like.

Those pieces of legislation have gone through and those assets have been lost to the people of South Australia forever. At least in one small measure the Legislative Council has tried to atone for its failure to chuck this legislation out in toto by putting in this amendment, which gives some justice to those staff who, in the event of the TAB being sold to another TAB outside of this state, are more than likely to lose their jobs, and they should at least receive 50 per cent of the surplus, whatever that surplus may amount to in terms of the staff superannuation fund. I find it quite staggering that we had to argue this point at all, that is, until the minister in this chamber said that the real reason why the TAB staff superannuation fund was not being wound up—basically at ministerial direction—was that the minister wanted to use those surplus funds and the staff superannuation fund to up the price of the sale of the TAB at the expense of those staff members, and I find that quite reprehensible. The fact that the Legislative Council has, in a minuscule way, partly atoned—it is not minuscule for the 90 employees—for its failure to knock out the bill to sell the TAB in the first place gives me that limited degree of pleasure to be able to support the amendment to which the government is agreeing.

The Hon. M.H. ARMITAGE: I merely point out that the rhetoric of the member for Ross Smith, the Independent Labor candidate for Enfield—

Mr Clarke: Really?

The Hon. M.H. ARMITAGE: Sorry, they did not hear. The honourable member's rhetoric that this was all being done at the expense of the staff will look good in the newsletters but it is factually incorrect. The scheme is a defined benefit scheme. There was no suggestion that the staff would get anything other than the benefits to which they were quite legitimately entitled, and the money, in fact, would have been applied into the future for superannuation benefits. We reject the claim but we thank people for supporting our amendment.

Motion carried.

Amendment No. 2 and suggested amendments:

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

That the House of Assembly agree to the Legislative Council's amendment with the following amendment: at the end of proposed section 16A(2)—insert the words 'and the balance of the fund surplus will be paid to TAB or TABCO'.

Mr FOLEY: With respect to the sale of the TAB, on what date were the consultants engaged by the government?

The Hon. M.H. ARMITAGE: 1 June 1999.

Mr FOLEY: Is the $2.7 million paid so far in fees for the period of engagement—1999 until now?

The Hon. M.H. ARMITAGE: I need to point out that $2.7 million is for total consultancy costs. There were consultancies prior to CSFB. But they are the total consultancy costs to 1 September 1999.

Mr FOLEY: What is the monthly fee paid to CS First Boston? I take it also that Arthur Andersens will be managing the sale from here—or is it still CS First Boston? Whomever the consultants are to date, and if they are the same consultants into the future, what is their monthly contracted fee?

The Hon. M.H. ARMITAGE: CSFB is being paid $100 000 per month, some of which is rebatable against the success fee.

Mr WRIGHT: From this point on, as this is worked through in trying to achieve a sale, what input will the racing industry have in this process? The government has largely used those people who are in key decision-making positions—whether it be Thoroughbred Proprietary Limited, Greyhound Proprietary Limited or Harness Proprietary Limited. How will they be involved in the process that takes place from now through to the sale?

The Hon. M.H. ARMITAGE: There are a couple of things of import. I have read media reports about the racing industry potentially being a bidder and that, of course, has a number of probity concerns in their being too involved if, indeed, they were to do that. I have no further knowledge of it other than media reports that I have read. The racing distribution agreement, however, allows the representatives of the racing industry a review of the arrangements that have been made. But that would have to be managed quite carefully because of those probity concerns.

Mr WRIGHT: What if they were not a bidder? I appreciate that that is a hypothetical question and the minister could, if he so wished, not answer it. However, I dare say that, in the spirit of this debate, the minister might at least be able to offer us something because, ultimately, I do not think that they will be the purchaser or a bidder when this all shakes out, for a whole range of reasons. I repeat my earlier question because, clearly, it is a critical issue. It is one thing to give them $18.25 million up front and a new formula with regard to the 33 to 41, and the 19 per cent of net wagering revenue, and then—

The Hon. M.H. Armitage: It is 39.

Mr WRIGHT: —39 going on after year 10. But, obviously, the existing employees is one critical area which we have worked through both in this House and in the Legislative Council to the best of our ability—not to the total satisfaction but to some satisfaction, hopefully, of existing employees. Obviously, the financial receipts of the racing industry is one critical area but, if they are half smart (and some of them are and some of them are not: the minister knows who they are as well as I do), beyond the financial contribution they will receive as a result of a sale, they should be very much involved in the progress and the process to make sure that we as a racing industry achieve the best possible outcome with regard to who the purchaser is, how the purchaser will operate and what effect the purchaser will have on the racing industry, on the racing product, on what TAB meetings will be offered—and so the list goes on—as the minister well appreciates.

I think—and I will say up front—that some people in the racing industry have been hell-bent on this deal going through and have made an arrangement with the government with regard to the financial receipts that will go the way of the racing industry—and that is one of their responsibilities. Of that there is little doubt, and we cannot blame them for that. But, of course, beyond that, we now move on to the next debate. Presuming that a buyer is ultimately found and the government accepts an offer, as I understand it, the racing industry will get that money and the new formula, and so on. What, if any, involvement will the racing industry per se have in the process that will take place from now on?

The Hon. M.H. ARMITAGE: The most appropriate time for the racing industry to protect its real interests in this has been up until now, and it did that very effectively in negotiating around the racing distribution agreement which, as the member for Lee knows only too well, has a number of matters in it other than financial ones. And, indeed, it was represented in that negotiation by, amongst others, Mr Phillip Pledge, whom the member for Lee, as I have said before, regards as sitting very close to the right hand of God in financial and other matters. And the member for Hart referred to him as, indeed, sitting perhaps even closer to the financial God than the member for Lee did when they referred to him in previous debate.

As I have pointed out previously, the opposition cannot have it both ways. It cannot say that the racing industry has been duped and hard done by and then say that the person who has been involved in presenting some of the cases, Mr Phillip Pledge, is a dodo. They cannot have it both ways. Anyway, that was the time to protect it. Once that has been done and the sale legislation goes through, it becomes a commercial contract. The Racing Industry Distribution Agreement is part of that. All bidders would have that.

But I suppose the most important thing is that, at the end of the process, as the member for Lee quite rightly knows and has pointed out, the income of the racing industry, other than the first three years, comes from the net wagering revenue in differing percentages and, indeed, that is where the state's tax comes from as well. So, indeed, our interests are very similar from that perspective.

Mr CLARKE: I have a query in terms of the consultants' costs. The standard charge is $100 000 per month, as I understand the answer given to the member for Hart. What do we get for $100 000 a month? How many person hours a month does that involve in actual work? Does that also include the costs of air fares, accommodation and meals if these consultants are based interstate and have to come to Adelaide? I am trying to work out what we get for $100 000 a month.

The Hon. M.H. ARMITAGE: I am informed that it is a very competitive fee in relation to this sort of asset sale. Secondly, it is a capped fee for whatever input is required to present us with the work that is required at that time. I have seen a number of consultants from CSFB, and I know it has other people engaged in the preparation of reports, and so on. It has obviously looked at a number of business issues and other issues as they have arisen in relation to gaming and a general assessment of the gaming industry per se. From here on in, it will be engaged in the sale preparation itself, in preparation of the information memorandum, in the actual negotiations itself, in marketing, in negotiating with bidders, and so on. At the end of the day, given that that is a competitive quote and if they end up with a strong financial deal, we will get good value for money.

Mr CLARKE: I want to explore that further. The bill is now about to be passed to sell the TAB. What work has CSFB been involved over the past 12 months to warrant $100 000 a month? Do we get six economists, four lawyers or someone from London or wherever it might be who has some specialist expertise that we do not have anywhere else in Australia? What type have work have they had to do? Have they been working on it five days a week, eight hours a day for the past 12 months? I doubt it.

The Hon. M.H. ARMITAGE: As I indicated, at times varying numbers of people have been engaged in this. We have had the work of a senior director and an associate director basically full-time. Two to three others have been engaged at various levels of input at various other times in preparation of things such as business valuation, sale structures, SARI negotiations, comparisons with other TABs and other privatisations and sales, and so on. As I indicated, it is a competitive quote for this sort of work.

Amendment carried; motion as amended carried.

Suggested amendment agreed to.

AUTHORISED BETTING OPERATIONS BILL

The Legislative Council agreed to the bill with the following amendments:

No. 1. Page 27—After line 27 insert new clause as follows:

Parliamentary approval required for interactive betting

41A.(1) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must not conduct interactive betting under the licence except as authorised by regulation.

(2) Subsection (1) does not prevent the holder of the major betting operations licence from conducting interactive betting of a kind conducted by the South Australian Totalizator Agency Board on or before 8 December 2000.

(3) a regulation made for the purposes of subsection (1) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(4) In this section—

'interactive betting' means—

(a) betting by means of internet communication; or

(b) betting by any other electronic means of communication that is interactive and includes transmission of visual images.

No. 2. Page 47—After line 4 insert new clause as follows:

Review of Act

92. The Minister must, within 12 months after the day on which section 7 comes into operation, cause this Act to be reviewed and cause a report of the review to be laid before both Houses of Parliament.

Consideration in committee:

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be disagreed to.

I disagree with the amendment because of the wide and ambiguous nature of the amendment itself. The assessment of the amendment is that it seeks to impose restrictions and, indeed, prevent betting on internet products offered by TAB globally. In the government's view, that unduly constrains the potential for the business to compete with other wagering and gambling business in an increasingly technologically based world. We think that it is illogical and, indeed, unfair to a potential purchaser for the government as the vendor to be identifying that one of the risks in gaming is the risk of increasing technology and then to tie the hands of any potential purchaser by saying you cannot make use of the technology in utilising the opportunity for betting to occur.

I am absolutely sure that the amendments are not designed to be ambiguous; I am not suggesting that they are designed to be anything other than clear. However, they are ambiguous in referring to betting of a kind conducted by the TAB on or before a specified date. For argument's sake, if the TAB was offering fixed odds betting on cricket at the specified date but the football season had not started, would it mean that parliamentary approval would be required under the legislation? We believe that it might well be. We think that is an undue restriction, and it certainly fails to recognise the commercial and operational considerations for the business. Certainly, we would contend that it fails to recognise the need to be responsive to other TAB partners' initiatives where pooling arrangements exist such as in the fixed odds betting arena. So the amendment itself is ambiguous.

As I mentioned when we were discussing this matter before, the definition of 'interactive betting' in the amendment is couched very broadly, when one looks at possible technological advances, and it may well preclude telephone betting over time. The opportunity for modern technology to advance more quickly than the legislature can cope with will be a factor more and more, not only in gaming areas but in other areas. To have the parliament addressing that technological advance piecemeal is not the way to do it. By way of example, it has been pointed out that it is quite possible that the mere act of updating the TAB's internet web page for existing bets would require approval under this regulation as a new form of visual image.

I think that the member for Lee would probably agree that that is silly,—and I do not believe that is what the Legislative Council meant by the amendment—but that is the way it is framed. After careful consideration, having recognised that, I indicated to the member for Lee that I would consider this matter. We are unable to support the proposed amendment. We think a fundamental tenet of the TAB sale is that the new owner ought to be able to compete effectively in an increasingly competitive gaming sector. We believe very realistically that interactivity is a way in which they would wish to compete and we would not wish to tie their hands. Accordingly, we are not intending to support the amendment. However, I am aware that there are moves afoot for the general issue of interactivity and interconactivity in the gaming area to be addressed in a more broad sense next year and, if that were the case, this would be certainly something or other that could be looked at then.

Mr WRIGHT: We are disappointed that the government has not accepted this amendment but, nonetheless, we know and understand where it is coming from. As I have said previously, this bill in respect of proprietary racing—and I know we are talking about authorised racing, but this is related to proprietary racing, internet wagering—comes straight from the heart of the member for Chaffey. We excuse, to a degree, some government members because they are not really doing what in their heart of hearts they believe is correct. We can only excuse them to some degree, because a government of stature, a government of strength, would tell her where to go—

The Hon. G.A. Ingerson: And so would an opposition.

Mr WRIGHT: And that is what the opposition will do. This is a dumb piece of legislation and it is being done for the wrong reasons, and I am sad to say that the day will come when that will be proven. That does not make us feel any better about this legislation, but we will wait to see what happens to this concept and we will watch very closely, up hill and down dale, the way in which the government operates in respect of proprietary racing and internet wagering to see what it may or may not do, whether it be through legislation or financial assistance. This will be an examination of a very close kind.

Clearly this debate, when it comes to proprietary racing and internet wagering, has caused a division between Labor and Liberal. It was never any surprise to me that this piece of legislation was passed in the Legislative Council. I can say in total honesty and with complete sincerity that I have never been approached by so many people in the racing industry as I have during the past few weeks about what would happen to the TAB (Disposal) Bill and proprietary racing, and how people would vote. I told them to a tee—this is in total honesty—where the votes would go, what the numbers would be both in the lower house and the upper house—and they doubted me in respect of the Hon. Terry Cameron in the upper house.

He has every right to vote in the way he so chooses, but there was never any doubt in my mind that he would support both the TAB (Disposal) Bill and proprietary racing. I said to the people in the racing industry, 'If you can get on Phar Lap in a maiden at Balaklava, that is a pretty good analogy of the way Terry Cameron will vote. Irrespective of what he tells you about whether or not he has made up his mind, that is the way he will vote'—and that is the way he did vote. However, the blame should not be laid on the Hon. Terry Cameron, because his was only one vote; the blame should be laid on the government. This is a government bill; this is a bad bill; and this is just a small facet that would make this bill better.

I might say that today, when the Minister for Racing came to me with a suggestion about a change as a result of an amendment that the Democrats had made in the Legislative Council in respect of no internet wagering taking place in South Australia, it really should not catch up telephone betting, on a matter of principle I agreed and I conceded, even though I did not have to do so. But on a matter of principle I did so, and did not hesitate in doing so. Hopefully, I will always operate like that while I am in this place, and a few more people on both sides of the House should ensure that that is their first and critical point from which they operate. I will probably be criticised for saying so, but there has to be a bit of give and take in this place.

This amendment does not do the things that the minister suggested it does, or, if that is a genuine belief, it could have quite easily have been tightened up and changed. The minister is correct: there were initial discussions about trying to progress that. We tried; we failed; but, nonetheless, there may be reasons for that. Who knows what that reason might

be? Having said that, I indicate that this amendment is pretty simple and, if it does any of the things which the minister is concerned about, that could have been amended. The intent of this amendment is extremely simple and it is this: if you are to have interactive betting beyond what currently exists, the government should bring that forward by regulation, and at that time, if any single member within 14 days chooses to disallow it, a debate on that will take place.

That may or may not happen—I guess that judgment would be made in the course of time. However, no-one can dispute, if they are genuine, that this is a completely new and different form of gambling. Whether or not you agree with it—and in their heart of hearts most government members do not agree with it but they are doing what they have to do for political necessity (and that is the weak way out)—you cannot get away from the notion that this is a form of gambling completely different from anything ever experienced in South Australia or conducted in Australia—and, might I say, world wide. That is not to say that, in the course of time—and it might be in a very short time—this and complementary forms of gambling similar to this will happen. However, I am pretty sure I am correct in saying that this type of gambling does not exist anywhere else in the world.

What we have here is a new form of gambling. We have a form of gambling whereby people will go on the internet, they will watch the same product on that medium and then reinvest as the events are run. What we currently have with the TAB is that you can place a bet on the internet, if you have a telephone account with the TAB, but you cannot watch the product on that medium. That is the distinct difference. You either have to watch it on Sky Channel—you might have that service at home—or go down to the—

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: Yes, but it is different.

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: Internet; straight in front of you, sit there all day, do not move—it is different.

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: Maybe so. We may differ as to the similarity or difference, and as to its compulsive or non-compulsive nature, but the critical point which is in the amendment, and which was important to have in the amendment, was that we should not interfere with any of that. Quite deliberately, that was structured into the amendment. We do not want to interfere with that. If that already exists, if there are people who place a bet on the internet and watch that product on television, that should not be interfered with.

In fact, if we are to have any addition to what currently exists, even if the minister says there is little difference in the new concept of internet gambling or wagering, at a minimum the government should bring that in by regulation; and at a minimum the parliament should have the opportunity, if it so wishes, to debate that particular regulation. This amendment does no more and no less than that. All this other stuff about which the minister talks in relation to sports betting, we do not want to touch or interfere with that. If on the advice of Parliamentary Counsel that was swept in, we would be more than happy to accommodate changes to the amendment that stands before the House.

Let us make no mistake: this is about satisfying the member for Chaffey; this about the government's maintaining its minority government status. This has been a bill in waiting for three years or more. It has been a bill that the government has never wanted to bring into this parliament. The resistance finally broke down, the walls finally crumbled and, ultimately, this bill was brought into this parliament. Clearly, members on the government side, both in the House of Assembly and the Legislative Council, do not agree with the concept; and they know it is a bad bill which will have an impact on the community; they know it may have an impact on traditional racing if this concept ever gets going. This amendment does nothing but make a bad bill a little better.

The Committee divided on the motion:

AYES (23)

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

NOES (22)

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

Majority of 1 for the Ayes.

Motion thus carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

EDUCATION (COUNCILS AND CHARGES) AMENDMENT BILL

The Legislative Council agreed to the bill with the following amendments:

No.1 Page 14, line 3 (clause 6)—After 'cause' insert the following:

Part 8 and

No.2 Page 14 (clause 6)—After line 9 insert new subsection as follows:

(2) Sections 106A to 106C of this Act expire on 1 December 2002.

Consideration in committee.

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendments be agreed to.

I suggest that we deal with the amendment relating to clause 8 and the inclusion of that amendment in with the review of sections 106A to 106C. This is about the select committee on education of the lower house set up on 9 November in this place, which looks into a number of areas of education, P21, and the inclusion of clause 8 allows the governing councils to be also included in that review. An amendment was put by the member for Hammond that this House agreed to regarding clauses 106A to 106C, which looked at the materials and services charge. The effect of this part of the amendment

allows the governing councils also to be amended. I support that.

Ms WHITE: The opposition will support this amendment. Largely my comments will be similar to the comments that I made when the member for Hammond in this chamber moved an amendment as the bill was going through this House to refer the clauses that related to school fees to the select committee on DEET funded schools. This amendment refers also those parts of the bill that refer to the changes for Partnerships 21 councils. My comments then, which also relate to this move, are that while the opposition does not oppose this it is a far inferior solution than the one the Labor Party moved for when the bill was initially going through this House. At that stage we tried to refer all the bill to the select committee. The impact, had that been successful, would have been that the bill would have had to come back to parliament before it went through its final stages and take the recommendations of that select committee into account and do something about it.

The amendment by the member for Hammond in this place and this amendment dealing with part 8 of the bill comes after the event, after the legislation has gone through. There is no compulsion on the minister to take any regard whatsoever to what comes out of that committee. In fact, it is passed into law before the select committee even deals with it, which is a far inferior outcome and process than was proposed by Labor. We are disappointed that the Independents in this House and in the other place did not go down the road we had proposed and which we believe would have led to a better outcome for schools in this state. However, we are not opposed to this review after the fact, although unnecessary.

Sometimes in this place individual members and Independents like to purport that they have done something to change the outcome of legislation. This is really window dressing because the current select committee on DEET funded schools has two specific references that deal with both Partnerships 21 and school fees, so it is being done anyway and the impact of these amendments is nil. It may make some members feel good and a story may be put out that they have made some change, but in reality there has been no change. Change would have come had the Labor Party's course of action of referring the bill itself to that select committee eventuated, where it could have reported back to this House and would have done that before the bill proceeded. That would have been a better course of action and have led to real change. This course of action is merely window dressing, but the opposition supports the amendment.

The Hon. M.R. BUCKBY: Amendment No. 2 relates to a sunset clause moved by Nick Xenophon in another place. The amendment has been passed by the upper house that a sunset clause of the compulsory materials and services charge be enacted and that it end on 2 December 2002. I support that amendment. The intention of the government is to have a new integrated education bill drafted by the end of March 2001. The House is well aware of this from the broad consultation that has taken place leading up to the drafting of that bill. Following that drafting there will be a period of six weeks consultation before the bill is introduced into the House and this honours the government's commitment to thoroughly and comprehensively consult with key stakeholders on a new integrated bill. This part of the amendment places that sunset clause on the materials and services charge. It allows certainty for the next two years in terms of school councils and the budgeting by school councils and certainty for parents in terms of the materials and services charge. I am therefore happy to support it.

Ms WHITE: The opposition does not support this amendment. It is a feel good clause for Independents in the upper house in order to enable them to vote for this bill. That is all it is. One thing that gets under my skin is hypocrisy and this amendment is just that. The Democrats in another place supported this in enabling Independents who had signalled they would oppose the bill had this not been supported and the Democrats are giving the Independents this out, which is disappointing. With this amendment, for the next two years schools will have to suffer the mess that the government has created for them in terms of school fees. Schools will now have to issue a tax invoice that will have the school fee cut into two, a compulsory charge and a voluntary charge with the GST component on portion of that voluntary charge.

Schools, school principals, all sections of the school communities and the peak associations are opposed to this measure. At the time this bill was going through the lower house, I indicated that I thought there was one peak association that had written to us supporting the bill. That peak association has since telephoned me and recanted from that letter, raising the very same concerns that we raised in this House. So, as far as I am aware, there is total opposition in school communities to what the government has done in terms of school fees for next year.

The government has created a situation which schools say will lead to higher school fees being paid by fewer parents. By creating a tax invoice providing for a voluntary contribution and a compulsory contribution, schools say that a large number of their parents will not pay the voluntary contribution. They are already talking about having to bulk up the compulsory part of the school fees contribution, which will mean an overall increase in fees being charged by schools, but being paid by fewer parents. How can that possibly be a fairer situation for parents? The situation has arisen because the government got itself into such a mess over the GST after promising that there would be no GST on school fees—the minister publicly made categorical promises over and over again, only five months ago. There is now GST on these school fees.

But, worse, in order to try to give the impression that there is no GST on school fees—which, clearly, is contradicted by the information sent out to schools—the government has created a situation that, in practice, will make it harder for schools. It will affect school budgets, making it much more difficult for schools, which are already under pressure financially from this government. It will make it harder for those schools to meet the commitments of providing our high quality education services to their students.

This amended clause before us, coming from the other place, is nothing but a feel-good measure to some Independents who want to support this bill but need an excuse to do so. That is why the government supported it. What a contradiction! The government said that it could not regulate any more; it wanted to put school fees into legislation. It could not regulate on an annual basis as it had been doing—and the opposition certainly did not agree with what it had been doing there—so it inserted a sunset clause which runs for two years. That does not help schools in those two years. They will have to suffer decreased revenue and are already under funding pressure because of this government. This clause is nothing but a very see-through attempt by some Independents to enable them to go out and say, 'We made the bill better.' Well, they have not: they have made it worse.

After our initial attempt failed to send this measure to the select committee, the opposition has been consistent in its efforts to return it to this House for amendment. We have been consistent in opposing measures which do not improve the situation for schools but achieve quite the reverse, including those issues on the Partnerships 21 side of the ledger concerning which parents lose further control under the new measures. The minister gains further control of school councils, despite the rhetoric that the bill was meant to do otherwise and despite the unsatisfactory answers given in the committee debate in this House as to legal implications and accountability of school principals and school councils and the extent of those boundaries of accountability. Despite all this, this bill has passed, rather quickly, through both houses and it now becomes law. We are disappointed because it is an inadequate bill. Both sections are inadequate—the Partnerships 21 section and also the school fees section.

Sending it off to a select committee after the event does not help those schools that are stuck with this mess of a school fee arrangement for the next two years that will impact dramatically on their budget and on their ability to perform the most important task that they have, and that is to provide high quality education for our students. It is a sad day for education in this state, as this inadequate and, I think, technically flawed bill passes through parliament.

Motion carried.

RACING (PROPRIETARY BUSINESS LICENSING) BILL

The Legislative Council agreed not to insist on its amendment No.7 to which the House of Assembly had disagreed, and agreed to the alternative amendments made by the House of Assembly but had made a necessary consequential amendment to the bill indicated by the annexed schedule, to which consequential amendment the Legislative Council desired the concurrence of the House of Assembly:

Page 17 (clause 25A)—Leave out from the definition of 'interactive betting operations' the words 'telephone, internet communications or any other form of interactive electronic communications' and insert 'internet communications'.

Consideration in committee.

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

That the Legislative Council's amendment be agreed to.

This amendment was supported by both the Liberal and Labor Parties in the other place. It simply tidies up the definition in relation to interactive betting, so that it limits any possible conflict with existing contracts. As I say, it received the support of both major parties in the other place.

Motion carried.

SELECT COMMITTEE ON PARLIAMENTARY PROCEDURES AND PRACTICES

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

That the committee have leave to meet during the sittings of the House.

Motion carried.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.W. OLSEN (Premier): I move:

That this bill be now read a second time.

I commend the bill that has come to this chamber from another place. I am delighted that the other place, for the first time, has been prepared to put in place effectively a cap, albeit for a set period of time. The decisive vote in the other place indicates a desire on the part of a number of members of the houses of parliament in South Australia to put in place a cap, and to draw the line in the sand, as I have referred previously. In the period from 7 December (today) through to 31 May, as I indicated in the statement that I made to this House yesterday, I propose to have discussions with a number of interested parties to look at a range of measures that might form a more comprehensive bill that can be considered prior to the conclusion of that period, 31 May next year.

As the proposal comes from another place, it does not adversely discriminate against those people who have applied in recent times. There is no retrospective nature to the measure currently before the House. Previously, I had indicated that 24 November would be an appropriate date from which any such cap would apply. However, the other place has determined 7 December. I certainly accept that date on the basis that no-one therefore is adversely affected in that interim period.

The period between now and 31 May will give us an opportunity to work with a range of parties. There are many points of view and many vested interests in this vexed question. It is something with which the parliament, in a number of different ways, has attempted to grapple over a period of time—to date, unsuccessfully. I want to acknowledge and thank those members of parliament who have created the opportunity for us now to go to the drawing board, so to speak—

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: Yes—and to work up a proposal that will be, I hope, in the long-term interests of the South Australian community. I indicated previously that I was interested in only one thing: an outcome in this debate and not continuing stalemate and frustration as we see the proliferation of those machines within our community. The parliament's determination on this occasion will give us an opportunity to pause, reflect, plan and look then constructively at a new bill in the new year. I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members present, ring the bells.

An absolute majority of the House being present:

The SPEAKER: I have again counted the House and, as there is an absolute majority of the whole number of the members of the House present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does the minister or anyone wish to speak in support of the motion? If not, I put the question. The question before the chair is that the motion be agreed to.

Motion carried.

Mr ATKINSON (Spence): I thank the Premier for bringing ministers in the other place on side to support a pokies cap. It is not a cap that I would have chosen, but some cap in my opinion is better than no cap at all. Without the

Premier's influence, those government ministers in the upper house could not have been brought to the cause. I do not care who originates the cap: I do not care whether it is my bill or the Premier's bill or, indeed, the Hon. Nick Xenophon's bill, as long as there is a pause in the headlong rush into poker machines by hotels and clubs in South Australia.

I do not want to seem ungrateful to the Premier, but I must say that none of this would have happened this year but for the opposition's controversial tactic of attempting to suspend standing orders the Wednesday before last, but I will not persist in that matter.

One of the advantages of the Premier's course of action is that other elements may be added to the bill that would have a more substantive effect in reducing the playing of pokies in South Australia than a cap. I have said before that a cap is a relatively modest measure in combating the corrosive effects of poker machines on society. I would like to see the slowing down of the rate of play from 3½ seconds a press to maybe even 10 seconds between presses, and make that as an ambit claim.

Mr Clarke interjecting:

Mr ATKINSON: The member for Ross Smith says, 'Get rid of them.' He has supported poker machines at every opportunity he has had in the House. Whenever there has been a vote, the member for Ross Smith has supported poker machines, but I would agree with him. Here is an opportunity for the member for Ross Smith to rise in this debate and to correct certain erroneous remarks that he made in his contribution on my bill last week.

Mr Clarke: Yes.

Mr ATKINSON: I gather that the member for Ross Smith will rise now and correct those two erroneous remarks, because I have always said that if we were to eliminate poker machines that elimination would have to be phased in over 10 to 15 years; that the investment of hoteliers and clubs would have to be amortised; and that a replacement tax would have to be introduced on the scale of the emergency services levy incrementally over those 10 to 15 years. I have always said that and I am glad that the member for Ross Smith will acknowledge that and the other error he made which, unfortunately, I cannot now recall, but I will rush to *Hansard* as soon as I am finished.

Another important aspect would be to reduce or to eliminate the noise emitted by poker machines because evidence to the Social Development Committee indicated that that noise is mesmeric and that research is done by poker machines manufacturers—

Members interjecting:

The SPEAKER: Order! Could members lower the level of conversation.

Mr ATKINSON: —to ensure that it is mesmeric. It is not something of which Australia should be proud that we are the greatest gamblers in the world, more than 50 per cent ahead of the next greatest gamblers in the world, namely, the Americans. It is not a source of pride that, in South Australia, before poker machines, women comprised only one in 10 problem gamblers, and now they take their place as 50 per cent of problem gamblers in South Australia. It is a matter for regret that the state of South Australia now lives off poker machine revenue. That is not entirely the state's fault; a lot of it has to do with the way in which the commonwealth and the High Court have been cutting down the bases of state revenue. I think that this measure is a good one, a modest one and deserves the support of the House.

Mr FOLEY (Hart): One would expect me to say this, but I find this a nonsense measure. The fact of the matter is that, at present, 14 503 machines have been approved in South Australia, of which 13 450 are currently installed, which leaves a little over 1 000 yet to be installed. Some 526 applications were lodged on or before 7 December this year and are awaiting approval. They will be allowed to proceed, with this cap. Some 180 approvals have been given for new hotels to be built. That is many thousands of machines—and members will remember those famous words of our Premier: 'Enough is enough.' But the conscience vote on poker machines in the Liberal Party no longer exists. A shift has occurred—

Mr Atkinson: Hear, hear! Excellent.

Mr FOLEY: It certainly exists for the brave ones, but something went on in another place that was clearly—

Mr Atkinson interjecting:

Mr FOLEY: We all know that Premiers can be very powerful people, especially within their own party, from time to time. This is a nonsense cap—

Mr Clarke interjecting:

Mr FOLEY: Yes, perhaps ministers want to remain ministers. And maybe Trevor wants to serve out his remaining term as Attorney-General, I do not know—although he would have been opposed to them, anyway.

Mr Clarke: He has always been opposed.

Mr FOLEY: He has always been opposed: it is unfair of me to say that about Trevor. At the end of the day, a large number of Liberal members decided to support the cap. The one I find the most bizarre is the person who moved this amendment, the Hon. Angus Redford, who had been a very staunch ally of the hotels industry and a very staunch opponent of the cap but, for some bizarre reason that only he knows, he has changed his position.

The reason why I mention those numbers from the outset is that we are three years into a four year Liberal government, seven years into an eight year Liberal term, and the Premier finally finds the courage to make a move—

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: It may be seven into 12. But members opposite have been a long time in government in putting this forward. They have the maximum revenue, possibly, that the state will achieve for some time from pokies. They can put this cap in and protect their revenue base and probably not upset too many people in the hotels industry for now. But the great worry that I have with this bill is that it does not do anything to address problem gambling. It is window dressing; it is feel good material; it is about headlines—as we have seen with the Premier in recent weeks and in recent years. It does nothing to address the issue of problem gambling. It gives the government a significant political win. The problem will be for future governments and, indeed, for future treasurers—whether it be me, the present Treasurer or a future Liberal or Labor treasurer: someone will one day have to lift the cap, because demand and growth will be such that our country towns will be crying out for poker machines, and I just do not know how a treasurer of the day will be able to convince any parliament that it is time to lift the cap.

I think that this bill is ill thought out and ill conceived and does nothing about problem gambling. If the proponents, from the Premier down, who support a cap had really wanted to make a change, it should have been done years ago, when a cap might have had some effect. To have it now is only window dressing. I urge those members who are wavering on this, those members of the Liberal Party who have not had the

pressure applied subtly by the Premier, to exercise their conscience to vote down this nonsense, politically driven cap.

The Hon. R.B. SUCH (Fisher): It is becoming a little repetitive hearing the same arguments raised time and again. This cap will do little. We have heard that there are over 15 000 machines out there: we are almost at saturation point. The Social Development Committee two years ago argued for a cap of 11 000 and reduced it to 10 000. This is tokenistic. The modus operandi should be changed to achieve an across-the-board, fair treatment of all the people who run these machines; a modus operandi which really changes things and which really does things. This is purely, as I said, tokenistic window dressing. Nevertheless, I will support it: it sends a signal. But I think the main signal it sends is that the horse is right across the finishing line. It will make people feel a little better, but it will do nothing to address the key issues, including those faced by problem gamblers.

Mr CONLON (Elder): My views on the cap are on the record, and I will not repeat them. I merely say that it is probably appropriate that it is called a cap, because it is like a cap for a bald man: it decorates the problem but does nothing to solve it—and I am proud of my remarkably high brow, which will shortly be meeting the back of my head, if things are not adjusted quickly!

I understand the motivation for this. It is smart politics: it looks as though you are doing something when you are not doing anything, but it really does not solve any issue. But, with respect to those people, such as the member for not so bright, who suggest that you just abolish poker machines altogether, or some others, and those who think that we should threaten 23 000 jobs in this state, revenues of $200 million, I would suggest a degree of cerebral activity that, if measured in a medical sense, would indicate brain death.

Mr CLARKE (Ross Smith): I will try to be brief. As the member for Spence—

An honourable member: You always say that.

Mr CLARKE: I know I always say that, but I will keep to it. The member for Spence is an avid reader of my contributions to parliament in *Hansard*, and occasionally he picks up oversights or, dare I say, mistakes on my part—and I am always prepared to acknowledge when I make a mistake. It is a good policy, and government members on the other side would do well to take the cue from me.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Yes, he has, and the member for Spence has been very good at apologising to me also for a mistake he made. But I did say, in the contribution I made to the House on 30 November, that he direct mailed into my electorate on a conscience issue, and that was wrong. He does other mailing in my electorate but, on that issue, it was direct mailing into his own electorate.

Another point was raised, and I apologise to all members of the Social Development Committee for saying that no honourable member has put up a resolution that the TAB should pay some of its funds into a gamblers' rehabilitation fund. As the member for Spence pointed out, that was a recommendation of the Social Development Committee, so I owe an apology to all members of that august committee for that oversight—

An honourable member interjecting:

Mr CLARKE: The member for Hartley, the member for Spence—I do not remember the rest of them; I will not go to them all; I do not want to inflame the situation. The last point was, as the member for Spence has quite rightly pointed out today, as he did during the original debate on this matter on 30 November, he had proposed a way of making up the shortfall of $200 million in tax revenue from poker machines, if in fact they were abolished. He supports an increase in the emergency services tax on an incremental basis. That is the member for Spence's proposition. I do not know how many on this side of the House would embrace that. I look forward to the member for Spence putting that up at the next party conference before the next state election—that there will be an increase in the emergency services tax; that that is his preferred option in terms of getting rid of the poker machines.

That is for the member for Spence, and he quite rightly has identified himself in that matter. Lastly, I simply repeat what the member for Elder has said: this is a ridiculous proposition. It is done for base political purposes. It does not address the core issue in terms of problem gambling. By the passage of this legislation we have effectively said to all those hoteliers and club owners who already have licences for poker machines, 'We've just turned you into the Sultans of Brunei,' because we have increased the value of those licences many fold by the introduction of this cap without an increase in taxation. At least if we wanted to make these people equivalents to the Sultan of Brunei, we should have brought in an additional wealth tax as well, so that the community of South Australia could get the benefit.

Mr KOUTSANTONIS (Peake): I agree with the member for Ross Smith on only one of his remarks—that the reason this has been moved was for base political purposes. I have heard the Premier and the Minister for Human Services often talk about their opposition to poker machines and how they think it is a blight on South Australia. The *Advertiser* of 14 November revealed some interesting statistics. In 1993, during the last federal Labor government, there were 940 poker machines in 37 venues. As of this year, there are 12 615 poker machines at 560 venues. This Liberal government, under the leadership of the former Premier, Dean Brown, and the current Premier, John Olsen, have on average added 1 668 poker machines per year in South Australia. That is a real commitment from the Premier, who says he is worried about problem gamblers. What a commitment! He has increased the number of poker machines every year by nearly 1 700.

This is not the first time that the Premier has been caught out by the member for Spence in making announcements and then doing nothing about them in the parliament. There was another instance of that—I think it was the banning of knives—when the Premier was embarrassed into action again by the member for Spence. I agree with the Premier on a few things. I agree to reduce to $1 the maximum bet, to slowing down the rates of spins, to an increase in the minimum return to players, and to cutting the maximum cash input limits from $10 000 to $500. I also agree with the member for Spence that we should reduce some of the noise and light attractions in these poker parlours and that natural light and clocks should be allowed in them. One might even consider smoking bans in these rooms, but I am not quite sure about that matter at this stage. This is base political manoeuvring.

The Premier, as leader of the government, can introduce legislation any time he wishes. I believe that he cares about problem gambling, and I do not believe that he is doing this

for base political purposes. Regardless of which way a member in this House votes, they do it because of a deep commitment, whether it be to the industry and the workers within that industry or to people who have a gambling problem. If he were serious about problem gambling, the opposition would not have had to move for a suspension of standing orders—which he called a stunt a few days ago—in order to get some action: the Premier would have put out the press release, come into the House and got onto it straight away.

Mr HANNA (Mitchell): I support the bill, and I support the cap. Using the poetic licence used by the member for Elder, I think that this cap could also be described as the cap that they use in those little toy pistols: it will make a little noise, it will make a bang, but it is hardly firing live ammunition at the perfidy of gambling machines as they are being run in the state. However, it is better than nothing, and I am glad that the measure has come through. It will achieve little other than be of symbolic value and fire a shot across the bow of the hotel barons who are making such immense profits in some measure at the expense of the 2 per cent or so of users of gambling machines who run into serious trouble for themselves and their families.

I take this opportunity to respond to an article in last Saturday's *Advertiser* which is directly relevant to this bill. The article dealt with the events last week, when the member for Spence moved legislation to impose a cap on gaming machines—or, as I prefer to call them, gambling machines. I objected very strongly to three points in that article, and I have spoken to the journalist about it. First, the journalist said that it was a Labor stunt. Clearly, it was a move by those in the House who sincerely believe that enough is enough and some measure was better than no measure in response to the spread of gambling machines and addiction in this state. So, it was not strictly a party measure, and it could not have succeeded if it was.

Secondly, the journalist made the point that no-one on the Labor side had done anything about this in the term of this parliament. That is not true. The first move I made when I entered parliament in December 1997 was to amend the gaming machines bill to impose a moratorium until the Social Development Committee had reported to the parliament. That measure was rejected, and I left it alone after that, because I assumed there was not support in the House for a similar measure. I am glad to see that there is support for that sort of measure now. Thirdly, the Premier would not have moved on this issue, despite his press releases over the years—and there have been four or five of them; I can cite the precise dates right back to 1997—had it not been for the member for Spence's moving that bill. The member for Bragg is telling me to go on longer, but I think I can leave it there. I do not want to carry on the debate unnecessarily.

The Hon. J.W. OLSEN (Premier): I thank members for their contributions. I respect those members who have a consistent and different view from that which I have put down today. I thank those who are prepared to support the measure before the House today.

The House divided on the second reading:

AYES (30)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
De Laine, M. R.	Evans, I. F.

AYES (cont.)

Geraghty, R. K.	Gunn, G. M.
Hamilton-Smith, M. L.	Hanna, K.
Hurley, A. K.	Kerin, R. G.
Kotz, D. C.	Koutsantonis, T.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W. (teller)	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Scalzi, G.	Stevens, L.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wright, M. J.

NOES (13)

Armitage, M. H.	Brindal, M. K.
Ciccarello, V.	Clarke, R. D.
Condous, S. G.	Conlon, P. F.
Foley, K. O. (teller)	Hall, J. L.
Hill, J. D.	Ingerson, G. A.
Key, S. W.	Snelling, J. J.
Thompson, M. G.	

PAIR(S)

Wotton, D. C.	White, P. L.

Majority of 17 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 27 February 2001 at 2 p.m.

As is customary, first, I would like to give a Christmas greeting and thanks on behalf of the government to you, Mr Speaker. Thank you very much for the job you do, sometimes under trying circumstances. The behaviour of some members sometimes leaves a little bit to be desired, but you have been very tolerant—

Mr Foley interjecting:

The Hon. R.G. KERIN: I could name them actually. The member for Hart, in particular, gives you an extremely hard time and tests your patience enormously. You have a very difficult job and you do it very fairly, and I thank you very much for that.

To all members, thank you for the various levels of cooperation we have received during the year, particularly today. We have been able to get through quite a bit of work which is good and which will enable people to leave at a reasonable time.

To the Clerk and the rest of the House of Assembly staff in the chamber, thank you very much for helping us and for the advice you give to various members on different aspects of the parliamentary process. To the attendants; to *Hansard* for making sense of the garble of some of my colleagues; to the Library staff for the assistance that they give to many members in a research sense and also finding things; to the kitchen staff—the dining room, blue room and the bar—who look after our needs and our figures, thank you very much for the efforts that you put in. To the committee staff, who help us through that aspect of the parliamentary procedure, we thank you very much.

I make special mention of the member for Taylor, who is not here now but who has joined that very select band of members of parliament who have had babies. We certainly wish her and her family well. I wish everyone a good break.

The break is an opportunity to have a breather. The break is not always as good as the media often say it is, but I hope that everyone at least has the opportunity to have some time off. To members' families, all the best for Christmas. As a said, may it be a happy Christmas for you and I hope everyone gets a break.

Ms HURLEY (Deputy Leader of the Opposition): Following on from the Deputy Premier, it is also my great pleasure to extend warm greetings for a wonderful Christmas and happy new year to all the members of parliament and all the staff in parliament—everyone who works in this building and who helps to keep it going.

This is the end of an interesting year. It is the end of the year which either begins the new millennium or is the end of the century, depending on one's personal view of when the millennium starts. This is the end of the year 2000, and I am sure it has been a momentous year for many of us in many ways.

As the Deputy Premier said, it has certainly been a momentous one for the member for Taylor, who gave birth to Thomas Alexander only two weeks ago. Thomas Alexander and his mother are doing very well and we look forward to seeing the member for Taylor in parliament next year with her baby in tow; and we certainly hope that she copes as well as the member for Chaffey seems to have coped with her young baby being brought into the parliament. Certainly, we wish that parliamentary procedures would be a little friendlier to those people with children.

I thank the Deputy Premier, his staff and also the whips on either side of the House for their cooperation during the year. It is sometimes a very difficult business to control some of the incipient chaos that happens in this House, particularly during private members' time, I must say, and on such vital issues as we have from time to time concerning which football team has been the best and most successful is usually the time when we get the most enthusiastic contributions from members. However, it is important for the managers of the business in the House to cooperate to a reasonable degree to try to get us through the business of the House.

It is not always harmonious, but we always manage to end the year at least speaking to each other. It has been a short parliamentary year this year, although for some members at this late stage of events it may have seemed fairly long and drawn out. I am sure the member for Lee would forgive me when I say I do not want to hear the sound of his voice in debate for another few months. He has made some very long and detailed speeches on important issues such as the privatisation of the TAB and the TeleTrak racing bill; he has done a valuable job, but it has seemed to be a long debate at times.

For the staff, of course, we go into a break and, hopefully, this place will now run better with most of us absent. The Legislative Councillors, of course, will be here working hard over Christmas and the New Year, and the staff will be here to ensure that this place, which is their office, runs as efficiently as it normally does. I certainly hope that most of the staff do get an opportunity to have a well deserved break. I certainly very much wish that they enjoy their Christmas period; that they manage to have time with their families; and that they enjoy the new year and 2001 and they see it in with great style.

Unfortunately, we are not coming back at usual in early February next year. It was to be mid March. Again, a shorter and shorter parliamentary year. I am very disappointed that the member for Gordon's initial idea to have the parliament come back in February, which had our enthusiastic support, was not carried out and that in fact a compromise was reached for 27 February. I think it is a great pity that this House does not have more time to debate important issues and, in particular, to deal with private members' time and to have the government open for scrutiny in question time. We reluctantly agree with the new time of 27 February, it being at least an advance on 13 March which had been proposed by this government. In conclusion, I wish everyone a merry Christmas and a happy new year.

The SPEAKER: On your behalf, I extend Christmas greetings to the staff around the building. Within that very large group of dedicated employees, I start with our table officers, and in particular the Attendants who wait on the chamber during the day and into the wee hours of the morning while we sit here. I would like to recognise the Catering Division, the Library, *Hansard*, and the Finance Division (particularly those who work over the road at North Terrace and who are sometimes forgotten), the caretakers (who are here at night after we leave the building) and the telephonists. Indeed, if I start to name too many, I am sure I will forget someone. So, collectively, to all those who work in the building and help us do our job, I say, on your behalf, a merry Christmas and a sincere thank you.

Also, I take the opportunity of congratulating the member for Taylor for the new arrival of the junior member for Taylor. As we saw with the junior member for Chaffey in the gallery from time to time, I look forward to seeing the junior member for Taylor in the gallery from time to time during question time. I thank you all for your cooperation during the past 12 months. Clearly, I cannot perform here and do the work unless I get cooperation at the end of the day. I know that has been forthcoming. Everyone has to make their point and that is what this place is all about. I well remember making the observation once before, repeating the member for Ross Smith's comment, that this is not a monastery. I recognise that everyone has something to say, but we have to work within the rules, and I thank you for endeavouring to try to observe the rules during the past 12 months. I wish you all a very happy Christmas. I hope we come back refreshed in the new year. May God speed and have a very happy and healthy Christmas and new year.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried

The Hon. R.G. KERIN: I move:

That all private members' business now deferred until 15 March 2001 be set down for 1 March 2001.

Motion carried.

The Hon. R.G. KERIN: I move:

That standing orders be so far suspended as to enable Other Motions, Orders of the Day No. 4 to be considered forthwith.

Motion carried.

ABORIGINES, APOLOGY

Adjourned debate on motion of Ms Bedford:

That this House re-states its apology to the Aboriginal people for past policies of forcible removal and the effect of those policies on

the indigenous community and acknowledges the importance of an apology from all Australian parliaments as an integral part of the process of healing and reconciliation.

(Continued from 9 November. Page 441.)

Ms BEDFORD (Florey): I thank the House for its cooperation. This is truly a bipartisan motion. I hope the spirit of the House today carries forward through the festive season into the new year and that we can work together on other important issues for indigenous people.

Motion carried.

[Sitting suspended from 6.04 to 7 p.m.]

COUNTRY FIRES (INCIDENT CONTROL) AMENDMENT BILL

The Legislative Council agreed to the bill with the following amendments:

No. 1. Page 4, lines 3 to 8 (clause 6)—Leave out the definition of "incident controller" and subclause (4) and insert:

"Incident controller" for a fire or other emergency means the person for the time being appointed to be the incident controller for the fire or other emergency in accordance with procedures approved by the Board.

(4) The appointment of an incident controller will end or be superseded by a subsequent appointment in circumstances defined by the Board.

No. 2. Page 4 (clause 7)—After line 24 insert the following:

(3a) The Board must take steps to have any relevant provisions of a management plan for a government reserve brought to the attention of the C.F.S members who might exercise powers under this section with respect to the reserve.

Consideration in committee.

The Hon. R.L. BROKENSHIRE: I move:

That the Legislative Council's amendments be agreed to.

The amendments are very straightforward. All I want to do is thank all members—including my shadow opposite me—for their support and consideration of these important, relevant and realistic amendments.

Mr CONLON: The opposition will support the amendments, as it has in the other place. As the minister suggested, we did what we could to smooth the path for them so that they would be dealt with expeditiously and would be in place before the worst of the bushfire season was upon us.

The amendments address a number of matters that were raised with the minister in the committee stages here initially. I thank the minister and his staff; they have consulted and cooperated. The bill we have before us is evidence that the opposition and the government often work together in the interests of the state.

Motion carried.

NATIVE TITLE (SOUTH AUSTRALIA) (VALIDATION AND CONFIRMATION) AMENDMENT BILL

The Legislative Council agreed to the House of Assembly's amendments without any amendment.

DEVELOPMENT (SYSTEM IMPROVEMENT PROGRAM) AMENDMENT BILL

The Legislative Council agreed to the House of Assembly's amendment without any amendment.

TAB (DISPOSAL) BILL

The Legislative Council agreed to the House of Assembly's amendment to the Legislative Council's amendment No. 2 without any amendment.

AUTHORISED BETTING OPERATIONS BILL

The Legislative Council did not insist on its amendment No. 1 in the bill to which the House of Assembly had disagreed.

CASINO (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 7.13 p.m. the House adjourned until Tuesday 27 February 2001 at 2 p.m.

HOUSE OF ASSEMBLY

QUESTIONS ON NOTICE

SCHOOL CARD

3. **Ms KEY:** What number and proportion of students at each of the following schools received School Cards during 2000—Black Forest Primary, Cowandilla Primary, Goodwood Primary, Heathfield High, Linden Park Primary, Marryatville High, Mitcham Primary, Nuriootpa High, Plympton Primary, Richmond Primary, Rose Park Primary, Stirling East Primary, Warriappendi, William Light R-12 and Yankalilla Area?

The Hon. M.R. BUCKBY: The 2000 School Card scheme eligibility periods and administrative cut-off dates are as follows:

Term	Eligibility Period	Administrative Cut-off Date
1	1 January-11 February 2000	1 May 2000
2	10 April-5 May 2000	16 June 2000
3	3 July-28 July 2000	25 August 2000
4	11 September-6 October 2000	3 November 2000

Allowing for processing and verification the 2000 School Card figures are not available until December 2000, therefore, I am unable to provide you with accurate school card statistics for 2000 at this stage. However, these figures will be forwarded to you once they become available.

YUMBARRA CONSERVATION PARK

31. **Mr. HILL:** What procedures were used and what raw data was collected from the field surveys to the Yumbarra Conservation Park in December 1999?

The Hon. I.F. EVANS: I have been advised as follows:

The survey sites within the study area for the Baseline Biological Assessment Survey carried out in December 1999 were chosen as being:

- representative of major land systems, fauna habitats and vegetation associations;
- areas of conservation value or ecological sensitivity; and /or
- areas of environmental impact arising from possible mineral development.

The flora sampling regime involved sampling the form, height, cover, abundance and lifestage of each species, as well as general characteristics such as landform, outcrop, surface strew, bare earth and litter cover, vegetation condition and structure. The results included nine species which had not previously been collected within Yumbarra Conservation Park. One species listed as rare in South Australia, was recorded. Three species recorded are considered uncommon in South Australia, two species as uncommon or rare on Eyre Peninsula and one species was of uncertain status.

Statistical analysis of the vegetation was also undertaken, and based on the results and air photo and field observations, there were four vegetation types distinguished within the study area. There were no weed species recorded during the survey.

Six fauna sites were surveyed covering the three major habitat types identified (mixed eucalypt woodland, burnt mallee on dunes, mallee over spinifex). A total of 72 species were recorded.

All the raw data is to be provided to the Department for Environment and Heritage and will be entered into the South Australian Biological Survey Database.

DRIVING TESTS

52. **Mr. HILL:** What percentage of applicants are successful on their first attempt at the new Transport SA written driving test, how does this compare with the former test and what is the average number of attempts by an individual under both tests?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

A recent survey of Transport SA offices indicated that approximately 35 per cent of applicants are currently successful on their first attempt at the written road rules test introduced from 30 October 2000.

However, I understand that when the new test was first introduced, the pass rate at the first attempt was in the region of 20 per cent.

Transport SA does not keep statistical data on the number of passes at the first attempt, or the number of attempts by applicants, to enable a comparison to be made between the old and new tests.