HOUSE OF ASSEMBLY

Thursday 4 October 2001

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

HINDMARSH SOCCER STADIUM

Mr LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: During the course of the grievance debate yesterday, and on other occasions, I have referred to the role that you, sir, may or may not have had in the Hindmarsh Soccer Stadium. Sir, at no time have I meant to impugn your reputation or otherwise reflect on the integrity with which you have acted. At no time was I in any way implying that you had acted improperly. I merely drew attention to the fact that you were minister at the time that the proposition was first mooted, and yesterday I drew attention to the fact that, whilst you were minister, Mr Ellis was required to provide a report to the government that, in fact, was damning of the project, but I was not aware of the existence of that report until yesterday.

STATUTES AMENDMENT AND REPEAL (SHOP TRADING HOURS REFORM) BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Industrial and Employee Relations Act 1994 and the Retail and Commercial Leases Act 1995, and to repeal the Shop Trading Hours Act 1977. Read a first time.

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

That this bill be now read a second time.

This measure is about flexibility in regard to shop trading hours; it is not necessarily about more or longer shop trading hours. It includes provision for added consideration for shop assistants—something about which I feel very strongly. It also provides greater protection and gives greater autonomy to small business, particularly those in shopping centres. I have believed for a long time that South Australia's shop trading hours are restrictive and draconian, and this is backed up by surveys that have been conducted in my own electorate and by more recent surveys. One survey conducted by Harrison Marketing for the Australian Retailers Association showed that over 80 per cent of South Australians supported extended trading hours or greater flexibility in regard to shop trading hours.

This is a matter that ultimately comes down to freedom of choice. It should not be a crime to shop; there should be flexibility. Anyone who calls themselves a liberal or, indeed, a democratic socialist should be supporting this measure. I refer to a transcript from the 5AA radio program of 17 April in which Don Farrell, the well respected leader of the union covering shop assistants and people in allied areas, said:

> The . . . .Opposition should support the demand from the public on revised trading hours.

He continues:

> The SDA [which is his union] is open to more flexible trading hours and says SA parliament should vote on the matter.

Well, that is exactly what I am doing—giving the parliament the opportunity to vote on this matter. Let the parliament decide.

To put it politely, the current Shop Trading Hours Act 1977 is a dog's breakfast. It is a smorgasbord of oddities and inequities, covering such peculiarities as the size of the shop floor and the number of employees present at one time. It lists a whole lot of exemptions and creates zones or proclaimed districts that have unfair advantage in respect of their operation compared to others. One could quote from the act at length in relation to some of the quite bizarre provisions concerning aggregate sales that had been conducted over the preceding seven days. It is an act which should not be tolerated in a democratic society; we should be not only a parliamentary democracy but also an economic democracy. I will not go into all the peculiarities of that act, but I encourage members to have a look when they are in a particular frame of mind that will tolerate an examination of that act.

Our lifestyle has changed. I know that in my electorate, where over 80 per cent of married women are in the paid work force, they are looking for changes in terms of access to shopping. We have seen the creation of service stations with extensive shopping facilities, and that, in my view, has largely led to the demise of the corner store—not so much the larger supermarket but the service stations, with their ancillary grocery and other lines, that have led to that demise. The issue is: what do retailers want? I have mentioned what the public wants. A document recently prepared by the Australian Retailers Association states:

> Almost all major, most medium sized retailers and just on half of smaller retailers support full deregulation. They are keen to make the most of their retail assets and those who have stores in deregulated markets have seen a real increase in retail turnover.
>
> Some smaller retailers do not support deregulation. Their concerns are primarily on two fronts. Some, particularly the smaller supermarkets, are worried that deregulation will erode their market share significantly when they are faced with competition from the larger stores (for many, though, their main competitor is actually the service station convenience stores and not the larger supermarkets). The other concern for some is lifestyle and cost related. They consider Sundays their day off and feel it would be impractical, inappropriate or too expensive to employ staff and pay other associated costs for opening on a Sunday.
>
> However, the people who are most against the freeing up of shopping hours are, in the main, those who already have the flexibility to open when they want to (some small businesses and categories such as hardware and furniture, as well as city/Glenelg traders).

To correct a misconception which exists in the community, I point out that, although the Australian Retailers Association has among its membership most of the larger retailers, 90 per cent of its membership is small retailers, so it is quite erroneous to suggest that that group is only acting in the interests of the larger retailers.

We have seen the experience in Victoria, and I think this is very pertinent, where deregulation was introduced, but without any safeguards, in 1996. These statistics come from the Australian Bureau of Statistics, and I can give members who are interested the exact file number. These are the statistics from a study done by the ABS since that deregulation: 24 600 new jobs created in the industry in Victoria; 5 100 new jobs created in small businesses; the number of small businesses and medium size businesses has grown slightly and no change in the number of larger businesses; industry turnover has increased by $2 billion. In South Australia, the Australian Retailers Association has estimated

that, on a population basis, we could expect in excess of 2 500 jobs to be created if shopping hours are freed up here.

One of the arguments put against my proposal, and other similar proposals, is that the retailers do not use the hours they have now. That is a thin argument, because the reality is that the hours that are allocated now are not the best set of hours for traders. For example, in the city, many of the retailers have told me that they would like to open much later in the morning but stay open a bit later in the afternoon, particularly as the weather improves. So, the argument that they have not used the hours is fallacious, because the hours allocated are not the ideal arrangement that suits them and suits the customer. I have mentioned what customers and consumers want and, ultimately, their wishes should be paramount—subject, of course, to protecting the interests of shop assistants and small traders.

The issue of shop assistants and the possible impact on their families is very important. To that end, in my bill I have included a provision to amend the Industrial Employee Relations Act 1994 which provides:

> In determining the hours that a retail employee is required to work under a contract of employment, an employer must take into consideration the impact the hours worked by the employee will have on the members of the employee's family.

Then it goes on to define who they are. Likewise, in relation to the Retail and Commercial Leases Act, my amendment to that act reduces the number of core hours from 65 to 55 and gives small retailers in shopping centres a secret ballot over, say, not only the quantum of hours that they must open but, indeed, in relation to the particular days that they open. So, this is an attempt to avoid the situation where big shopping centres force small retailers to trade when they do not wish to and often when it is not profitable to do so.

Therefore, I propose a package. If other members can suggest amendments or improve on it I would be more than happy, but the package that I am putting up has been endorsed by the executive of the Australian Retailers Association. I know that when Don Farrell spoke publicly he said that he had not read my bill—I did, out of courtesy, send him one. Presumably he has it now. I would be interested to hear from that organisation, in a considered way, what it has to say. I have spoken with Mr John Brownsea, who represents the small retailers, and he will give me some suggestions. I am not saying that he is committed to my bill, but he is prepared to offer some contribution by way of suggestions, and I would take that in a positive light as a means of improving the present bill before the House.

It may appear that I am acting on behalf of the Australian Retailers Association, but it is just a coincidence of timing. As members will have noted from my draft bills, they were drawn up in July, so it is just a coincidence of intention. I do not act on behalf of any group in the community other than my electors.

I stress that this is a package. The package has been accepted by the Australian Retailers Association. They accept the provision in relation to shop assistants. They particularly welcome the protection for small retailers, so I put this forward on the basis that it is a package and it should be treated that way.

I will quote from Barry Urquhart of Marketing Focus, who is recognised throughout Australia as a leading commentator and expert in shop trading hours. This is what he had to say yesterday in response to a question put to him on 5AA. I quote directly from the transcript:

> . . . Barry, for those people who believe this could be the end of small business because it gives the big players a leg up 'cos they've got deep pockets, how true is that in terms of fact?
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> URQUHART: Well, worldwide it's just absolute rubbish. I was in Kuala Lumpur yesterday and the streets were alive and well and trading at all hours. They trade from 10 a.m. until 10 p.m. Last night I arrived on the Gold Coast: some stores were closed, many stores were open, and I think that would be denying many holidayers and international visitors. I think the one thing that we've got to recognise is that small business is coming back. It might be coming back in a different vein. A lot of people said, 'Well, corner shops have gone.' Well, yes, that's to a large extent true, but then the consumers found that they didn't like what was being offered by the multi-stores, and now you're finding that the corner stores are coming back, albeit under a franchise operation.

I point out from his study of shopping in South Australia what we are losing as a result of inflexible trading hours. He gives some figures in relation to tourists—and that is, I admit, an important aspect of my proposal but not the central one. He says, concerning a lifestyle change:

> You've got to accept the fact that the average tourist—international—who comes into South Australia leaves South Australia with at least $1 200 in their pocket that they intended to spend.

The SPEAKER: Order! Would the member for Elder go into the gallery or sit down.

The Hon. R.B. SUCH: He continues:

> Why? Not because of poor merchandise or over-priced merchandise: purely and simply because the stores weren't open when those people wanted to go shopping, and that's the consequences of what you do when you don't give people choice.

So Barry Urquhart is saying, on the studies that he has done—and he is a recognised expert—that international tourists are leaving Australia with $1 200 in their pocket that they would have spent but were prevented from doing so because of our restricted trading hours. In conclusion, this is an important measure. I would like all parties to take it in the spirit in which it is offered. I am a strong supporter of shop assistants and small business.

The SPEAKER: Order! The honourable member's time has expired. Does the member have any explanation of clauses to insert?

The Hon. R.B. SUCH: No, sir.

Mr SNELLING secured the adjournment of the debate.

STANDING ORDERS SUSPENSION

Mr LEWIS (Hammond): I move:

> That standing orders be so far suspended as would otherwise prevent me from moving a motion without notice forthwith which would express confidence in the Auditor-General and the work of his office.

The SPEAKER: I have 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.

Mr LEWIS: In recent hours, questions have been raised as to the competence of the Auditor-General; and whether or not the parliament should have confidence in his office and the work that it does in the public interest. The motion I am proposing simply ensures that the House understands whether or not it has confidence in what the Auditor-General has done, should do, and can continue to do under the act. I believe that at this moment in our democratic history it is important for us to determine that and state it without equivocation.

Motion carried.

AUDITOR-GENERAL

Mr LEWIS (Hammond): I thank the House for its indulgence. I move:

That this House has complete confidence in the Auditor-General as an officer of this parliament and his staff and the work they do in protecting the public interest.

This motion is self-explanatory. As members, you either agree with the motion or you do not.

The Hon. M.D. RANN (Leader of the Opposition): I am pleased to support this motion of confidence in the Auditor-General. I believe that Mr MacPherson, along with other former Auditors-General, have basically conducted themselves not only with great dignity but have also upheld the highest judicial traditions of the role of the Auditor-General as an independent officer of this parliament.

Let us face facts. Yesterday we saw an attack on the Auditor-General; we saw several members opposite attack the Auditor-General. Whenever the independent umpire finds against a member of this government, its first resort is not to deal with the issue but to attack the independent umpire. I think it is vitally important that this parliament expresses its confidence in and support of the integrity and expertise of the Auditor-General, Ken MacPherson.

This report, which has taken several years to complete, is one of the most thorough studies I have seen. It goes to the heart of government. It talks about cover-ups; it talks about the destruction of documents; and it reveals that ministers gave evidence against ministers. Indeed, it appears that Minister Evans was one who essentially did the right thing in turning Queen's evidence against his ministerial colleagues.

But it also goes to the heart of what we as a parliament want. Ultimately, we have appointed the officer of the Auditor-General with bipartisan support to conduct himself in a non-partisan way. That is the job we have asked him to do. He is to do so without fear or favour. He is not the head of a government department who is politically appointed and reports only to a minister. His job is not to report to the government or to the opposition but to be the independent officer who reports to us all. He is the defender of the integrity of the system. He is the person who is supposed to go into government departments and conduct inquiries without fear or favour—and he has done so. I think we need not only to support the Auditor-General but also to express, in the clearest possible terms, by a vote of every single member of this parliament, that he has done the right thing by telling the truth. And that is the problem. If this government has a choice between a cover-up or telling the truth, time and again it has chosen the cover-up.

What we have seen in the report published yesterday goes to the very essence of what is wrong with this government. This is a government that does not believe in ministerial responsibility. This is a government that does not believe in the accountability of ministers to parliament. This is a government that prefers to cover up rather than own up. That is what happens: it only ever owns up when it is totally caught out. There have been lies after lies told about this whole process—first the water deal, and now the Hindmarsh stadium. There could be no more poignant symbol of what is wrong with this government.

Here is a government that told us that the Hindmarsh Soccer Stadium would cost $6.5 million. It ended up costing $41 million. That $41 million could have funded 40 000 operations in our public hospitals; it could have funded more than 700 teachers in our schools; and it could have funded 185 acute beds at the Queen Elizabeth Hospital. This is a government that has its priorities totally wrong. It can always find the money for soccer stadiums or wine centres, or hundreds of millions of dollars for consultants, but can never find the money for things that count—things such as rebuilding our hospitals and schools. The Auditor-General has blown the whistle on this government—not just on Minister Hall and not just on the Cabinet Secretary Mr Ingerson. But what he has reported goes to the top. The simple fact is that the Premier of this state was the person who said that we had to have the Hindmarsh Soccer Stadium in all its $41 million worth of glory in order to secure Olympic soccer, and that was totally untrue. The parliament has been misled by this government, and the public has been misled by this government. We have seen documents shredded; we have seen parliamentary committees not only abused but deliberately misled; we have seen the parliament misled; we have seen the cabinet misled.

This Auditor-General has taken the difficult step of not only reporting the truth but also speaking out against conflicts of interest and about conflicts of duty. I think it is important for us all, regardless of party, to put the people of this state and the parliament of this state first. We can do so in no better way than by supporting a motion of confidence in the Auditor-General. He is responsible for leading the charge to clean up what is rotten about this government. He has spoken out without fear or favour. He deserves the support of every single member of parliament who believes in the integrity of parliament and who believes that government should be honest.

Mr FOLEY (Hart): I am not surprised that not one member of the government has chosen to speak. I will speak briefly and, as shadow treasurer, it is important that I make some comments. First, the office of the Auditor-General and the person who currently occupies that office deserve the unqualified support of this parliament at all times and, in this case, there has never been a more pressing time for this parliament to express that support. Since 1993 a number of very important inquiries have been undertaken by this Auditor-General that go to the heart of good governance and to the heart of the conduct of this government.

As the leader pointed out, we can go back to the early to mid 90s and the water inquiry in this state—a very sad day in public administration in this state. The Auditor-General had to make some quite damning findings about the conduct of government during that process. Through the sale of the ETSA generating, distribution and transmission assets, the Auditor-General tabled in this House numerous reports which were, in varying degrees, often critical of the government. We saw the quite unprecedented move where a parliamentary select committee was established to enable the Auditor-General to articulate his concerns about this government's conduct in the leasing and the sale of ETSA—never done before, unprecedented.

It demonstrated his concern about the way in which this government is operating. He virtually pleaded for the opportunity to have a voice and a forum in which he could address directly, with members of parliament, his concerns about the sale and lease of ETSA. What reaction did we have from government? We saw the Treasurer of this state, a minister of this government (and no minister has a closer relationship with the Auditor-General than the Treasurer of

South Australia), criticise and attack our state's Auditor-General. When the Treasurer of this state stoops so low that he has to attack and vilify the Auditor-General that is, no doubt, the first of many attacks that lead to a loss of confidence by some in the office of the Auditor-General.

I will never forget the audacity of the Treasurer in accusing Ken MacPherson, the state's Auditor-General, when he released one of the reports on his inquiry into the lease of ETSA and the generating assets. The Treasurer said of our state's Auditor-General that he did not live in the real world—this from a politician who, I do not think, has ever worked a day in the real world, having been a professional political staffer, a political operative and a member of parliament for most of his working life—but that is another story. Again, one of the highest office holders in this government attacks the Auditor-General because the Auditor-General simply did his job.

All members on this side of the House and all members opposite know the amount of discussion about the role of the Auditor-General that has occurred behind the scenes. It has been quite destabilising, or at least the efforts of many members opposite have been an attempt to destabilise the office of the Auditor-General of this state. Yesterday we saw the nearly 600 page report of the Auditor-General on the Hindmarsh Soccer Stadium. It is a damning report, much of which has already been covered and much of which will be covered in the days, weeks and months ahead. I want to highlight the reaction yesterday from a minister of the Crown, and I will paraphrase the minister. In response, the minister—a minister of this Premier's government—said of the Auditor-General:

> I believe that he is seriously mistaken. His criticism is misdirected and, in my case, he is just plain wrong.

For a minister of this government, who has been found guilty of recklessness, incompetence and a deliberate and deceitful act, to attack the Auditor-General plunges this parliament, this government, to new lows. It is incumbent today upon all members to reaffirm our unanimous and total support for the office of the Auditor-General. If one member of this House chooses not to support this motion we will have a crisis of confidence in the office of the Auditor-General. I plead to all members of government and to all Independents that they must support this motion: it must be unanimous.

If one member of this House chooses not to support the Auditor-General, that therefore is a crisis of confidence in this state's official independent watchdog; and this will be a further crisis of confidence in this discredited government and, unfortunately, in the inappropriate actions taken by it.

Mr WRIGHT (Lee): I will also speak briefly. This motion has been two years in the waiting. We were told time and again by the government that everything with regard to the Hindmarsh Soccer Stadium was squeaky clean. We were told that we had to build stage 2 because, without doing so, SOCOG would not give the approval for Adelaide to host the Olympic soccer tournament. That really was the linchpin of the government's argument. That argument was shredded yesterday. When the Auditor-General released his report yesterday it was there for all to see that that was never a requirement of SOCOG. This issue goes right to the heart of government.

It does not stop with the Minister for Tourism; it does not stop with the member for Bragg; and it does not stop with the Treasurer: it goes right to the heart of government; it goes right to the top of the tree, and that is the Premier, because it was the Premier who also told us that we had to build stage 2 in order to secure the Olympic soccer tournament. Labor knew from day one that that was a lie, and yesterday it was proven when the independent financial watchdog released his 600 page report, not only about that but also about the processes and the accountability that were not put in place by this government.

This goes right to the core of good public policy. This goes right to the core of good government and it stops right at the Premier, and the Premier should take responsibility. We have no choice but to support this motion—no choice whatsoever. We have been waiting for this report. We were told by the government that there would be nothing in the report that would find this government wanting with respect to the building of the Hindmarsh Soccer Stadium. Little did we know that every page of a 600 page report was quite the opposite—not just parts of the report but every page of the 600 page report finds this government guilty with respect to the Hindmarsh Soccer Stadium.

It finds the Premier guilty; it finds the Treasurer guilty; it finds the Minister for Tourism guilty; it finds the former Deputy Premier guilty, and the list goes on. The government ignored all the processes of good government. It ignored all the accountability processes that any good government must go through. Ministers of the Crown, parliamentary secretaries and the Premier of the state have all been found wanting in this report. One has to look only at the first chapter, the summary, the first 34 pages, because it sets out a clear case.

We have no choice but to accept this motion. We need to express confidence in the Auditor-General. If we do not do so we will be a greater laughing stock than we are already as a result of this government's action and inactivity in terms of the right procedures with regard to running good government. We have conflicts of interest; we have assertions supported by evidence given to the Auditor-General. Clearly, he did not believe information given to him by the member for Bragg about the shredding of documents. He could not rely on the chronology of events that had been put before him as a result of the shredding of these documents.

The Auditor-General simply did not believe the evidence the member for Bragg put before him. This document contains it all. This document proves what Labor has been saying about the Hindmarsh Soccer Stadium and about the lack of processes and accountability by this government in the building of the stadium. It also proves, once and for all, that the government's assertion that it had to build stage 2 in order to secure the Olympic soccer tournament was nothing but a lie, and it stops right at the Premier.

Mr De LAINE (Price): I support the motion and point out that the Auditor-General has been appointed by this parliament to oversee processes of government, whether it be this present government or future Labor governments. That is his job. I believe that he does the job well. In my view the evidence that he has put forward in the report is irrefutable and, in order to maintain accountability and transparency, which are very important to any state and any government, I support the Auditor-General in this case.

Motion carried.

HINDMARSH SOCCER STADIUM

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

Leave granted.

The Hon. J. HALL: This is a strange statement for me to make today in view of the three quotes in the Auditor-General's Report—that my 'integrity is not the issue', that 'I accept Mrs Hall's submission that she acted in good faith', and he repeated, 'I accept Mrs Hall's submission that she acted in good faith.' The report on the Hindmarsh stadium is a story about the Auditor-General's venture into politics and his fabric of accusations and opinions that would never withstand—

Members interjecting:

The SPEAKER: Order! This is an important statement. I ask members to respect it in silence so that we can hear it.

The Hon. J. HALL: —and his accusations and opinions that would never withstand the test of a court of law. The Auditor-General's main accusation about me is that I had a conflict of interest because I was the Ambassador for Soccer and proud of it. Let me tell you about the Auditor-General and me. Toward the end of 1997 the Premier advised me that the Auditor-General would phone me to discuss issues raised in his annual report, including the role of parliamentary secretaries. He duly rang and our conversation ranged over several topics of mutual interest. We discussed my appointment as Minister for Employment and Youth and how that would be a different role and workload from that of a parliamentary secretary.

I then asked him if he thought I had any difficulty with conflict of interest, given my role as Ambassador for Soccer. I asked him if I should resign as Ambassador for Soccer. He said, 'No, that would not be necessary.' I relied on that reply. I now pay the price for believing him then. I did not know in late 1997 that his word would not pass a reliability test in 2001. Its use-by date is less than four years. The Auditor-General misled me. His turnaround since 1997 is of less concern than his fundamental error in his claims about conflict of interest. He reveals his ignorance or wilful disregard of the relevant standing orders of parliaments of Australia and the parliament of Westminster.

The South Australian House of Assembly standing orders have one reference to this, No. 321, which states:

> A member may not sit on a committee if that member has a direct pecuniary interest in the inquiry before that committee.

I had no pecuniary interest and the committees on which I served were not parliamentary committees. In addition, I refer to chapter 10 of a book entitled *Members of Parliament—Law and Ethics* written by Associate Professor of Law at the Bond University, Mr Gerard Carney. In one of the most current and up-to-date works on this subject, he states:

> This chapter examines the nature of these conflicts of interest and then considers the two most prevalent mechanisms to deal with them: ad hoc disclosure and the register of interests.

Mr Carney goes on to say on pages 354 and 355:

> The 1974 resolution of the House of Commons refers only to pecuniary interests, as do the standing orders of most of the Australian state parliaments and the codes of conduct of New South Wales and Tasmania. The notable exception is the statutory requirement in Victoria to declare not only any direct pecuniary interests but also any other material interest, whether of a pecuniary nature or not. Non-pecuniary interests cover personal interests which arise in assisting or promoting the interests of a relative or friend or interests of an organisation in association such as a sporting, cultural or charitable body, of which the member of parliament is a member.

So Victoria wants more than a declaration of pecuniary interests. It requires declaration of an interest in a sporting body. This is an extract from a speech I made in the Assembly on 15 February 1996:

> I am pleased to be associated with soccer in this state and very proudly with my new job as Soccer Ambassador for South Australia.

By that declaration I satisfied the requirement of Australian parliaments and the parliament of Westminster. For my part, I am comfortable in my compliance with the rules of my peers in those parliaments and this parliament of South Australia. Further to the point, I read from page 514 of the report which says:

> Mrs Hall has submitted that she made complete disclosure of her interest in soccer and her position as Ambassador for Soccer was well known. Despite her submission Mrs Hall did not make proper disclosure of the potential for conflict at any point in time. She did not do so because she did not recognise the potential for conflict until September 1999. Indeed, Mrs Hall denied the existence of any potential or actual conflict by reason of her position as Ambassador for Soccer. In my opinion—

and we are talking about the Auditor-General—

> proper disclosure of a potential or actual conflict of interest requires full disclosure of the specific interest and informed consent. Both the disclosure and consent must be formally documented. Consent is only informed when the full ramifications of the potential or actual conflicts are made apparent. This did not occur in the case of Mrs Hall's involvement in the Hindmarsh Soccer Stadium redevelopment project.

My legal advisers are highly critical of this reference and indicate that it did not represent mainstream views of either parliamentary or legal procedures. What a fatuous claim he makes when he states that I did not recognise the potential of conflict of interest when in fact I had asked for his opinion of it, as I have described, in 1997.

In very simple terms this report in reference to me is either an incompetent nonsense or a political vendetta or, at worst, it is both. One of the early casualties of the stadium controversy and its costs is the truth. Last night's news reported that the blow out of the stadium costs was 400 per cent. Such false claims as this widely spread across the media make it very difficult for truth to survive. The Auditor-General has no authority to make the policy decision about the scope of the stadium development. Uncharacteristically he admits this on page 11 of Part 1 and he says:

> The policy decision to redevelop the Hindmarsh Stadium for the purpose of promoting soccer in South Australia cannot itself be subject to criticism, nor can the policy decision to pursue the opportunity to host preliminary matches of the 2000 Olympic Football Tournament.

It is therefore dishonest for anyone to claim the building of stage 2 is a blow out cost of stage 1. They were quite separate and considered government decisions.

In relation to the construction of stages 1 and 2, these figures set out in the report (table 4 on page 537) show $25.685 million as the budget estimate of costs, compared with the actual cost of $26.233 million—an overrun in constructions costs of $548 000 or 2.1 per cent ahead of budget.

Then, to complicate matters further, the Auditor-General inflated the final total by placing the costs of staging the Olympic Football Tournament in the same bracket as the buildings. That is an addition of $5.7 million that he apparently wants the public to believe are part of the construction costs. The Auditor-General's reference to $41 million to the redevelopment cost shorn of this ploy would be $35.29 million.

On another front, for some reason he has concealed the real conflict of interest of one of his informants, who was one of my accusers and an unsuccessful tenderer for a significant part of the stadium's construction. But enough of the Auditor-General's involvement. The Labor Party has spread destruc-

tive criticism and untruths about this project for years. Their actions centred on supporting it in the House and undermining it in the media. I have nothing but disdain for those opposite who have spread innuendo and untruths to further their political agendas.

Members interjecting:

The SPEAKER: Order!

The Hon. J. HALL: Their actions have been destructive to the game of soccer. The facts are that the Labor Party opposes the very basis of the developments of this government and those I have personally been associated with. Only yesterday, the member for Florey said that she had seen many areas of overspending in this government, including the wine centre, the Holdfast Shores development and the Convention Centre. She has no concept of the acknowledged economic benefits these investments will generate for our state. The business of politics is nothing without numbers, and the government—

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the minister. I remind members that this is the appropriate forum for a member of this place to respond to the Auditor-General's Report; in fact, it is the only place in which they can do so. I would ask members to respect the fact that, like any other member, this member has the opportunity to respond in silence. If members want to take that away from her, the chair will react to it.

The Hon. J. HALL: Thank you, Mr Speaker. The business of politics is nothing without numbers, and the government does not have a majority in its own right. I will not put the government at risk with a vote of no confidence in the hands of the Independents, who may vote against us, and I will not see the government defeated by the lies that have been spread about Hindmarsh.

I have immense satisfaction and pride in the growth of our state's tourism and convention industry, and I sincerely commend and thank all those people who have worked so cooperatively, professionally and enthusiastically to achieve the record breaking success in activity that we are seeing in this state. I would particularly like to thank the Premier and my colleagues for their support and for their good sense of humour.

I believe the government deserves to be, and will be, returned at the next state election, and I say with deliberate intent that I will actively work for that goal. It is my judgment, in the circumstances created by the Auditor-General, that it is the appropriate action for me to take today. I have my resignation in hand and I am now about to stroll over and give it to the Premier.

REFERENDUM (GAMING MACHINES) BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to provide for the holding of a referendum of electors relating to gaming machines. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time, and that so much of standing orders be suspended as would enable it to pass all stages forthwith.

The SPEAKER: I have counted the House and, as an absolute majority of the whole number of members is present, I put the motion for suspension. For the question say aye, against no. As there is no negative voice, the motion for the suspension of standing orders is accepted.

Motion carried.

Mr LEWIS: This is a simple bill. By way of explanation for members, it simply provides the means by which it will be possible for South Australians themselves to have a say at the next election in whether or not they want to retain poker machines in various venues and, in the process of doing so, also state whether they wish to have the amount which can be bet over time restricted so that it does not exceed more than they would normally pay for the same amount of entertainment for two and three hours, whether at a football match, a film or anything else.

The SPEAKER: Order! I ask the member for Colton to remove the banner.

Mr LEWIS: In moving this measure, I do not wish to go into the merits of the arguments for or against any of the questions to be put at the next state election but simply say to all members that this is a conscience issue. This is an issue of great torment in the minds of the majority of the people of this state. They should be allowed to have a say. What could be more democratic than that?

When we take on a conscience issue, we do so without the constraints of political parties imposing their will upon us as members. It enables us clearly and openly to judge what we believe to be in the public interest. However, that has not always been free of political manipulation. I have heard behind the hands of one member threats being made to others about the consequences of their not supporting one side or another on a conscience issue, and I have known that the public interest has not been served then, because that has not been disclosed in the course of debate. No; I do not want to go down that path other than to put on the record my belief that on these questions we can all absolve ourselves of the need to do that or be subjected to it ever again by allowing the people of South Australia to have a say. I repeat: what could be more democratic than that?

It will cost peanuts to do it, because we can do it concurrently with the next state election and not incur the costs of the preparation of rolls, the employment of staff on a separate day and the preparation of ballot papers. Surely it is the ideal opportunity at this point in the development of our history to go ahead and allow the people of South Australia to have a say on a question upon which they are most determined they should be entitled to have a say—those of them who are carers, those of them who have been afflicted, those of them who have investments and those of them who simply have a view about the desirability or otherwise of the form—if any—that gaming machines ought to take in our society.

I do not go to the merit of those arguments—and, Mr Speaker, I urge you to prevent other members from doing likewise—but merely to stick to the substance of the bill before us to come to a conclusion about whether or not we believe the public of South Australia ought to be allowed to have a referendum put to them on issues which are regarded as conscience issues, in particular, on this one. It is very simple. It has been circulated to members, the clauses are self explanatory and I urge members to see its swift passage through to its final implementation at the next state election.

Mr WRIGHT (Lee): I move:

That the debate be adjourned.

Mr LEWIS: Sir, at the time of the second reading the House agreed that it would pass all stages forthwith. I had standing orders suspended to do that, and the House agreed.

The SPEAKER: The chair is of the view that the form of words that was used by the member did not totally commit

the House to attempt an adjournment motion as is being attempted at the moment by the member for Lee. The matter would then be tested by the House. The honourable member had put only a permissive motion to allow the matter to proceed, but the House has the power to attempt to move an adjournment, which motion would then be tested by a division and then the will of the House would ultimately prevail. The motion now before the chair is that the debate be adjourned.

The House divided on the motion:

While the division was being held:

The SPEAKER: Order! There being one member for the noes, the matter is resolved in the affirmative.

Motion carried.

SURVIVAL OF CAUSES OF ACTION (DUST-RELATED CONDITIONS) AMENDMENT BILL

Second reading.

Mr WRIGHT (Lee): I move:

That this bill be now read a second time.

This is a very simple and practical bill. From the outset I might say that I am very proud to take carriage of this bill on behalf of the opposition but sad that we do not already have this as part of our statutes. Good government and good leadership would have had this on our statutes well and truly before now. It is a sad day, an indictment on this government, that it is not part of our statutes.

We should acknowledge the good work of the Hon. Nick Xenophon in bringing it to our attention. In some form, this bill has been around since July 2000, and the government has deliberately gone about its business to protract this matter so that we would not get to debate it. This is a very important bill, which, as I have said, is a very simple and practical one, and it is a just bill. It should have been debated a long time ago. There can be no reason not to debate it and vote on this bill today, because it has been in the Legislative Council for so long. Ultimately it has reached us, and it would take members just two minutes to condense the contents of the bill.

The purpose of this bill is to ensure that, if legal action has started for compensation for non-economic loss (that is, pain and suffering) caused by an asbestos related disease, it can continue. That is the nature, heart and principle of this bill, and anyone with any heart would support this bill as a very just cause. Why we are languishing behind both New South Wales and Victoria and having this as a part of our statutes is well and truly beyond me. The government should have attended to this bill in July 2000 when the Hon. Nick Xenophon brought it to the Legislative Council. It really should have brought it to the attention of the chamber itself because that is what good government is about—showing leadership.

The reason why a bill of this nature is so critical is the unique nature of the disease, which makes this so important and so critical. If action has started for non-economic loss, it can continue if the applicant unfortunately happens to pass away. Sadly that is quite often the case. As I have already said, this will put us in line with New South Wales and Victoria.

This bill seeks to remedy a great injustice relating to those individuals in our community who suffer from diseases caused by dust, particularly the worst form of dust disease, mesothelioma. The current legal position is such that, if a person develops such a disease and dies before their claim is resolved, they lose the right to claim for non-economic loss, that is, a claim for pain and suffering. That is the critical component of this very simple and practical bill.

The way the current legislation exists, if litigation has commenced but the applicant passes away before it has been completed, that individual is not able to have that case proceeded with on their behalf for the non-economic loss. That is an absurdity. There is clearly no justice, equity or fairness in a system such as this when we are talking about a totally unique disease of this nature. This puts enormous pressure on the sick and the dying plaintiffs to press ahead as quickly as possible with their litigation, the pressure of which may greatly increase the plaintiff's distress. Sometimes they may succeed in doing that, and sometimes they may not. It is simply a lottery: sometimes it may happen, and sometimes it may not work.

We really must define what we are talking about here. Once these diseases become apparent, they often lead to death within 12 or 18 months, and sometimes the time is ever shorter. Litigation regarding liability for these diseases is often very complex, because of the nature of the claim and how long it was before it first occurred. This can make it very complex. The person suffering from the disease may have worked in several locations for different employers leading to lengthy argument about who is liable. As a result of this, there is a high risk that a plaintiff may die before action is finalised. This bill does deserve the support of us all. It certainly deserves our support so that we can ensure that a wrong is righted. We must make sure of that.

One of the arguments that may well sadly and unfortunately be peddled by the government today is that the Attorney-General has a bill of his own in the Legislative Council. The Attorney-General deserves not one scrap of credit for the way he has handled this issue, not only with regard to the current bill, but the way he has deliberately dragged out consideration of the bills that the Hon. Nick Xenophon has put before the Legislative Council so that they were not debated, dealt with or proceeded with to the stage that they could be voted on is an absolute indictment on him and his government. Let us not fall for the three card trick that the Attorney currently has a bill in the Legislative Council dealing with this issue, because his bill goes nowhere in solving the problem before us. His bill provides that, if the claimant can show an unreasonable delay in the process, then the claimant can continue with that claim beyond the person's passing away. What is the definition of an unreasonable delay? How do you prove an unreasonable delay? How do you define an unreasonable delay?

After 18 months of this bill being already delayed, this bill is nothing but a knee-jerk reaction to delay it even further, to take this government through to the next election so that it does not have to proceed with the bill we have before us. The Attorney-General's bill simply confuses the matter and will prolong litigation and the stress of families of victims. Further than that, it will also create more work for lawyers and more distress for families. The Attorney's bill should be dismissed for what it is—nothing but a stunt. It has no merit, no content and is illogical. It is as simple as that.

I will share with the House today an example that will clearly demonstrate how the Attorney-General's bill fails and fails completely. I will read an individual case, and I have the permission of the family to do so. It will demonstrate how the Attorney-General's bill cannot solve this problem. I quote:

Mr Allan Kelly was born on 12 January 1927. At the age of 16 he commenced an apprenticeship as a motor mechanic with the South Australian Railways. . . On 19 July 2000, Mr Kelly went with his wife of 53 years to investigate a holiday. He noticed he was short of breath. He went to see his local doctor who carried out some investigations. The investigations revealed a right pleural effusion. Mr Kelly was referred to a respiratory physician. A number of tests were carried out including X-rays, CT scans and blood tests. Fluid was drained from his lung. Mr Kelly's condition continued to deteriorate. On 7 September 2001 he was admitted to the Royal Adelaide Hospital as a result of increasing shortness of breath. X-rays showed that the pleural effusion had increased. Mr Kelly was given oxygen to help him breathe. Mr Kelly underwent further tests including biopsies. A diagnosis of mesothelioma was confirmed on 28 September 2001.

Mr Kelly contacted solicitors on 18 September 2001, and proceedings were commenced on his behalf that day suing Wallaby Grip Limited. Mr Kelly's proceedings were commenced in the Dust Diseases Tribunal of New South Wales. Expedition was sought and granted. Mr Kelly's condition continued to deteriorate. On 28 September 2001, his solicitor was advised that Mr Kelly had days to live. His matter was listed for directions in the Dust Diseases Tribunal at 4 p.m. on Friday 28 September 2001.

The matter was listed for hearing at Mr Kelly's home on Saturday 29 September 2001. At the hearing, the affidavit of Mr Kelly was tendered and Mrs Kelly gave evidence. The defendant then requested some time in order to obtain instructions. It wished to have the matter adjourned until Wednesday 3 October 2001. His Honour Judge O'Meally would not grant the adjournment to Wednesday. However, he stood the matter over until 10 a.m. on Monday 1 October 2001, which was a public holiday in New South Wales. Mr Kelly's solicitor attempted to contact Mr Kelly on the morning of 1 October 2001. There was no answer at his home. His solicitor spoke to the district nurse, who confirmed that she had seen Mr Kelly on Sunday and that he was still alive.

The matter proceeded to judgment, and a verdict was handed down in Mr Kelly's favour. Mr Kelly was awarded the sum of $140 000, plus costs and disbursements. This sum was made up of $125 000 in relation to pain and suffering; $5 000 in relation to loss of expectation of life; $5 000 in relation to past and future out-of-pocket expenses; and $5 000 in relation to the commercial cost of gratuitous care.

On Tuesday 2 October 2001, Mrs Kelly telephoned the solicitor and informed him that Mr Kelly had died late on Sunday 30 September 2001. As the law presently stands in South Australia, the judgment of the tribunal is therefore null and void, except for $10 000 in relation to out-of-pocket expenses.

This is a clear-cut example of the way in which the current law works in South Australia, where Mr Kelly and his family would have missed out because of our existing legislation. But they also would have missed out under the bill put forward by the Attorney-General because, in the situation that I have outlined, they would not have been able to show that it was a situation where there was an unreasonable delay. They could not have proved it: it just did not exist. So, the Attorney-General's bill is completely flawed.

We cannot allow people who have been exposed to asbestos from contracting mesothelioma or other asbestos-related conditions to miss out. We can do something about it to ensure that they are justly compensated for the wrongs. The Hon. Nick Xenophon has done this parliament, and all the victims, a great service by bringing a bill of this nature, quality and expertise before us. It is a simple bill, it is a practical bill and it deserves our support. I commend the Hon. Nick Xenophon for his good work. I also commend the Asbestos Victims Association for its great work out in the community with all the victims who now have that pole to form around—and I am delighted that some of the victims have joined us in the gallery today. We have no choice but to support a bill of this nature.

Mr HAMILTON-SMITH (Waite): This is a very serious matter and one which compels the attention of the House. I am concerned, and I know that the government is concerned, that we achieve an outcome for people here. As my friend opposite has pointed out, families and individuals have suffered enormously as a consequence of this disease, and we need to achieve an outcome which handles the concerns of those families but which has no unintended consequence that might cause others to suffer.

I am disappointed that the honourable member, in introducing the bill, has spent so much of his address attacking the government and the Attorney-General's bill in another place rather than addressing the substance of the bill, because I think it is the substance of the bill and of the matter that compels our attention. Let us achieve an outcome for people, not just score political points or try to get our name in the paper. Let us achieve an outcome that relieves the suffering and helps the families who are victims of this terrible condition.

As the honourable member has mentioned, the Attorney-General has introduced a bill in another place. One of the challenges of being in government is that you have to be responsible, but you have to introduce legislation which is fair to everyone, not legislation which simply grabs a headline or appears to solve problems but does not, in fact, deal with them. The government, therefore, has some concerns about this bill, which it seeks to rectify in the bill introduced in the other place. It has concerns about this bill not because of any lack of sympathy for people who suffer dust-related conditions and their families, but because it considers that the bill lacks a proper foundation in principle and treats people in analogous situations differently without good reason.

There are so many tragic, painful and disastrous diseases from which people suffer, and so many families are torn apart and are in anguish as a consequence of those sufferings other than those caused by these dust-related diseases. It is, again, unintended consequences of which governments must be mindful when introducing legislation such as is proposed.

The government acknowledges that the law currently encourages delay by defendants and their insurers in cases in which they think the plaintiff might die in the near future, because the death of the plaintiff will relieve them of liability to pay damages for non-economic loss. That is accepted. As I mentioned, the government has introduced a bill in the other place to address this. The government bill is of general application in that it is not limited to cases in which the plaintiff suffers from this particular type of illness.

The title of the government bill is the Law Reform (Delay in Resolution of Personal Injury Claims) Bill 2001. The government bill will make defendants and those who control the defence liable for a new form of statutory damages in certain circumstances—and I will refer to them as 'delay damages'. Some insurers apparently regard it as appropriate business practice to delay proceedings when they know that the claimant is at risk of dying before his or her claim for personal injuries is resolved. The government does not. The

bill would provide that, if a claimant dies before his or her claim is resolved, and it is found that the defendants or other persons who had authority to defend the claim unreasonably delayed the resolution of the claim, knowing, or in circumstances in which they ought to have known, that the plaintiff was, because of advanced age, illness or injury, at risk of dying before the resolution of the claim, the court or tribunal may award legal damages.

The question of whether there have been unreasonable delays is to be determined in the context of the proceedings as a whole. In determining the amount of delay damages to be awarded, the court or tribunal is to have regard to (a) the need to ensure that the person in default does not benefit from the unreasonable delay; (b) the need to punish the person in default for the unreasonable delay; and (c) any other relevant factors. Because of the restitutionary and punitive purposes of the damages, it is to be expected that they will generally be at least as much as the damages that the defendant would have had to pay for non-economic loss. However, because of the no-fault nature of liability for workers' compensation, the liability of the employer or of WorkCover for delay damages is limited to an amount equivalent to the compensation for non-economic loss to which the deceased worker would have been entitled.

Delay damages will be paid to the dependants or the estate with preference to dependants. Dependants are defined to be the people who could bring an action under the wrongful death provisions of the Wrongs Act 1936. A claim for delay damages can be brought within three years of the deceased claimant's death. If the claimant had commenced proceedings in a court or tribunal, the rules would allow for the personal representatives of the deceased claimant to apply to add the claim for delay damages to the existing proceedings.

It is the government's view that the government's bill will fix the wrong and solve the problem with which the House is faced, without causing the unintended consequences that this bill risks. We also believe that the government bill is a fairer bill. As I mentioned, the government has concerns about the bill before us today put forward, it would seem, by the Independent, Mr Xenophon, in the other place and the opposition. There are two main causes of concern. The first concern is that it is inconsistent with the compensatory nature of and rationale for damages for non-economic loss. The second is that it is discriminatory. I will refer to the second concern later.

As I have already said, damages for non-economic loss are awarded as some form of solace to the injured or sick plaintiff for the pain and suffering he or she has suffered or will suffer in the future; for loss of bodily or mental function; and for the curtailment of his or her life expectation. They are intended to somehow make up for the fact that the plaintiff's enjoyment of life has been diminished. Damages for financial loss and expenses that diminish the plaintiff's wealth are assessed separately and are paid to the estate under the Survival of Causes of Action Act 1940 if the plaintiff has died. As damages for non-economic loss are not paid to compensate for the diminution of the plaintiff's wealth, for losses to the estate, or for losses or grief suffered by relatives, they would constitute a windfall to the creditors and beneficiaries of the estate. It seems to have been overlooked by some people that the law already gives relatives a right to damages in their own right if they suffer loss as a result of the death of a member of their family and the death was caused by the wrongful act of another person.

These matters have been referred to by the editors of *Laws of Australia*, a publication which is continuously updated and which in volume 33.10, at paragraph 49, talks about the Queensland, South Australian and Western Australian legal aspects; and by Harold Luntz, an eminent lawyer on the topic of damages, in the 1990 edition of his work *Assessment of Damages for Personal Injury and Death* at page 381. The Hon. S.W. Jeffries, when introducing the Survival of Causes of Actions Act 1940, also refers to the matter.

The Hon. Nick Xenophon argues that it is appropriate to enact a law that treats the creditors and beneficiaries of the deceased plaintiffs and defendants differently on the basis of the nature of the illness suffered, because he says it is estimated that there will be in excess of 50 000 asbestos caused malignancies in Australia. The government takes the view that there are many people suffering a range of illnesses and that they, too, need to be considered within the context of whatever legislative action this parliament takes. It has been suggested that the bill will put an end to death bed hearings. The bill will not eliminate death bed hearings, because the evidence of the plaintiff will nearly always be necessary in any event.

Time expired.

INGERSON, Hon. G.A.

The Hon. G.A. INGERSON (Bragg): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.A. INGERSON: I rise to advise the House that at about 2.15 p.m. yesterday I gave my written resignation to the Premier. I thought that it was only reasonable that I should inform the House accordingly today. At a later time today during the grievance debate, which is the only opportunity I have as a backbencher, I would like to make a few comments in relation to the report.

SURVIVAL OF CAUSES OF ACTION (DUST-RELATED CONDITIONS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr CLARKE (Ross Smith): I will not use all my 10 minutes because I think the explanations given by the member for Lee are more than adequate. But, in particular, I draw members' attention to the speech made in the Legislative Council by the Hon. Nick Xenophon on 11 October 2000. I will not refer to that speech today but I certainly commend the Hon. Nick Xenophon for the effort and research that has gone into the bill which he introduced in the other place and which is now before us. They are compelling arguments which no member with a heart in this place would refute.

State parliament, and this state parliament in particular, if it exists at all for any reason, exists only to do justice to our people. In this matter, justice cannot be given to a small group of people because of our laws. Our whole judicial system has been set up to provide for justice for people, but our courts, not even our Supreme Court or the High Court of Australia, can give justice to this small group of workers and their families where the workers have contracted dreadful diseases related to asbestos or exposure to asbestos in their working life. Only we in this parliament, by passing a law that will provide for this, can give justice to these victims of a deadly injury, a terminal illness.

Only we in this place can give them justice by passing this law which is before us so that, in the event that victims of asbestos related diseases die before their claim is finalised, the claim can still be assessed for non-economic loss and their widows and other members of their families can be beneficiaries of any awards made to them. Only the 47 members in this House can give those people that justice. It is not as if the victims and their families with whom we are dealing in this legislation do not suffer from a work related injury.

We are not conferring any greater rights on these people than anyone else: we are just ensuring that their lawful claims can continue even after the death of a victim of an asbestos-related disease. The Attorney-General has come into this picture. He says that he wants a bill that deals with unreasonable delay; where the claims of victims of asbestos-related diseases or others, if they can prove that the defendants have acted unreasonably in delaying the matter, could proceed. This matter was brought before the Legislative Council on 11 October 2000 and it has taken the Attorney-General almost a year to move at a snail's pace to say, 'Well, you can take an action if you can prove unreasonable delay.' He has taken 12 months to reach that minuscule position.

As someone who has had some dealings with the legal profession (and I do not cast aspersions on the legal profession), the fact is that our courts get jammed and over-worked. Defendants and plaintiffs alike want to use the solicitors and barristers of their choice to best argue their case and they are not always available to suit the health and condition of the victim. It is almost impossible to believe that, with the best will in the world, a plaintiff could arrange the timetable of his or her attack team, if I can term it that way, and the judge, in addition to any appeals that might flow, to fit around the health of the victim, the convenience of the doctors reports, and the like.

It is not trite: it is an insufferable insult to the victims of an asbestos-related disease to say to them that they should wait any more. It is not just. This is the only place from which these people can get justice and we should not delay it by one second longer than is necessary. Let us vote for it. Let us do it now and let us prove that we actually exist for some good reason in this state.

Mr McEWEN (Gordon): People will stand here today to tell us that the present bill is flawed. The fact is that the circumstances that exist at the moment are flawed and any move to improve it is a move in the right direction. We must attempt to improve the present set of circumstances and we must do it as a matter of urgency. If we do find that there are some unintended consequences, we do have power in this place to address that. It is better to move forward today with what we have got than to delay one more day based on potential arguments that the bill is flawed. I am not convinced that the bill is flawed. It mirrors only the bills in New South Wales and Victoria, which have not been found to be flawed in either of those jurisdictions.

I am also advised that it is a very narrow bill and that it impacts on something like five to eight people a year. I understand that James Hardie has not registered any concerns about the bill as it now stands. It would seem that, on balance, we should move forward with what we have got and move forward now. If we find at a later date that there are some unexpected consequences, let us deal with them at the time; but please, do not continue to tilt at hypotheticals as an excuse to delay something that now must be done.

Ms WHITE (Taylor): I strongly support and commend this bill to the House, and I commend those who have been protagonists in bringing forward the measures in this bill—it is sorely needed. I would like to comment briefly on a very mean government that has a mean approach to people in this state generally, particularly with respect to this group of people. We had the member for Waite, representing the government views, standing up for his minister and reading the prepared rebuttal about why we should not even consider this bill today in the way in which we intend—an admission from the Liberal government spokesperson (the member for Waite) that the current system is flawed and does encourage delay so that those victims who are near death simply run out of time.

It is ironic that that is exactly what the government plans for this bill: that we simply run out of time so that delay after delay can be implemented to take away from these very deserving people the justice for which we are responsible as members representing our own constituencies. The government's approach is to say that the bill is discriminatory. If I understand the argument correctly, because it is an extraordinary argument, the government is saying that, because we cannot fix all that is wrong with the current system with this one bill, or with any bill, we must go away and gaze at our navel for years and, because we can do that, we should not start at all. What utter rubbish.

It just belies the mean-spiritedness of this government—a government that can be so very cautious in terms of not wanting to give away rights to the people of this state and not wanting to deliver justice to people of this state but which, on the other hand, can be so very cavalier when it comes to implementing the sorts of changes that it wants, such as wasting taxpayer money, blowing out budgets and that sort of thing. On the one hand this government can be so very cautious and mean-spirited and come up with all the arguments, reviews and whatnot; but, on the other hand, if it is something that it really cares about, such as its own dollars and election chances, it will go full steam ahead without any care at all, and that really encapsulates the total approach of this very mean-spirited Liberal government.

Mr WILLIAMS (MacKillop): It seems—

Mr Conlon interjecting:

Mr WILLIAMS: —that this bill will pass today but I would like to put on the record a couple of my concerns about this bill. For the benefit of the member for Elder, and his mindless interjection, I had a very personal moving experience quite recently. I visited my daughter in Western Australia when I was on holiday only a matter of a month ago. She works in a gold mine at a place called Marvel Loch. She was taking my wife and I on a tour through the mine and we were down in the bottom of this great hole where she works. She said, 'We have a chemical in here which has the same composition as asbestos, and it is the policy of the mine that we never hop out of a vehicle without putting on a face mask.' That brought home to me some of the things that we are talking about here. She is a girl of 24 and, I must admit, from time to time I feel for what might become of her health in 30 or 40 years. I ask those members opposite to remember that government members are not necessarily mean-spirited about protecting people who do not need our protection. Being in government entails certain responsibilities, and the government wants to make sure that we have good law. An old legal axiom says that hard cases make bad law, and there

are no harder cases than those associated with diseases caused by asbestos.

I agree with the member for Gordon when he suggested that there might be some flaws in this bill. I think there are some fundamental flaws in the legal principles on which the bill turns. Non-economic losses are those losses which one would claim for the diminution of their quality of life. I also have had personal experiences of those sorts of losses, but I will not bore the House with my other personal experiences. My father went through these sorts of circumstances when I saw him live through the latter period of his life suffering greatly from something for which he was never ever compensated. I know full well that it would have been good for him if he had been compensated for that, but I believe wholeheartedly that I and the other benefactors of his estate had no rights to any windfall gain that might have been derived from the non-economic loss benefits which he may have gained. Unfortunately, I think the legal basis on which this bill turns does not accept this principle. This bill is flawed because it suggests that if somebody has a claim for a non-economic loss that loss can be passed onto their benefactors beyond their death.

The member for Waite talked about the *Laws of Australia*, volume 3310, paragraph 49 which says:

> The Queensland, South Australian and Western Australian legislation bars the recovery of any form of non-pecuniary loss by the estate. This absolute bar to recovery makes good sense. To permit recovery to the estate of damages for this most personal aspect of loss lacks a compensatory rationale and represents a windfall.

That is exactly what it is: a windfall to the estate.

Mr Conlon interjecting:

Mr WILLIAMS: If the member for Elder gives me the opportunity to continue my remarks, I will come to the point that those left behind on the death of somebody from this or any other disease have other parts of the law to which they can take their grievances, and have other means of being compensated for their loss, which is a different loss than the non-economic loss suffered by the plaintiff in these cases.

Harold Luntz, an eminent author on this topic, said:

> No money can compensate a person who is dead for the pain and suffering previously undergone. Damages awarded under the heads of non-pecuniary loss merely constitute a windfall for the beneficiaries of the estate.

That gets to the nub of it. No money can compensate a person who is dead for their personal pain and suffering. This bill is based on legislation which has passed the jurisdictions in both New South Wales and Victoria.

If we look further to the English jurisdiction, we see a law which does allow the survival of these claims beyond the death of someone in these circumstances, but it also takes into account that if the beneficiaries of the estate have benefited through a non-economic loss payment to the deceased any further action taken by them through the courts is reduced by the amount of their windfall. Again, Harold Luntz says:

> In England, if the beneficiaries of the estate are also entitled to damages under Lord Campbell's act, the damages for non-pecuniary loss awarded to the estate are set off against their recovery, so the windfall is short-lived. However, if they are not entitled to damages under Lord Campbell's act, the beneficiaries of the estate reap the benefit of the deceased's suffering. This act would occur when the beneficiaries of the estate, whether by will or intestacy, are not within the class of persons for whose benefit an action may be brought under Lord Campbell's act, or even within that class, and had no reasonable expectation of pecuniary benefit from the deceased. It might be thought that such persons would be the less deserving of the law's solicitude.

That is one aspect on which the House, in passing this bill, should reflect, because this is a bad piece of legislation. The member for Taylor touched on this in saying that this law is discriminatory against some people, which would make it a law not worth going ahead with. I have some sympathy for the argument she put, but I repeat the axiom I mentioned earlier about hard cases making bad law, of which this is a typical example. There are a lot of other cases, diseases and causes of death where the estate would not be the beneficiary of this law. Why would the parliament in its wisdom choose to pull out cases involving death related to a small number of causes and make them different from the broader range of circumstances in which people find themselves from time to time? That is another reason why I say that I think this is bad law.

I remind the House that dependants of a deceased person can claim for loss of dependency. A surviving spouse can claim damages for impairment and loss of consortium. In the Adelaide *Advertiser* of 3 August this year a story appeared involving 11 widows of Victorian waterfront workers who died from asbestos-related conditions receiving payment based on the loss of the work their husbands would have done around the home. That is what the courts mean when they talk about loss of consortium. If the husband and wife are in business together the surviving spouse can claim for past and future losses relating to the impairment of loss of the spouse's participation in the business, and a surviving spouse also can claim for solacium, which is payment for grief. There are options and opportunities for those who would be beneficiaries of the estate to claim for due damages. It is the windfall aspect of this piece of legislation that I find repugnant.

The Hon. M.D. RANN (Leader of the Opposition): I rise to support the bill. I pay tribute to Nick Xenophon's advocacy on this issue and it is appropriate to do so. I declare, on a day when we are dealing with conflicts of interest, that I am a very proud patron of the Asbestos Victims Association. There could not be a more just cause. I have known people who have died from mesothelioma and asbestosis. It is one of the most dreadful diseases. There is absolutely no doubt about the criminal complicity of a number of companies here in Australia and overseas in misleading their workers and the public about the dangers of asbestos at a time when they knew about it.

We have seen actions over the years deliberately designed to frustrate cases so that there is no final judgment before a victim dies. We have seen it done in the most cynical way by companies with deep pockets ensuring that there is no final outcome. In terms of the sorts of things we do and deal with in this parliament, there could be no more just cause, which is why the Labor Party supports this bill.

Mrs MAYWALD (Chaffey): Having listened carefully to arguments put forward for and against the changes proposed by this bill in another place and also in this place, I have concluded that I will support this bill in the interests of fairness and equity and because it is the just and humane thing to do. To talk about windfalls and benefits to beneficiaries and dependants as a result of the date on which someone dies is abhorrent in itself. The fact that the luck of the draw is that you die before the day or after the day of your judgment should be irrelevant, in that the case has been brought before a court of law and, a judgment having been given, the families of those who die do have the benefit of that windfall, but I am sure that they would much rather have

the person alive. After the date those families do not have the benefit of that judgment that may or may not have been made. Remember that it still has to be proven in a court of law, and I believe that for those reasons this legislation should be supported and that it is just and the humane thing to do.

Mr CONLON (Elder): I will be very brief, as the most important interest is to see the legislation pass. As a former Miscellaneous Workers Union organiser, I organised for workers in the asbestos industry and I assure this House that it was a practice in litigation in the time I was there to delay the finalisation of cases because it is cheaper to compensate for a dead person than a live one. That is abhorrent behaviour which at present is not punished by the law but is rewarded by the law. If members opposite on the Liberal side had their way, the law would continue to reward that abhorrent behaviour.

I intended to make a very short speech but, after being accused of a mindless objection by the member for MacKillop, let me say that that is like being accused by Joe Scalzi of being short. Let me say about his learned dissertation on damages that he argues that it is illogical to compensate the living for the personal economic loss of the deceased. I do not find it illogical, as they suffer with that person. What he will not tell you is that there are a number of illogicalities already in the assessment of non-economic loss.

One of the things the Liberal government did some years ago was remove the objective assessment of non-economic loss in WorkCover. That meant that a 70 year old man getting his arm cut off would get as much compensation as would an 18 year old apprentice getting their arm cut off. They removed the entire logic of non-economic loss, but they were happy to do that as long as it saves money. They do not want anything that offends their logic if it costs money or if it punishes those with whom they are closely associated. I find their views just as abhorrent as the views of those who would delay the litigation and of those who have delayed proper legislation on this matter.

The Attorney-General wants us to accept his bill in good faith. The Attorney-General about a year ago—about the same time this bill was brought on—was suffering severe pain in the electorate involving home invasions. The pain being suffered was pain for the Liberal Party and its voters. That is the most important pain for this mob. He found legislation in a week to satisfy their pain. Now he wants us to accept that his legislation will punish those who exercise undue delays. I have no confidence in what this Attorney-General would think is an undue delay. A person who is prepared to let people die while he brings his legislation forward for over a year, to let the victims die and continue to suffer the injustice, I do not think has a reasonable view of what an undue delay is, and the legislation should not be accepted. Quite simply it exists in other states, it works, it is a special circumstance no matter what he said, and to try to defend the current position because other people are not adequately compensated for suffering I believe is one of the meanest minded things I have ever heard.

Mr VENNING (Schubert): I rise to support this bill. As one of the few people in this place who, before coming in here, worked in the dust and the elements as a farmer and also involved with earthmoving equipment, I know that dust is a prominent thing in the workplace and causes a lot of problems. I note that the bill in the other place would have covered this, and we have only just seen it, so I cannot make too much comment about that, but I am a bit cautious about the criticism of the delay. I do not think the bill has been around all that long, but I totally agree that any deliberate delay to avoid a larger payout is abhorrent, as most speakers have alluded to today. I think it is disgusting, to say the least, when people are obviously suffering with a disease which we know a lot about today, that the system would deliberately delay it so that that person or their family gets a lesser payout. It is a disgrace and should be acted on with all haste. I have no problem accepting this motion. I do not care who moves it, or whether the Attorney's bill is the same or contrary to this; whatever has that design I will support.

We have had dust problems not only with asbestosis; we have many other dust related diseases. There are problems for many people working in factories, and particularly in the woodworking area there is a lot of dust; in primary industry with farms and mines; on building and demolition sites; in paint booths, where there are a lot of respiratory problems; and also in the home. This bill does not cover that. We have heard all of that. The issue of dust has been raised as a health hazard, especially with this asbestos issue. I am very sad and my heart goes out to all those people who have lost loved ones through asbestosis (I will not quote the medical name) and also those who are currently suffering. In days gone by in our ignorance we did not know there was a problem, and many people worked not only in asbestos mines but also in the building trade, where they worked with asbestos.

Today we know about asbestos. Even on my farm, after an old shed with an asbestos roof collapsed last week, we will do the right thing and will not be touching it. I would not ask my son or working men to touch it, because it has an asbestos roof. I am told there is no harm as long as you do not saw, plane or cut it. We are certainly very aware today. We are all very sad and feel for the victims of asbestosis today. The least we can do is make it easier for them and their families.

Respiratory problems are very common today, and are particularly compounded for those people who suffer asthma related problems. If these people come into contact with dust at work or home it causes problems for them. Luckily, today we have marvellous medical aids to assist some, but not all, of these conditions. We have respirators with multiple cartridges which can be used in the workplace and also test apparatus to make sure that we are not operating in hazardous conditions in the workplace. Those who suffer also now have 'puffers', or ventilators, which are in common use—some say in too common use.

The member for Wright has raised an issue in relation to Mr Kelly. I certainly agree that in instances like that there should be a right of appeal. I agree that it is abhorrent if a person's rights disappear if they die in the meantime. That is despicable. The Asbestos Victims Association earns my congratulations, and I extend my sympathy to the sufferers and the family and friends of those who have died. I have confidence in the Attorney-General's getting it right, but in this instance I am quite happy to support this bill if it does the same thing. Given the speeches from members I have heard opposite and from the mover, I have no problem in supporting this bill, irrespective of what the Attorney's does as well.

Ms KEY (Hanson): My contribution will be brief, because I think my colleagues on this side have more than adequately covered this issue. It is almost the fourth anniversary of some of us being in this House and, having previously had responsibility in the Labor Party for the industrial relations portfolio, I would like to tell the House that

in November 1997 I convened a meeting at the Trades and Labor Council to discuss how we would address the issue of proper compensation and support for people with asbestos related diseases. I have to say that, four years on, we are only now just discussing this issue in this House. I think it is a disgrace, certainly on the part of the government for not taking up this issue.

I also had the honour of serving on the parliamentary committee relating to occupational safety, rehabilitation and compensation and, although you would think that this would be the committee where issues and legislation such as this would be discussed, for reasons unbeknown to most of us on that committee, Minister Armitage, who was the chair of that committee, has never raised any legislation to do with asbestos removal or compensation for workers or their families. I think he stands condemned for not taking up any of the issues that have been raised by the members on that committee. Another point I would like to make is that, although I have personally raised this issue with Minister Armitage and then Minister Lawson, who took over in March 2000, there has still not been any activity of any note on the part of the government.

In about March 2000 I was involved in convening a meeting with Minister Lawson and the Hons Nick Xenophon, Terry Cameron and Ron Roberts from the another place to talk about how we could progress this legislation. Minister Lawson gave an undertaking at that meeting—which, as I said, was in at least March 2000—to make sure that we could find a proper way of providing compensation and support—not that compensation would be very heartening for people with asbestos related diseases—and to make sure that we dealt with this issue urgently.

For the past three years Labor has asked questions in the Estimates Committees about the asbestos register and provisions to make sure that asbestos is removed in the correct manner in South Australia, and each time we have received pathetic answers from the minister in charge. Also, under WorkCover's auspices there is a mining and quarrying fund containing considerable millions of dollars to look at prevention programs and education for people with different mining and quarrying problems. Again, this has been totally ignored by this government.

Because I am restrained by time I will just say that my most recent experience with this government's record with regard to asbestos was only two weeks ago, when parents from the Cowandilla Primary School contacted me saying they had some really big concerns about a demolition that had happened in that school, where the whole school community came out to watch a building being demolished. We found out later that that building probably contained friable asbestos. So, a whole community came out to watch a building being demolished with that sort of danger, and there were no preventive programs, except that there was plastic bunting around that site. On talking to the officers in charge we found that at the Cowandilla Primary School the asbestos register is two years out of date and also factually incorrect. So, while we talk about the dangers for workers and their families and the problems of the lack of prevention, community members must also be very aware of the fact that this government does not care about this issue.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I rise also to support this bill. I would like to put a couple of points on the record, because I understand to an extent how difficult—

Ms White interjecting:

The Hon. R.L. BROKENSHIRE: I will be supporting the bill.

Ms White interjecting:

The Hon. R.L. BROKENSHIRE: I am allowed to support the bill? You don't want me to support the bill?

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: I want to get a couple of points on the record, and one is that, unfortunately, I have seen a little bit of politics creep into this today. This is not about politics but about people and their lives and the anxieties and effects that can occur, not only financially but also socially and emotionally.

I know what it is like when people do not get compensated. Veterans from the Second World War and Vietnam are examples of people who suffered and who were not compensated for it. Nothing belittled my mother and father more than their treatment after the Second World War. My father needed 13 major operations, but the best we could get out of the government of the day were coupon tickets to survive, because dad was not well enough to be able to work at that time. He had to fight and was belittled by—and I will say this because there has been knocking of the Liberal government today—federal Labor governments for years and years to get TPI, even though he had shrapnel coming out of his system for years after the war—in fact, right up until the year he passed away. I raise that matter because these sorts of situations occur from time to time, and they must be assessed and analysed.

I do not believe that it is fair for members opposite to say that this government is mean spirited. In defence of the Attorney-General, I point out that he was not opposed to this bill. He said that he was working on a bill that would be broader and far more encompassing than this bill. I say that because this government is not mean spirited. This government has a difficult job. It has to balance up a range of issues because it is in government, including a range of issues we inherited. We took them on and we are fixing them. It is a very difficult exercise when you are trying to balance all the issues involved in running the state. It is very important that we look after our workers. When I was 15 years old, on a sunny day I would be sitting on a tractor, wearing a singlet, spraying a crop. The tractor would be without a cabin, air purification system or air-conditioning system. I would be singing and thinking what a great day it was, and how good it was to be on the farm.

It was not until years later that we finally realised the danger of chemicals and the damage they could do. Of course, now we use gloves and respirators, as well as earplugs, and we have air purifiers on our tractor cabins. If we look back, we realise that we have come a long way in a short time. However, a lot of workers have suffered, and we need to look carefully at this issue in a broader sense, and that is what the Attorney is doing. Having said all that, I appreciate and understand the difficulty for these families, and I indicate that I will support this bill.

Ms BREUER (Giles): I want to speak briefly, simply and personally today. I come from Whyalla, which for many years has been proud of its shipyard, which closed in 1978. I want to speak for a whole generation of men who were shipyard workers and who died from asbestos related diseases because of the work they did at that shipyard. Recently, a widow by the name of Mrs Heron came to see me. Her

husband had been a shipyard worker. He was a good man I had known for many years. He claimed for his asbestos related disease some 18 months before he died. However, he experienced delay after delay on his claim, as his condition became progressively worse. Finally, when action was commenced, he was too sick to attend any court hearings or medical appointments and died in a very short time.

Mrs Heron came to me because she had no way of being able to continue with this claim. She wants justice for him. She wants to fight for her husband's rights and also for the rights of all those other men who died in similar circumstances. This is a typical story that comes out of Whyalla. As I said, a whole generation of men died from asbestos related diseases. It is a gross injustice for those men and their families if their claims were not able to go through before they died and a gross injustice. I cannot understand how any member in this House cannot support this bill.

Mr LEWIS (Hammond): My remarks are simply summarised by the following: I support the legislation. I believe that if people have suffered they need to be compensated for that suffering, and so do their families. Economic loss does survive the unfortunate event of death, but non-economic loss, no, in the present law. That is quite inappropriate and quite wrong, as pain and suffering during the lifetime of the individual, because, had they been alive at the time the manner was settled in court, they would have been paid. The pain and suffering from the time the infection takes hold is not the pain and suffering all the way from the time the action is brought.

It is my judgment then that this bill satisfies that requirement, whereas the concept that lawyers have had in the past says that it is from this point forward that the courts should compensate for pain and suffering. It is my view that in all fairness it is the pain and suffering from the time the symptoms first began to whenever that pain and suffering ceases that ought to be compensated for, regardless of the point in time in relation to the life of the individual in which the determination is made. This legislation covers that point.

Other members have spoken about other things. Therefore, I place on record my concern at this government's and the Labor Party's previous actions in covering up what has happened at Leigh Creek, and refusing to make a proper and thorough examination of the consequences of exposing people to hydrocarbons, whether naturally arising from the oilshale or partially combusted, that nonetheless have damaged their bodies and their lives. It involves not just their lungs or respiratory organs but also their brains and other essential organs and tissues.

For the government to have continued to deny that that was so is outrageous. It is for that reason that I feel compelled on their behalf to say that this legislation is just and so also will be other legislation which addresses the problems not just at Leigh Creek but wherever else it occurs in the economy. People should not be expected to lay down their lives innocently and find that in consequence of having done so nothing is available to them. God, we do not even treat our soldiers like that.

Mr CLARKE (Ross Smith): I move:

That standing orders be so far suspended to allow the sitting of the House to continue past 1 p.m.

The DEPUTY SPEAKER: Order! There not being sufficient numbers present, ring the bells.

A quorum having been formed:

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

An honourable member: Yes.

The SPEAKER: Does any honourable member wish to speak in support of the motion?

Mr CLARKE: I would like to say, in support of the motion, that I believe there is a very clear wish amongst members on both sides of the House for this legislation to pass today and not to delay justice for one moment longer than is necessary. But some members also would like to contribute to this debate, and I think that they should have that opportunity, and justice can still be done—hence the moving of this motion.

Motion carried.

The Hon. R.B. SUCH (Fisher): This is about justice: it involves compassion. To those who say that it is not the ideal bill, I ask, 'Where are your amendments?' This is the way to go: people are suffering. I support this bill.

Mr MEIER (Goyder): I will not canvass the arguments that have been put forward. It is very clear that this is a just bill: there is no question at all about it. The question is whether this bill addresses the situation as well as it could do. It is in those circumstances that the government has introduced its own bill in the upper house (and members would be well aware of it), namely, the Law Reform (Delay in Resolution of Personal Injury Claims) Bill. That bill is of general application in that it is not limited to cases in which the plaintiff suffers a particular type of illness. The point that I want to make is this: why do we suddenly want to rush this bill through, when the bill before the upper house is a general bill and will cover all situations? However, it is quite clear that a majority of members in the House are in favour of this measure, and I have no problems at all with that.

A bill that was No. 23, I think, came to No. 1 without any notice until today. I just wonder whether all members are fully abreast of the arguments, and I hope that it will not be a situation where this bill is passed and then, when the other bill is addressed in the Council, they say, 'Golly, it was the same thing; we could have included a lot more. Why did we pass the one bill specifically, seeing that we have waited all these years?'

Members should not forget that the bill in upper house does not give the monetary award to the estate only: it gives it to the dependants; it gives preference to the dependants. I would have thought that that was a preferable situation. With this bill, the money goes to the estate. That may not be the dependants and, therefore, we may not be helping those people, as many people have argued here. The bill in the upper house seems to accommodate those sorts of situations also. However, I have no objection, and I am sure that the House will shortly pass this bill.

Ms BEDFORD (Florey): I wholeheartedly support this bill, and I concur with the sentiments expressed by so many other members in support of it here today. Enormous problems associated with asbestos dust-related diseases have been known for a long time, and it is a sad indictment that we are still debating this issue in relation to delivering justice for those who are affected because of their dedication to their employment and because of the inaction and denial of those responsible for their workplaces, and others in authority. I

have been involved in the struggle to achieve justice for the people who have contracted terminal disease and their families through several of my constituents, and I mention here my association over the years with Mr Jack Watkins and acknowledge his role and work in exposing the diabolical consequences and effects of asbestos and bringing to light the plight of those affected. His work on this issue has been pivotal through the years, and he continues to be involved, as is the committee and membership of the Asbestos Victims Association of South Australia, and now, through the bill, the Hon. Nick Xenophon, who must be commended for his compassion.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Mr McEWEN: I move:

Page 3, lines 7 and 8—Leave out 'Act referred to in the heading to the Part in which the reference occurs' and insert:
Survival of Causes of Action Act 1940

This is a procedural amendment, which tidies up the bill as it came to us from the other place.

Amendment carried; clause as amended passed.

Remaining clauses (3 to 5), schedule and title passed.

Bill read a third time and passed.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 3, lines 7 and 8 (clause 2)—Leave out all words in these lines.

No. 2. Page 3, lines 11 to 23 (clause 3)—Leave out all words in these lines and insert:

Term of House of Assembly

28.(1) Subject to this section, a general election of members of the House of Assembly must be held on the third Saturday in March in the fourth calendar year after the calendar year in which the last general election was held.

(2) The Governor must, where a general election is to be held on a day fixed under this section, dissolve the House of Assembly and issue a writ or writs for the election at a time prior to the election that is in accordance with the requirements of the Electoral Act 1985 for the issue of writs.

(3) Before the issue of a writ or writs for a general election under this section, the Governor may, where—

(a) the day fixed under this section for the election is the Saturday immediately following Good Friday; or

(b) a general election of members of the Commonwealth House of Representatives is to be held in the same month as the election; or

(c) it is reasonably necessary in order to meet a difficulty in the conduct of the election arising from a State disaster that has occurred, is occurring or is about to occur,

defer the day of the election, by notice published in a newspaper circulating generally throughout the State, to a Saturday not more than 21 days after the day otherwise fixed under this section.

(4) A day to which a general election is deferred in accordance with subsection (3) will be taken to be a day fixed under this section for the general election.

(5) After the issue of a writ or writs for a general election under this section, the day of the election may be deferred in accordance with the provisions of the Electoral Act 1985.

(6) In this section—

'State disaster' means any occurrence (including fire, flood, storm, tempest, earthquake, eruption, epidemic of human, animal or plant disease, hostilities directed by an enemy against Australia and accident) that—

(a) causes or threatens to cause, within the State, loss of life or injury to persons or animals or damage to property; and

(b) is of such a nature or magnitude that extraordinary measures are required in order to protect human or animal life or property.

No. 3. Page 3, line 28 (clause 4)—After 'and issue' insert:
a writ or

No. 4. Page 3, line 33 (clause 5)—Leave out 'section 28(1)(a)' and insert:
section 28(1)

Consideration in committee.

Mr HANNA: I move:

That the Legislative Council's amendments be agreed to.

Mr MEIER: It is a fairly substantial set of amendments, and I think they are very sensible. It was something that worried me when we considered this in our House that we had a set date in March, and I thought, 'What happens if Easter gets in the road? Will we have it on Easter Saturday?', and likewise, 'What if there were a federal election at the same time or possibly on the same date—

Mr Koutsantonis interjecting:

Mr MEIER: No, I am just getting to it.

Mr Koutsantonis interjecting:

The CHAIRMAN: Order!

Mr MEIER: The honourable member opposite obviously did not consider that last time. Now this has been addressed. If he reads the amendments, the honourable member can address this issue in the House himself if he wants to. It is quite clear now that exceptional cases such as that are covered and that therefore makes for better legislation. I am very pleased that this whole list of amendments has come before us and I have no problem with them.

Mr LEWIS: Although not the subject of clause 28 and the amendments before us in a precise manner, can the honourable member for Mitchell tell us whether the provisions of the parliamentary terms bill fix the date of the next state election, or whether that still remains an undetermined day which can be chosen by the Premier?

Mr HANNA: The next state election will be the prerogative of the Premier when he goes to the Governor to have the election called. This bill fixes the date of the subsequent election.

Mr LEWIS: I thank the member for Mitchell for his response in that regard. I see before me then a proposition with which I agree in every other detail except that it ought to fix the next state election accordingly. While opposition members may lust after the moment in which they believe they will seize power in the near future, I think it might have served parliament's best interests and the public if that, too, had been fixed, although it is not something which the legislation does. I am pleased to note that they think there will be a conflict under new section 28(3), which provides:

Before the issue of a writ or writs for a general election under this section, the Governor may, where—

(a) the day fixed under this section for the election is the Saturday immediately following Good Friday; or

To the best of my knowledge, that does not happen for more than 570 years. That is a bit far—

Mr Clarke: And you will be still be here to remind us!

Mr LEWIS: Trust me, I won't. I also commend the amendments for what they do with respect to the consequences of a state disaster. That is something I had not thought of, and I do not know other members had. Someone in the upper house clearly did, and that is sensible, and I am pleased about it. Accordingly, I happily wish the matter swift

passage. I commend the member for Mitchell for his persistence not only in this place but, more particularly, in the Caucus for achieving what I consider to be one of the most necessary reforms of the 21st century that never happened.

Motion carried.

STANDING ORDERS SUSPENSION

Mr CONLON (Elder): I move:

That standing orders be so far suspended as to allow Private Members Bills/Committees/Regulations Order of the Day No.19 to be disposed of forthwith.

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

Mr LEWIS: Yes, sir.

Motion carried.

MOTOROLA

Mr CONLON (Elder): I seek leave to move the motion in an amended form.

Leave granted.

Mr CONLON: I move:

That the House of Assembly direct:

1. The Attorney-General to request Mr D. Clayton QC to complete and deliver his report into issues surrounding Mr J.M.A. Cramond's inquiry regarding Motorola as expeditiously as possible and, if possible, by 22 October 2001, but not so as to compromise the principles of natural justice or to cut short all the work necessary to ensure the presentation of a report with which Mr Clayton is satisfied properly responds to the terms of reference for the inquiry.
2. The Attorney-General to deliver the report to the Speaker within two business days of receiving it.
3. The Speaker table the report in the House within one sitting day of its receipt or, if the House is not sitting or the parliament is prorogued, and in order to gain the protections afforded by the Wrongs Act, be authorised to publish the report and be required to do so within one business day of receiving the report.

The resolution, quite simply, has been presented to the House. It is now in a form agreed to by the government. The motion seeks to ensure that we do not see in the inquiry conducted by Mr Clayton the same sort of delays, interference and prevarications that, of course, occurred in the recently released Auditor-General's Report where we first saw ministers of the Crown attempting to delay the report through interfering with or delaying the natural justice processes, and then the unprecedented move of threatening to sue the Auditor-General to take legal action against his making a report.

That track record has made the opposition extremely cautious about how the government would deal with the Clayton report. Evidence came to our notice several weeks ago that, in fact, one unnamed person was attempting to delay the natural justice processes in the Clayton inquiry. The original resolution directed that the report be with the Attorney by 22 October, but this one requests it if it is possible. I prefer the first course of action, but we will accept the second, because I believe that it is entirely possible and that it will be done.

The motion requests that Dean Clayton deliver his report by 22 October. I am very confident that that can be done. Of course, we have no idea what the report might say. The opposition's position on this issue has always been that all we require is the truth. Unfortunately, we believe a great deal has been done over the course of the past 3½ years to prevent the truth being discovered on this issue. I must say that, given the track record of this government in dealing with the Auditor-General, and given the quite outrageous and outlandish attacks on the Auditor-General by the minister today shortly after the House moved a motion of confidence in him, it reinforces in my mind the need to keep this government honest in its dealings and how it deals with inquiries that might be damaging to it.

As I have said, I understand that this motion will now be supported by the government. I do not believe that the government will do that for any reason other than that it has no option. I do not believe that it has learnt its lesson in any way, but the House will now request that the report be in this place, with the Attorney-General, by 22 October. We are content with that and, as I have said, we are confident it will be done. We look forward to returning after the two week delay to receive another report into the integrity and dealings of this government.

Motion carried.

[Sitting suspended from 1.10 to 2 p.m.]

STATUTES AMENDMENT (PUBLIC TRUSTEE) BILL

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

TOTALIZATOR AGENCY BOARD

A petition signed by 1 000 residents of South Australia, requesting that the House amend legislation to allow the TAB to offer fixed odds betting on races, was presented by Mr. Lewis.

Petition received.

SCHOOL CLASS SIZES

A petition signed by 305 residents of South Australia, requesting that the House urge the government to reduce school class sizes by increasing the staffing allocations formula over a three year period, was presented by Ms Maywald.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Dental Board of South Australia—Report, 2000-2001
HomeStart Finance—Report, 2000-2001

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

South Australian Police—Report, 2000-2001.

HINDMARSH SOCCER STADIUM

The Hon. G.A. INGERSON (Bragg): I seek leave to make a statement on the Auditor-General's Report tabled in this House yesterday.

Leave granted.

The Hon. G.A. INGERSON: I accept the responsibility for the carriage of matters re the Hindmarsh Stadium to and

from cabinet. I thank my cabinet colleagues for their general support on this matter. I accept responsibility for the prolonged decision re management and ownership as I had not placed this issue as a matter of major priority in the project. I do, though, reinforce that a solution would have occurred within weeks if I had not resigned in August 1998. I am disappointed that it took so long to be finalised. There are several other issues I wish to comment upon from the report.

Firstly, I believe the member for Coles has been grossly wronged. I understand the honourable member has made some comments today. I would also like to make some comments in relation to a specific statement in relation to standover tactics. The Auditor-General made adverse findings in respect of my dealings with Treasury, Crown Law, Services SA and the Public Works Committee. These findings demonstrate, in my view, a lack of understanding of the manner in which ministers and their departments operate. It is simply not possible; nor did I ever overbear or attempt to dictate directly to any other departmental officers. My dealings in all material respects were with ministers or through my chief executive.

The conclusion that I ignored certain advice from other departments is also erroneous and again is based on a misunderstanding of the manner in which ministers and their staff interrelate, their functions and how the process of cabinet works. All of my intergovernmental dealings with the stadium, other than formal meetings between ministers and departmental officers, were conducted in accordance with the proper cabinet processes. I would like to point out a specific issue as it relates to the Department of Treasury and Finance. I point out that we—my Department of Recreation and Sport—entered into a contract with the department of Treasury and Finance for them to give us financial support on the complex matters of the contracts. I note that this contract was supported by the then Treasurer, the Hon. Stephen Baker.

The bidding process I would like also to comment on. The conclusions of the Auditor-General in respect of the scope of the stadium development required to attract the Olympic Games to proceed suggest to me that there was a misunderstanding of the very process in which government was involved in the pursuit of this decision to attract the preliminary soccer rounds of the Olympic Games—a very major and significant event for our state.

Mr Lewis interjecting:

The Hon. G.A. INGERSON: In relation to the Auditor-General: evidence of the matter of this bidding process was provided to the Auditor-General, but he has chosen not to accept it, for no explicable reason. The clearest indication was given to the government towards the end of 1996 that what was previously thought to be adequate by the redevelopment of the stadium would not be sufficient to attract the games. I quote now from a statement by Mr Rob Elphinston. I made this statement available to the Auditor General:

> I recall attending the meeting in Adelaide in October 1996 to review the Adelaide bid. My brief was to assess how the state venues were going to the meeting of the SOCOG objectives. The bid process involved each prospective venue putting forward for consideration its best offer for facilities in all respects, including facilities for patrons. Although the first Adelaide bid included 15 000 seats, with 5 000 permanent, the decision to offer a significant additional number of permanent seats at the October meeting, and ultimately offer 15 000 permanent seats, was a significant factor in the final acceptance of the Adelaide bid. If the Adelaide bid had not been enhanced by the offer of such a significant number of permanent seats, the Adelaide bid was at risk of not being accepted. To that time the Adelaide bid did not compare at all favourably with others received. The issue was a significant factor in the ultimate favourable consideration of the Adelaide bid and, in particular, as it offered the appropriate legacy for soccer.
>
> (Signed) Rob Elphinston

Further, the Auditor-General has specifically placed no weight on a letter provided by the other most important SOCOG representative in the process, Mr David Hill, and I quote from his letter:

> It is important to understand that at the time that SOCOG issued invitations to the state and territory governments to submit their compliance bids it was the intent of SOCOG, supported by Soccer Australia and FIFA, to only conduct Olympic football matches at three non-Sydney venues.
>
> On assessment by SOCOG and Soccer Australia of the bids in September 1996, it was evident that, notwithstanding a section of Hindmarsh Stadium was to be upgraded (western grandstand) and that the South Australian government warranted to further upgrade the stadium in all areas it was deficient (including spacial requirements, pitch size, public lighting, players' change rooms and many other areas), the simple fact was that South Australia's bid, whilst very professional, was the least attractive to Soccer Australia and therefore FIFA, because of two critical reasons.
>
> The first was that it was the smallest, by half, of the five stadia being considered. . . Additionally, although some infrastructure would be permanently upgraded to meet FIFA and SOCOG stadium compliance requirements, the permanent seating capacity at Hindmarsh stadium was not proposed to be increased.
>
> As Chairman of Soccer Australia, and FIFA's representative in the stadium assessment and recommendation process together with SOCOG, I was more inclined to support the states/territory which were more substantially upgraded for player and patron benefit (and not only the soccer fraternity but also rugby, [etc.]) their stadia which would leave behind a legacy after the 2000 Olympic football tournament.
>
> It is correct to state that Adelaide's Olympic host city chances were kept alive as a result of the Hindmarsh stadium option, but only if the South Australian government were to increase permanent seating at Hindmarsh stadium to a minimum of 15 000. This approach of course required FIFA's formal approval and their, together with SOCOG's and the IOC's, formal agreement to extend the Olympic football tournament venues from four. . . to five.

It is important to note these quotes, because Mr Elphinston and Mr Hill were the Chairman and Vice Chairman of the committee that was responsible for allocating the games to Adelaide—or, for that matter, any other city—and in my view no appropriate weight has been placed on their evidence available to the Auditor-General. In my opinion, as minister, there was no higher advice for me to accept in taking my recommendations to cabinet for a decision. The Auditor-General's conclusion that the scope of the work undertaken was more than required to attract the games is erroneous and in my view based on a selective view of the available evidence.

In relation to natural justice, it is of great concern to me—and it should be of concern to all members of the House—that the Auditor-General's examination took place in circumstances where, despite specific requests, the Auditor-General refused to give any indication of the issues he wished to pursue, so that witnesses such as I had no opportunity to reflect upon events that had occurred in years before and to consider whether there were documents that might serve to assist their recollection. I answered a subpoena and gathered a substantial amount of background information myself, and then attended before the Auditor-General with the expectation that I would be answering questions in respect of issues related to my personal role in the development of the Hindmarsh stadium process, only to find that I was confronted by the Auditor-General and three lawyers, whereupon I was subjected to a process of interrogation in circumstances for which I had no opportunity to prepare properly. I therefore had to seek legal support for further sessions. In my

opinion this is not a fair and reasonable process, and in respect of any such future inquiry this House should insist on a judicial process in which participants would have every opportunity to give the best evidence they can, aided with a forewarning of issues and documents perceived to be relevant.

Another disturbing aspect of the process, in my opinion, is that at its conclusion there has been no exhaustive analysis of the evidence of all witnesses at the examination, so that persons such as I are left not knowing what other witnesses said which might have led to the adverse conclusions by the Auditor-General. Again, a judicial process would ensure a full and proper disclosure of all evidence heard in such an inquiry.

In relation to the budget, the Auditor-General has found that I submitted that the Hindmarsh process was completed on time and on budget and that such a submission was not correct. The auditor's conclusion is wrong. The cost of the western stand approved in the budget was $8.1 million; the actual cost was $9.26 million. The Olympic mode, or stage 2, was budgeted at $18.5 million; the actual cost was $17 million. The net cost of the project was $26.26 million, and in fact the construction stage was $340 000 under budget.

There are a considerable number of other issues of a financial nature that had nothing to do with the construction of the stadium, and I state again to the House that the Auditor-General has got that wrong. I would like to place on record some statements about staff, because they do not have the opportunity of privilege to comment in this place when they have been wronged, as I believe they have been. Specifically, I would like to put on record my appreciation of the substantial effort made by Michael Scott, the Chief Executive of Recreation and Sport, Vaughn Bollen and Rob Fletcher. It needs to be remembered that the Recreation and Sport Department had two officers in charge of this development, responsible also at the same time for the development of the netball and athletics stadiums. Those three officers did a magnificent job in supporting me in particular.

I would also like to place on record my appreciation of the fantastic role played by Anne Howe and Jeff Browne from the Department of Administrative Services. I would like to thank Jeff Browne in particular, because he managed those three projects superbly on behalf of the government. I would also like to place on record my thanks to Andrew Scott and, in particular, Ian Dixon, who pulled together a whole lot of disparate and unorganised positions and put in place a brand new program for this project.

Finally, I am concerned that the Auditor-General is stepping into the area of policy formation of government. He should not be involved in that, and I told him so. In my view, this parliament needs to review the role of the Auditor-General specifically as it involves this area. I thank the House for allowing me, under this special privilege, to make this statement today.

QUESTION TIME

The SPEAKER: Before calling questions, I advise the House that any questions for the Minister for Tourism will be taken by the honourable Premier.

TOURISM MINISTER

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier support the extraordinary allegations made in this House earlier today by the former Minister for Tourism against the Auditor-General? This morning the former Minister for Tourism made unprecedented claims about the integrity of the Auditor-General. The minister said that the Auditor-General had made accusations and voiced opinions that would never withstand the test of a court of law. She said that the Auditor-General has misled the former minister, that the Auditor-General's report in relation to the former minister is either 'an incompetent nonsense or a political vendetta or, at worst, both'. Do you agree?

The Hon. J.W. OLSEN (Premier): This House this morning has expressed a view as it relates to the Auditor-General. That was by resolution of this House. as with a number of other issues, the Leader of the Opposition has been pursuing this issue for political gain. The former minister tendered her resignation this morning and in doing so expressed a view about a number of findings which she is entitled to express as a member of parliament. I hasten to add that the Leader of the Opposition participated in a resolution that was passed in this House this morning that answers the question he poses—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —for base political purposes this afternoon.

EXPORTS

Mr HAMILTON-SMITH (Waite): Will the Premier inform the House of the importance to the state of building and expanding our export markets, especially in the recent light of expanding export figures?

The Hon. J.W. OLSEN (Premier): In South Australia in recent times we have seen a significant thrust in developing an export culture. It is quite historic, and it is something that will stand this state in good stead for decades to come. Importantly, it will aid our capacity to attract new investment and jobs into South Australia. We have developed this export culture deliberately, because it is part of expanding and diversifying our economy and our becoming an export focused economy. The Australian domestic market no longer is capable of taking the goods and services and enabling companies with investment and employment levels in Australia to get the economies of scale. The only choice, then, is for us to look at overseas markets.

The fact that South Australia has, over recent years, outperformed other states in Australia is something of which we, as South Australians, ought to be proud. It took us 160 years to chalk up $4 billion worth of export figures on an annual basis. It has taken only the last five years to double that by $4 billion to $8 billion. So, it took South Australia 160 years to get $4 billion, and the last five years to double it—to add another $4 billion to it to make it over $8 billion worth of exports. That is a track record that many other states would envy. Less than two years ago, the figure was only $5 billion worth of exports.

Our export industries continue to surge ahead. The latest figures show that, in the 12 months to July last, the value of South Australia's overseas goods exported increased by 33 per cent, compared to the national average of 22 per cent over the same period. Growth is not only spectacularly high

but also it continues to accelerate. The last three years have seen an increase of 7 per cent, 16 per cent and 33 per cent respectively for those three years. Every successive 12 month period is setting a new record for export levels.

Importantly, that is underpinning new investment and it is underpinning jobs in South Australia, and that is the reason why, under the government's economic policies over the last seven years, we have seen something like 5 per cent, or thereabouts, stripped off the unemployment queues in South Australia—which is a record. Before we were never behind Queensland, Western Australia and Tasmania in terms of levels of unemployment, but we have been able this year to achieve that sort of record, which was unheard of previously.

Some 68 per cent of the state's exports are manufactured goods, as the restructuring of our economy over the past few years leads to more value adding, and that is job creation. We have seen Email (or now Electrolux, owned by Electrolux worldwide) consolidate its manufacturing operations out of New South Wales and Victoria and into South Australia. Why? Because of lower costs of operating here, because our workers' compensation premiums have gone down by 21½ per cent over the last two financial years; the capital cost is lower in South Australia; and the operating costs are lower in South Australia.

In addition, we have one of the great assets in this state, and that is the human resource, the work force, and an industrial relations record second to none in Australia. That is a competitive advantage for investment, and it is why we are attracting manufacturing out of the eastern states and consolidating those manufacturing operations here. We are also seeing that in the defence and electronics industry, with BAE consolidating out of New South Wales and Victoria into South Australia. It is a trend, and a reversal of what we saw in the late 1980s and early 1990s, where we had a flight of capital from our state. We have now reconfigured the flight of capital to South Australia.

The value of our state's manufactured exports for the year through to July last of $5.7 billion is now more than double the $2.7 billion of five years ago. The regions are benefiting also, as rural-based exports surge. Wine is up 16 per cent in the year to July, with well over $1 billion worth of exports now. Fisheries products are up 30 per cent; meat is up 59 per cent; and wheat, in particular, has shown spectacular growth—it is up 86 per cent. We are exporting pasta to Italy, motor vehicles to the United States and Europe, and even sake to Japan.

Our export success is the result of an enormous amount of hard work in identifying markets, refining products and building relationships into those markets. That work is continuing, with the assistance of the government, by a range of industry sector forums in our state. Exporting is a great success story for South Australia. It shows that we have boosted the economy, rejuvenated the economy and built a future for South Australia, in contrast to the despair that was South Australia eight or nine years ago. It shows that when you have a vision for a state, you can actually deliver for a state, whereas in the past all we had was liabilities.

Mr Atkinson: We got rid of them in the last 24 hours!

The Hon. J.W. OLSEN: As to the interjection from the member opposite, what the Labor Party did in government was export taxpayers' money. We saw taxpayers' money and interest exported to banks and financial institutions around the world. We saw taxpayers' money invested into Wembley Stadium. We saw taxpayers' money go into Fishermen's Wharf in Surfers Paradise, Queensland. We saw taxpayers' money go into South African goat farms. That is the track record and the investment of those opposite. Never let it be forgotten the track record of the Labor administration.

What we are doing is getting investment back into South Australia. We are on the radar screen again, and that means greater job certainty. Importantly, not only have we increased the levels of employment, investment and growth and retired the debt, but also the average pay packet of South Australians has increased, because of the economic circumstances in our state, higher than any other state of Australia. The average increase in the pay packet in Australia last year was 4.7 per cent. The average increase in a South Australian pay packet was 7 per cent. Turning the economy around, having it diversified in the way in which we have, is reaping rewards in jobs and an increased pay packet for workers in this state.

HINDMARSH SOCCER STADIUM

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Human Services. As Premier in 1996, did you share the concerns of former Treasurer, Stephen Baker, about the financial implications of stage 2 of the Hindmarsh Soccer Stadium, and were you removed as Premier by a party room deal which allowed stage 2 to go ahead? On radio today, the former Treasurer, Stephen Baker, said that he and the former Premier were 'uncomfortable from the very beginning about stage 2'. This is what your Treasurer, Stephen Baker, said.

On radio today, the Independent and former Liberal MP, Bob Such, who was also a minister in the former Brown Liberal cabinet, said that 'it was only after the former Premier and former Treasurer told cabinet that we could not afford and did not need stage 2 of the soccer stadium that the members for Bragg and Coles supported a change of leadership.' So, that is two liberals giving evidence against you. The member for Fisher said—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: This is what they said. This is what your own people are saying about you. They are giving evidence against you.

Members interjecting:

The SPEAKER: Order! If the leader continues, I will withdraw leave.

The Hon. M.D. RANN: The member for Fisher said:

> The soccer stadium was a critical factor in the change of leadership. There is no doubt it is inextricably linked to the question of the change of leadership.

Which Liberal is telling the truth?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN (Minister for Human Services): The Auditor-General's report very thoroughly documents exactly what cabinet decided, what was put to cabinet and what qualifications cabinet put on any of the decisions made. Therefore, the material is before him and well and truly documented in the Attorney-General's report. I do not see any need to go back over that. The evidence is there. He has seen the documents.

In terms of the other accusations and claims made, Stephen Baker and I have had a chance to look at Stephen Baker's transcript. He was speaking for himself and clearly expressed that. He was not speaking for me and he clearly expressed that.

Mr Foley: Do you agree with him?

The SPEAKER: Order! The honourable member will come to order.

The Hon. DEAN BROWN: Stephen Baker has a right to speak for himself, and that is exactly what he did.

Mr Foley: Do you agree with him?

The SPEAKER: Order, the member for Hart!

The Hon. DEAN BROWN: I think the claim was made that Stephen Baker was commenting on the issue about the change of leadership. In fact, that is not what he said on radio this morning—certainly not in the transcript I read.

I stress again that Stephen Baker is expressing a personal view. In terms of issues around the change of leadership that occurred at the end of 1996, I have been asked questions about that in this House previously: I have refused to comment and I will again refuse to comment.

HOSPITALS, PUBLIC

Mr CONDOUS (Colton): Can the Minister for Human Services update the House on the progress in rejuvenating public hospitals in South Australia?

The Hon. DEAN BROWN (Minister for Human Services): Since 1993 this government has embarked on an enormous program to rebuild the hospitals in South Australia, both in the city and in the country, and to ensure that our country hospitals are brought up to a standard, including for aged care, that will comply with the federal government requirements. We have invested as a government over the period since the end of 1993 more than $700 million in that redevelopment. I would like to point out some of the benefits that have come through both in the major city hospitals and also in the country hospitals.

At the Royal Adelaide Hospital, for example, $19.2 million has been spent on stage 1 redevelopment, mainly in terms of rehabilitation facilities at Hampstead; $2.5 million on cardiac angiography equipment; $2.1 million on the helipad; $7 million on cancer services; $5.9 million on the new IMVS laboratory building; $2.7 million on the redevelopment of the RAH cardiothoracic unit; and $2.2 million on the Margaret Graham Building.

At the Flinders Medical Centre, which is a major hospital in the southern suburbs—and a very good one—$2.8 million has been spent on cardiac services; $1.2 million on the new CAT scan; $5.8 million on the accident emergency facility which considerably expanded that facility to take additional people; $3 million—

Members interjecting:

The Hon. DEAN BROWN: This is all since the end of 1993—effectively from the beginning of 1994. The sum of $3 million has been spent on the Flinders Eye Centre, a magnificent facility, the opening of which I attended. As a result of that, I think they were processing 80 per cent more people than they were previously. Further, $6.3 million has been spent on the new critical cardiac unit, which is under construction at present.

At the Queen Elizabeth Hospital, to which the member for Elizabeth often refers in this place, $4 million has been spend on the new intensive care-high dependency unit; $4.6 million on the new psychiatric facility; and $6 million so far on stage 1 of a total commitment of $37 million. At the Repatriation General Hospital, we have spent over $14 million in a complete redevelopment of that hospital. It is a magnificent facility, which has probably some of the best rehabilitation facilities you would find anywhere in Australia, particularly for returned service people. In addition, $2 million has been spent on the day surgery unit and the recently opened $1.5 million psychiatric ward (Ward 17). I point out that at the opening of that ward I announced that additional money will be spent on psychiatric aged-care facilities at the repatriation hospital. Those are just examples.

In parliament last week, I mentioned Noarlunga Hospital, where $6.5 million has been spent on the new emergency facility at the hospital and also renal dialysis facilities. There has been a total commitment of $10.2 million on Modbury Hospital, and we are about halfway through that redevelopment. The Women's and Children's Hospital has been involved in a range of developments and of course we have the magnificent new facilities there.

However, there has also been a huge commitment in the country. This government has spent $125 million on upgrading hospitals in country areas, and in the most recent budget we have committed an additional $22 million for further upgrades of country hospitals. Of course, on top of that, we have the $200 million commitment for a redevelopment of the Royal Adelaide Hospital Stage 2 and 3A; for the Lyell McEwin Hospital stage 1; and for the Queen Elizabeth Hospital Stage 1.

We have spent over $700 million. We have committed a total of another $200 million for the major redevelopments of the three major hospitals. It has been this government that has made a huge commitment to picking up what was neglected under the previous Labor Government. When we came to government, the previous Labor Government had committed $59 million a year only to the redevelopment of our hospitals and for new medical equipment. This year, in the most recent budget, we have committed $145 million.

The Hon. R.L. Brokenshire: Three times as much.

The Hon. DEAN BROWN: It is almost three times as much as the previous Labor Government had committed. It is this government that has made the commitment to our public hospital system.

HINDMARSH SOCCER STADIUM

Mr FOLEY (Hart): My question is directed to the Premier. As the head of cabinet, does the Premier accept responsibility for the failure of cabinet to require all available information and analysis of the Hindmarsh Soccer Stadium project prior to giving it the go-ahead, and does he accept responsibility for cabinet disregarding the Treasurer's Instruction 9105 and Treasury Information Paper 90-1, which the Auditor-General says constitutes a breach of the Public Finance and Audit Act? Treasury Information Paper 90-1 requires that cabinet considers the following: the objectives of a project must be clearly defined; all feasible options for the project must be identified; the 'do nothing' option must be considered; economic costs and benefits must be identified; and a financial analysis of other relevant factors, such as the social impact and a risk assessment. The Auditor-General says that none of these reports were prepared for the cabinet that the Premier chaired.

The Hon. J.W. OLSEN (Premier): This matter had been before cabinet over an extended period of time. I am not quite sure when the first cabinet deliberation was as it related to the redevelopment. I know that, in principle, the stage 2 redevelopment was signed off in November 1996 prior to my becoming Premier of South Australia, and the chronology of events clearly indicates that. Cabinet makes collective—

Mr Foley interjecting:

The Hon. J.W. OLSEN: Don't be ridiculous. Try as you will—

The Hon. M.D. Rann: We don't have to try very hard.

The Hon. J.W. OLSEN: What it demonstrates is that the Leader of the Opposition has no policies and no important issues that he wants to raise today: he just wants to play base political politics. He does not want to get into the substance of jobs, the future, the vision, our education, our health, our roads and our police services. He is not interested in that. The Leader of the Opposition and his colleagues are interested in political point scoring, full stop. They are not interested in the future of South Australia. They are not interested in making the fundamentally hard and difficult decisions that we have made to restructure the finances to get South Australia back on an even keel, to give South Australian kids a future. That is what this government has done over the last seven years. As a cabinet we make collective decisions on the advice that is put before the cabinet.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Of course cabinet is a collective decision-making body. Cabinet throughout its history has been a collective decision-making body. What the member for Hart in his interjection is trying to interpret is that the Westminster system—

Members interjecting:

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

The Hon. J.W. OLSEN: The member for Hart in his interjection is trying to suggest that we are going to rewrite the protocols of the Westminster system that have stood the test of a couple of hundred years or more.

The Hon. D.C. Wotton interjecting:

The Hon. J.W. OLSEN: Yes, that is right. As the member for Heysen interjects, on the basis of that, the Leader of the Opposition, as a minister in the Bannon government, shares equal responsibility for the collapse of the State Bank and $3.15 billion. The Leader of the Opposition has tried to walk away from his track record of the past and now, on the basis of the question before the House, puts himself right in. I am pleased at last, a number of years down the track (about eight years), that the Leader of the Opposition has finally conceded, in the thrust of his question, that he accepts responsibility for the collapse of the State Bank.

POLICE RECRUITMENT

Mr SCALZI (Hartley): My question is directed to the Minister for Police, Correctional Services and Emergency Services. Will the minister update the House on the status of police recruitment?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for the question. It is certainly a question to which I know all colleagues on our side will be interested to hear the answer. I appreciate the great support that my government colleagues show to our police in South Australia. I am pleased to report that over the last three budget cycles we have seen 750 police going through the Police Academy at Fort Largs.

Mr Hanna interjecting:

The Hon. R.L. BROKENSHIRE: If the member for Mitchell would like to listen, he might be able to put out some facts in his newsletter about the good work the government is doing in relation to policing in South Australia. It is nice to see he is awake for a change. In 2000-01, we saw 239 police graduate through the Police Academy, and this year we will see 266 go through the academy with recruitment. This means that on top of the government's policy of recruitment and attrition, which we monitor every month (which is very important), in two years we will see 203 additional police officers coming out to help protect the South Australian community. We saw 113 of those come from the Premier's task force initially and in the current budget period we see an additional 90. I am pleased to say that we are right on track with the graduations, although I know that the police are encouraging anyone interested in an exciting career to contact the recruitment office.

We will see in November another graduation—I think course 39 from memory—and in January and March next year we will see two other courses completing. I want the member for Mitchell to listen to this. When I was visited the electorate of the member for Mitchell recently, I was quite interested to know that he was not sending a lot of messages out there in Mitchell, but the messages that he was sending were factless. I would like to give the member for Mitchell some facts.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Factless: that is, they were untrue messages.

Members interjecting:

The Hon. R.L. BROKENSHIRE: No, they didn't know who he was. Someone said that it was the first time they had had a politician come to their door for 10 years. That is what they said in Clovelly Park. As of 30 June this year, we see the total police numbers, sworn and non-sworn, at 4 per cent higher than when members opposite were in office. If any members went to the International Police Tattoo—and I hope many did—I am sure they were as proud of what they saw of the South Australian Police as I was as their minister. It made me an extremely proud minister, but also it showed the resources that the South Australian Police have today, thanks to the government and its commitment to the police department.

Around the western world we live in unprecedented times when it comes to crime trends. Illicit drugs are a key part of that. By growing the police force we will be doing everything we can to combat that. As we grow and rebuild this state, we are able to deliver more and more, and this culminated in a record police budget just handed down of $400 million. I am pleased that the Leader of the Opposition for once is watching and listening.

What a stark contrast it is between what our government is delivering for the South Australian community today and what the Labor government delivered when the Leader of the Opposition was a senior minister. They delivered despair, anxiety and desperate situations. He nods and agrees. A leopard never changes its spots, and between now and the election we will be doing everything in our power to let the community of South Australia know that the Leader of the Opposition has not changed his spots. If they thought about voting him in, they want to think about the darkness, despair and pain he would again inflict on the South Australian community.

HINDMARSH SOCCER STADIUM

Mr FOLEY (Hart): Bring on the election! If that is the best you have, bring it on! I direct my question to the Premier.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Mr FOLEY: Factless; can you believe that?

Members interjecting:

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

The Hon. M.K. Brindal interjecting:

Mr FOLEY: On a point of order, sir, the Minister for Water Resources should not call the police minister a goose, and I ask that he withdraw.

The SPEAKER: Order! There is no point of order. I ask the member to come to his question.

Mr FOLEY: Why did the Premier support the plans of former minister Graham Ingerson to go ahead with stage 2 of the Hindmarsh Soccer Stadium redevelopment in spite of warnings by the former Treasurer, Stephen Baker, about the financial dangers and shoddy processes associated with this project? Former Treasurer, senior Liberal and Deputy Premier, Mr Stephen Baker, rang in to 5AN radio this morning and said, first, that cabinet was given no proper analysis of the Hindmarsh Soccer Stadium; the government did not even have a lease in the event that the Soccer Federation defaulted on the deal; there was no analysis of cheaper alternative venues for hosting of Olympic soccer; and the Auditor-General had reported fairly on the Hindmarsh Soccer Stadium, as the former Premier has also said. The former Treasurer went on to say:

> I said, 'Look, this has got to stop. We've got to take a deep breath. We have to reassess the situation, because what we hear is, we've got a thing that is financially out of control.'

The interviewer asked Mr Stephen Baker, former Treasurer and former Deputy Premier, 'And what did Graham Ingerson say to you?' Mr Stephen Baker said, 'Oh, I—well, I think it was ''Mind your own business.'''

The Hon. J.W. OLSEN (Premier): I do not know whether that might have been the verbatim version. The Auditor-General has reviewed this issue and reported to the House in about 600 pages of a report on the matter. It is there for the member for Hart or anyone else, including the public, to read. The original intent was to secure Olympic soccer for Adelaide, and that was delivered. Another intent was to establish a soccer facility that would stand soccer in this state in good stead in the future, so that soccer had a future in South Australia, and that has been delivered.

Members interjecting:

The SPEAKER: Order! The member for Stuart.

EMPLOYMENT

The Hon. G.M. GUNN (Stuart): I direct my question to the Minister for Employment and Training. Will the minister inform the House whether he believes that South Australia will continue to make gains in getting more South Australians employed, and would he care to comment in some detail on the latest position?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank the member for Stuart for his question, knowing that, like most members on this side of the House, he is vitally interested in—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: The member for Elder interjects by way of laughter. I make the serious point that on this side of the House we are concerned about jobs for South Australians. If the member for Elder thinks that the matter of jobs for South Australians is a joke, let him communicate that to his electorate and let them make a decision about sending him to the Senate at some time in the future. If there is one thing on which this government has worked very hard in the past 7½—almost eight—years it is creating a consistent growth climate for employment in South Australia.

As we speak, 7½ years down the track, we are in a position that is in absolute stark contrast to where we found ourselves a decade ago. Today, 680 000 South Australians are in jobs, and nearly 5 000 extra jobs have been created between July and August of this year. None of us would like to go back to the dim dark ages of Labor a decade ago. When we talk about this government's record on employment, the best that members opposite can do is sneak down the corridors to the *Advertiser* and remind it of an unfortunate faux pas I made at a public speech. The unfortunate faux pas—and it was that, a slip of a tongue—is there, and stands there, because it is in stark contrast with our record of exactly what we have done. Some time ago, I caused some angst by saying that, if I was minister for employment—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: Before the member for Spence gives me lectures on either elocution or grammar, he had best talk to the member for Hart who seems to be his greatest expert in speech making on that side of the House. He seems to be able to correct all of us, but his grammar is not too good. The fact is that under Labor—under the leader opposite—unemployment figures were in double digits. It was in excess of 10 per cent. I stood before this House nearly three years ago and said to the Premier that I would give him my resignation if ever unemployment approached the figures that they did under Mike Rann. All my colleagues on this side of the House have worked hard to see that we have shaved 5 per cent off the unemployment queues.

What do we get from Labor? We get carping and criticising. When the Leader of the Opposition was Minister for Employment he wanted a summit. He called on his mates in Canberra—these people who all listen to the Hon. Mike Rann—to have a job summit. They ignored him totally and completely, as I believe all his colleagues do around Australia today. He cannot get anyone to speak to him. Certainly Bracks cannot be speaking to him.

Mr CONLON: I rise on a point of order, Mr Speaker. For not the first time today this minister, like other ministers, is now debating the question. He is plainly debating the question; he is not addressing the substance of the question at all.

The SPEAKER: Order! I ask the minister to come back to the question he was asked.

The Hon. M.K. BRINDAL: I certainly will, sir. I am sorry to have offended the opposition. Recent signs of continuing jobs growth in our state include Dominion Mining's Challenger gold mine, which will create an additional 70 jobs; the recently enlarged Adelaide Convention Centre, which will provide 220 jobs in the next 12 months, and up to 1 000 indirect jobs over the next five years. It is a wonderful new, visible icon for South Australia.

Mr Atkinson: Most icons are!

The Hon. M.K. BRINDAL: The member for Spence would almost certainly put himself in that class today—very visible! Of course, last night there was the green light by Norwood, Payneham and St Peters council to sell a council site for use by JP Morgan as a call centre. That will initially create 450 jobs and lead to 1 100 jobs in the second phase. We, and the Deputy Premier in particular, continue to work with the federal government on a positive result for the SAMAG plant at Port Pirie. There is the potential in that one

plant alone for 1 000 jobs. We are also lobbying hard for the AusIron $1.2 million smelter planned for Whyalla, and that will create an extra 500 jobs in the Iron Triangle, something that I think the honourable member over there would sorely welcome. In summary, I am very optimistic—

Members interjecting:

The Hon. M.K. BRINDAL: Sorry? In summary, I am very optimistic that this government will continue to make gains in getting more South Australians into jobs, and I will not rest until we reach the stage where every South Australian who wants a job has one. I believe—

Members interjecting:

The SPEAKER: Order! The minister does not need help from the member for Ross Smith.

The Hon. M.K. BRINDAL: I will be helping the member for Ross Smith, sir, so I do not see why he would not help me—when he is an Independent member, that is. In stark contrast, all we have opposite is yesterday's man espousing yesterday's ideas, and South Australia deserves a little bit better than him.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): When was the Premier informed that the hosting of seven Olympic soccer matches did not depend upon the second stage $18.1 million upgrade of the Hindmarsh Soccer Stadium and, as the head of cabinet, did the Premier ever consider that the parliament and the public should be told the truth about this fact?

Members interjecting:

The SPEAKER: Order, members on my right!

Mr WRIGHT: Both the Premier and the Deputy Premier issued press releases in 1998 saying that the second stage upgrade of the Hindmarsh Soccer Stadium was necessary to secure the Olympic soccer matches for Adelaide. The Auditor-General, in his very fair report, said there was no evidence that SOCOG ever required the second stage upgrade—

Members interjecting:

Mr WRIGHT: Have you finished?

The SPEAKER: Order! The member for Schubert will come to order!

Mr WRIGHT: The Auditor-General, in his very fair report, said that there was no evidence that SOCOG ever required the second stage upgrade in order to secure the Olympic soccer matches for South Australia and, further, no-one even asked SOCOG whether it was a requirement.

The Hon. J.W. OLSEN (Premier): I draw the member for Lee's attention to some of the remarks and quotes of the member for Bragg.

POLICE RAID

Mr LEWIS (Hammond): My question is directed to the Minister for Police—

An honourable member interjecting:

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

Mr LEWIS: Will the minister investigate the reasons behind the media entourage accompanying police officers in their raid on the premises of Mr R.G. Mathison at Murray Bridge, when Mr Mathison had not been advised of their disenchantment with his workshop or been given any other reason to believe that he would be closed down, in front of journalists from both the electronic and print media for national coverage purposes? I would like to briefly explain what I consider to be a substantial blot on the copybook of the police in the way in which they conducted themselves on that occasion—5 July 2001—when they took from Mr Mathison the licence to conduct his trade as a gunsmith without giving him (in what he has provided to me) a fair and reasonable opportunity to comply with the ever changing demands they made of him for the structure and, as they claimed, security and occupational health and safety provisions of his work-shop, when he is a single operator—that is, he does not employ anyone.

Mr Mathison has pointed out to me, in a statement, that the Deputy Registrar requires of him different activities and security measures from those which he was required to provide by other officers of the firearms branch, and is using the occupational health and safety act as a ground upon which to close him down, even though he has no employees, and nor did he at any time during which the police were seeking to have him comply with their requirements—as I said, ever changing.

The SPEAKER: There is some doubt as to the minister to whom you are directing your question.

Mr LEWIS: No doubt in my mind at all, sir. I said the Minister for Police.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I understand the question and the comments from the member for Hammond. This is obviously an operational matter. Having said that—

Members interjecting:

The Hon. R.L. BROKENSHIRE: We do not laugh about these things. The Labor Party three times lately has clearly demonstrated that it does not understand the separation of powers. We heard what the member for Spence said if he became Attorney-General: he, not the commissioner, would make the decisions as to whether or not a police officer went to Ceduna. We have heard what the member for Taylor said—

Mr CONLON: On a point of order, sir.

The SPEAKER: Order! There is a point of order. The minister will resume his seat.

Mr CONLON: The minister is plainly debating the issue. He is not even debating the question; he is debating some-thing else.

The SPEAKER: I would ask the minister to come to the question.

The Hon. R.L. BROKENSHIRE: I will, and in coming to the question I am sure that if Labor got into office it would not want to have a look at the allegations around branch stacking and the member for Ross Smith.

The SPEAKER: Order! The minister will come back to the question.

The Hon. R.L. BROKENSHIRE: I will certainly get back as quickly as possible—

The SPEAKER: You will come back to it now!

The Hon. R.L. BROKENSHIRE: —to the local member, out of session, with an answer, after I have received a briefing.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): My question is directed to the Premier. Was evidence by the former minister for sport, Scott Ashenden, to the Auditor-General's soccer stadium inquiry correct in suggesting that you, as Premier, had insisted that

Mr Sam Ciccarello be appointed as a consultant to the government on Olympic soccer, and did you approve this appointment being made without due process? In evidence to the Auditor-General, the former Minister for Tourism confirmed that she had spoken to the Premier about the need to appoint Mr Ciccarello as a consultant to Olympic soccer. Mr Ashenden told the Auditor-General that, following a meeting with the Deputy Premier, he was left in no doubt that he was required to appoint Mr Ciccarello without due process. Mr Ciccarello received $385 000 for 90 days' work.

The Hon. J.W. OLSEN (Premier): I have not seen, nor am I privy to, any evidence put forward by the former member and minister, and I therefore do not intend to comment on his evidence.

Members interjecting:

The SPEAKER: Order!

SCHOOL MAINTENANCE

Mr MEIER (Goyder): Can the Minister for Education and Children's Services advise this House on recent progress made by the Liberal government in catching up on backlog maintenance in schools?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Goyder for his question, knowing how interested he is in his country schools and the maintenance of those schools. Let me quote from the *Advertiser* of 2 December 1993. The article states:

Class Warfare Breaks Out—

Ms White: 1993?

The Hon. M.R. BUCKBY: 1993. It states:

A 1992 Australian Teachers Union survey of schools found that this state had the most poorly maintained schools in the country.

Another article in the *Advertiser*, on 18 August 1992, states:

South Australia's school system fails the test of time. It is hard to find a school not in need of more money, resources, teachers or space.

This was in 1992, when the last Labor Government was in power.

The Hon. R.L. Brokenshire interjecting:

The SPEAKER: Order, the Minister for Police!

The Hon. M.R. BUCKBY: Did he? Very good! Under the last Labor government, schools in South Australia and facilities in f those schools were in a state of decay. I do not have to tell this House of the number of members who came to me when I was first appointed education minister and told me of the number of schools that required either painting or maintenance upgrades, and that requirement had existed not for a matter of a couple of years but for 10 years or more. The fact is that, not satisfied with creating a state debt of monstrous proportions due to the State Bank, the Labor government of the day left an education system which was tired and demoralised and which had no direction and no rudder; it had no-one at the steering wheel and no-one taking responsibility for the reins whatsoever. It had no direction.

In just eight years, the Liberal government has turned our education system around. It has put schools back into the limelight and got them back onto their feet. Once again, parents and students have confidence in the education system. It displays a vitality and energy that has not been there for a long time. For the first time, communities have certainty about their schools, not only with P21 and being able to make decisions about where their schools are going and the policy for their schools, but they have certainty in terms of capital refurbishment and a capital works program for their schools.

This government has announced a three year forward capital investment program valued at some $127.5 million. In addition, it has committed $98 million this year towards capital investment projects in schools, preschools and TAFE campuses, with over $68 million of new works approved to commence this financial year. This expenditure is in addition to the $36.56 million approved for the 2000-01 maintenance and other minor works. The government's commitment to improving our schools continues.

In this year's budget we announced an additional $15 million for an external paint and repair program over three years to address those very issues that primary school principals put on the top of their list, that is, facilities. The government is working towards what they want to deliver, what the schools want and what parents want in our schools. Education is now back well and truly on the radar screen of this state, unlike it was off the screen in 1992-93. It is back among the best resourced education systems both here in Australia and, when you compare figures from across the world, around the world. The opposition promises nothing but a black hole for education in this state because nothing will ever come out of it.

HINDMARSH SOCCER STADIUM

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Was your colleague the Minister for Sport correct in his evidence to the Auditor-General's inquiry that the minister, at the direction of the Premier, had lost responsibility for the $41 million Hindmarsh Soccer Stadium in September 2000 because of, and I quote, 'the firmness of his resolve in dealing with the Soccer Federation'? At the Premier's direction, responsibility for the Hindmarsh stadium was transferred from Iain Evans to the Deputy Premier Rob Kerin.

The Hon. J.W. OLSEN (Premier): As I have indicated, a number of individuals have given evidence in the compilation of the Auditor-General's Report. Because I am not privy to the evidence, the context in which it was given or factors surrounding it, I am not on the run going to make comments on that. I would like to draw to the attention of the House a press release of the Leader of the Opposition dated 26 February 1995. It is headed, 'Stadium upgrade essential for 2000,' says the Leader of the Opposition. Let me quote the Leader of the Opposition—remember that this is back in 1995:

It has an outstanding playing surface which has been upgraded to world standard. . . It is now essential to construct a $7 million Eastern Grandstand as the first stage in a phased redevelopment. Later stages should include an extension to the western grandstand.

This is from the Leader of the Opposition. The press release further states:

The former state Labor Government recognised the importance of this world event. . . but that upgrade is no longer sufficient. All soccer supporters are delighted that Adelaide has been offered a section of the 2000 Olympics' soccer tournament. But that in itself must mean a commitment to further upgrading of the stadium to minimum FIFA standards.

The Leader of the Opposition's absolute hypocrisy is exposed by his own press release issued in his name on 26 February 1995.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, the Leader of the Opposition!

Members interjecting:

The SPEAKER: Order!

Mr Scalzi interjecting:

The SPEAKER: I warn the member for Hartley. The member for Heysen.

NATIONAL PARKS

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Environment and Heritage. Given the importance of national parks and wildlife reserves in South Australia, will the minister advise the House what land has recently been added to the reserve system in this state and where the new additions have been made?

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Heysen for his question because I know of his interest in this matter. He will be pleased to know that, since it came to power in 1993, this government has been responsible for adding some 351 new parcels of land to the reserve system, to which just over 750 000 hectares of land has been added. My colleague the Minister for Education and Children's Services asked me to name the 351 additions. I will not do that for the sake of the House but I will go through some of the more important ones.

I know that the member for Flinders worked very hard in relation to the Gawler Ranges National Park. That was a significant addition to the reserve system (around 120 000 hectares), and that was opened earlier in the year. I should put on the record our thanks to Senator Hill, the federal environment minister, in relation to his support for that particular park. We have also added something like 2 100 hectares to the Coorong National Park and 450 hectares to the Mokota Conservation Park, that being, of course, the first designated because of its native grasses within the state. The Nature Conservation Society was of great support in relation to that particular acquisition into the reserve system.

It would also be of interest to the member for Heysen and other members that there has been a significant increase within the formal government reserve system. Something like 20 per cent of the state is now under a government reserve system, and that is a significant amount of land—one-fifth of the state is now under the national parks and reserve system. That is an outstanding achievement, and South Australia can hold its head high with respect to its reserve system.

I think that the great issue for those who have an interest in matters environmental is that something like 500 000 hectares is now protected by private land owners under various covenant arrangements and heritage agreements.

Not only have we added more than 750 000 hectares (about 20 per cent of the state) to the reserve system but also people outside the government system—private land owners—are putting up their hand and saying that they do have an interest in the environment, that they have a very strong interest in conservation and, through the heritage agreements, they have put something like 500 000 hectares aside, and that is just a fantastic result.

The Hon. D.C. Wotton interjecting:

The Hon. I.F. EVANS: Australia, and particularly South Australia, has a very good system for preserving our natural environment. The federal government should be congratulated on its CARRS program, which focuses on an adequate representative reserve system. The commonwealth has provided significant funds, which has enabled us to target some of the more specialist areas of land that might be not only of higher conservation value but also of higher economic value. Through that process not only this state but other states have been able to bring into the reserve system and under protection biodiversity families that previously were not protected.

A far broader range of our environmental biodiversity is being protected through state and federal cooperation. A good example of that was the recent purchase of the Denver property on Hindmarsh Island in which, I know, the member for Finniss (the Minister for Human Services) has an interest. That was a purchase of some $3 million, which is not an insignificant amount of money for one land purchase, but that property (about 1 000 hectares) has won something like 12 or 13 national environmental awards over a number of years. I know that, in previous roles, the members for Heysen and Newland had an interest in that property.

We have purchased the Denver property with significant help from the federal government. The Minister for Water Resources, of course, also had an interest because of the Murray River. The purchase of that property gives us better control over that section of the water and the island and therefore better management as a result. Also, of course, it will affect the simple environmental values. The migratory birds and those sorts of issues will be fantastic for tourism in addition to being a good environmental outcome.

We have also announced the addition of Yurrebilla, and I know that the member for Fisher has an interest in that. The honourable member wrote to me recently congratulating the government on its addition of the Yurrebilla parklands, which is a 20 year vision. I think we can say that, as a government and as a state, we have a very good national parks and reserve system, we have a very good heritage system and we are now developing, over 20 years, a second generation parklands around Adelaide. We have added recent additions, such as 64 hectares into the reserve system of the Sturt Gorge Recreation Park and 98 hectares of land was added to the Scott Creek Conservation Park, which is of interest, of course, to the member for Heysen.

The Oliphant Conservation Park had something like 11 hectares added to it, and the Blackwood Forest matter has finally been resolved, and that is being added to the Yurrebilla project. Also, in the South-East we have recently announced the Carpenter Rocks Conservation Park, which is a special habitat for the orange bellied parrot. Again, that is an example of the CARRS—

An honourable member interjecting:

The Hon. I.F. EVANS: No, that is an example of the adequate and representative reserve system coming into play to put special land aside for special biodiversity reasons.

I want to place on the record my appreciation and that of the parliament for the great support we receive from the Nature Foundation. It is a significant contributor to the environmental movement and particularly to park purchase and park management. I also acknowledge the Friends Group, which now comprises well over 107 groups throughout the state. We would not have the fantastic system that we have today if we did not have the support of both the Nature Foundation and the Friends Group.

EMERGENCY SERVICES

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.L. BROKENSHIRE: In June this year, I advised the House that a contract had been signed to replace the existing 6 000 pagers and order another 6 500. The priority was to ensure that the pagers were of the highest standard possible so that emergency service volunteers received a comprehensive paging system. Based on the specifications agreed with the supplier at the time, clear indications were that the new pager would provide significant enhancements over the previous model and that its technical performance within the SA-GRN environment would be equal to or exceed the performance of all other pagers evaluated.

During the manufacturing process, advance notification from the supplier was that the new pagers were achieving or exceeding the agreed specifications. The Department of Justice recently received the first sample batch of new pagers and, as a part of the process of ensuring that the pagers met the requirements of our emergency service volunteers and the specifications set by government, the Department of Justice instituted a comprehensive acceptance test regime. This included arranging for Telstra to re-establish a sophisticated pager testing laboratory.

On 3 October 2001, formal advice from the independent testing laboratory indicated that the pagers do not meet their specified level of radio frequency sensitivity. The tests show that the RF interference caused when the pager's back light is switched on is at the root of the problem. It causes a sensitivity degradation of approximately 11 per cent, the outcome being that the pagers perform below their specified level.

Based on these test results the new pagers could not be accepted for their intended use in government, particularly where the pagers are to be used as the primary means of emergency call-out for CFS, SES, National Parks and Rural Ambulance. Initial indications are that this problem may not be remedied in time for the beginning of the 2001-02 fire danger season. The extent of the delay is not yet known and negotiations with the supplier are being undertaken as a priority to rectify this problem. Should a delay with the pager roll-out occur, contingency plans will be established with the emergency service agencies to ensure that effective operations in the field can be maintained.

Our objective has always been that we must provide an integrated statewide paging service that will assist emergency service volunteers successfully to protect life and property in South Australia, and I will ensure that this problem is resolved and that all volunteers receive the best possible pager available. Statewide pagers are a government initiative that no previous government was prepared to address. Once fully implemented they will be a beneficial adjunct to the SAGRN. I will keep the House informed on the progress of this issue.

Members interjecting:

The SPEAKER: Order! The Minister for Local Government has the call. The member for Elder will come to order.

PARTNERSHIPS PROGRAM

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

Leave granted.

The Hon. D.C. KOTZ: I am very pleased to be able to advise the House that the state government recently signed off on a memorandum of understanding and a statement of intent under the auspices of the state local government Partnerships program with two regional local government associations, paving the way for development of partnership agreements between the government and the two organisations. The agreements were signed with the Murray Mallee and South-East local government associations at meetings of the State Local Government Partnerships Forum which were held at Naracoorte and Mannum last month.

The regional partnership agreement will ultimately achieve improved cooperation, more effective working relationships and joint action via state government and councils within those regions to advance social, economic and environmental priorities. A negotiating team has now been established to report back to the regions and to the government by December of this year, with a project plan that is to include the nature of proposed activities. The two agreements are seen as pilots for a process that can be extended to other regions in due course. Importantly the partnership agreement will assist our regional areas to build on an improved economic climate through a range of measures that will see improved conditions and ultimately deliver greater economic growth, job creation and improved community facilities and services.

Already projects such as the roads infrastructure database project, initiated by the partnerships forum, are providing real benefits for local communities. The database will assist councils, the state government and the Local Government Grants Commission in making funding decisions relating to expenditure on local roads. The project will also provide valuable road data to government for other purposes such as transport planning, development and related infrastructure needs.

Many areas of our state are experiencing rapid economic and employment growth, but the supply of adequate housing stock has not kept up with the demand.The regional work force accommodation study will help regional communities to find solutions to work force accommodation. Under this project, best practice examples in which local government has taken a leadership role to develop work force housing in those areas where demand is outpacing supply are being explored. This will be followed up by identifying ways to attract private sector involvement, the style and type of work force accommodation options and innovative solutions to overcome the impediments to regional economic and employment growth caused by insufficient housing.

The government is also pleased by the successes being seen across the state as a direct result of the partnerships program. We are committed to a series of major priorities for advancing the program at this stage, and they include the further development of principles agreement between the state and local government sector and further development of partnership projects on the ground, particularly at regional and local levels.

At this point I pay tribute to outgoing Local Government Association President, Mayor Brian Hurn, and congratulate him on his leadership of the local government sector. I have enjoyed the opportunity to work with Mayor Hurn and look

forward to his continued contribution to the sector as he continues in his role as Mayor of the Barossa council. In farewelling Brian Hurn, I also welcome Mayor Johanna McLusky to the position of LGA President and wish her well in the discharge of her duties in this most important position. The government believes that state and local government bodies owe it to their communities to show leadership. This government is showing that leadership by demonstrating how we can work together with the local government sector to deliver better service for our communities.

GRIEVANCE DEBATE

Mr KOUTSANTONIS (Peake): I have raised in this House on a number of occasions the issue of the Bakewell Bridge, its continued state of disrepair and the way it is completely unsafe for road traffic and pedestrian traffic. Last night, unfortunately, there was a head-on collision on the Bakewell Bridge yet again. I am not aware of whether there were any fatalities on that bridge, but I understand that it was a very serious accident. I am not sure whether any foul play was involved such as drink driving or speeding, but that bridge is a disaster; it is dangerous and ugly and should be knocked down and rebuilt. I received a letter from the Minister for Transport saying that the bridge had been made safe. After two fatalities, I petitioned the minister to ask her to put up road barriers on the side so that cars could not plough through into residents' backyards or homes. After two fatalities, she agreed. After one fatality on a bridge in North Adelaide, that bridge was completely upgraded and renovated at a cost greater than the expense of putting up road barriers on the Bakewell Bridge.

There was another collision again today. That collision highlights the need for the minister to take urgent action to see what she can do to ensure that this bridge is safe. If there was another fatality last night it is one too many. This is the most dangerous bridge in South Australia. There have been more fatalities on this bridge than on any other bridge in South Australia. I said in my last grievance and say again to the minister that, if there are any more fatalities on that bridge, they will be on her hands. On her watch we have had more fatalities than at any other time. I am quite happy to say outside this place that I am sick and tired of the western suburbs getting an unfair deal from this government.

This bridge is a gateway to the city from the airport. It is a bridge used by school children crossing to the Adelaide High School and to other private schools in the city. There is a bus stop on the bridge and it is dangerous; it needs to be fixed. The government, which has already costed and announced an upgrade of the bridge, should bring it forward but I do not think it will. It is disgraceful that the Minister for the Arts would sit back and watch a blowout in the operation of the Festival Theatre and yet, as Minister for Transport, see the condition of the Bakewell Bridge and its fatalities. It is government waste. It saddened me to read the Auditor-General's Report yesterday and see the amount of money wasted on the upgrade of the Hindmarsh stadium. That money could have been spent on a number of things. It is just a disgrace, an absolute disgrace.

I often wonder whether, if this bridge were in a marginal Liberal seat, the government would have acted and there would have been an upgrade. But it has not—it has done absolutely nothing. I hope the people involved in the accident last night are okay. I am not sure how the accident occurred, but anyone who has driven over that bridge realises that the bridge turns three times while you are on it and it is very dangerous. Trucks have collided under the bridge because the clearance heights were not high enough. There have been accidents on the bridge, pedestrians have been hurt and it is one of those bridges that need constant speed camera attention as it is a black spot. They install the speed cameras just after the bridge—not on it or before it but after it.

If we are serious about reducing the death toll and eliminating black spots, we would do something about reducing the speed, particularly on the bridge. That could be a solution. Something must be done urgently. I am not sure why the government has not acted. Maybe it does not feel that lives in the western suburbs are as important as lives in North Adelaide. I do not believe that is right: the government should act immediately.

Time expired.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in this debate. I can tell the member for Peake where there is another bridge that needs upgrading. A narrow little bridge between Stone Hut and Wirrabara is another dangerous bridge, and I hope that when the minister fixes his bridge he will also fix that one. I am pleased that the honourable member supports the arts and would sooner have the arts than the bridge. That is not my view at all. I prefer money for roads. If people want to go and enjoy the performances at the Festival Theatres and others they should pay for them. I want again to raise an issue which I have raised a couple of times recently, when I have asked questions and issued the challenge to the shadow Treasurer, the leader, the shadow minister for the environment and others where they stand on a number of important issues affecting rural South Australia, country people, regional South Australia and the farming, pastoral, mining and tourism industries. To this date they have failed to respond.

It is of great concern that the shadow minister for the environment's chief adviser seems to be the Wilderness Society, given past comments and actions of those people. Prior to the election of this government the trendies and others just about stopped the aquaculture industry in South Australia. They did everything in my electorate to stop it. We know what has happened in Western Australia where they have whacked up land tax and it is has skyrocketed. The farming community are entitled to know where they stand on the freeholding of land, and whether they will allow radical elements within certain departments and outside bodies which appear to have the Labor Party's ear to make the day-to-day management of agriculture practices nearly impossible. Where do they stand on annexured fire breaks; where do they stand on protecting people's rights to go about their business and create opportunities for the rest of South Australia?

We know that the shadow minister for the environment and shadow treasurer criticised the government's decision to implement a fairer valuation system and fairer, reduced rents for the pastoral industry and the new valuation system for rural South Australia. Where do they stand on the new export port at Outer Harbor? Do they support that? In government would they continue with that project, which will bring great benefits to all sections of the export industries in South Australia? Where do they stand on it? The people in rural South Australia are entitled to know. I have asked on three occasions, and what do we have? A wall of silence. The so-called spokesman, the economic genius, the Deputy Leader of the Opposition, has not responded.

I want to know where she stands on stamp duty concessions so that farming families can continue in operation and not be hog-tied by unnecessary and unwise taxation. Where do they stand on bureaucracy? One of the challenges that rural people face on a daily basis is to ensure that they get on top of bureaucracy and that, when bureaucracy makes unwise, unnecessary and draconian decisions, they get them changed.

All their little cosy friends they have locked away—would they control them or would they give them a green light to descend upon these hard working good people who produce the goods that ensure we have a decent lifestyle in South Australia? We are entitled to answers to these questions, yet we do not hear any comments from the leader, the shadow Treasurer or others in relation to these important industries. There is a need for support for the mining industry, aquaculture and fishing and further to develop public infrastructure for the tourist industry, which is employing thousands of South Australians, which is absolutely essential in my electorate, and without which many small towns would not exist.

The same goes for a number of important issues which the Labor Party in opposition appears not to want to address. We are entitled to know where they stand on the rural road funding program, which has seen a massive increase in sealing of roads in country areas. This is the third occasion; I challenge the deputy leader to say where they stand on these issues. People in rural South Australia are entitled to know. The wall of silence is not acceptable.

Time expired.

Mr HANNA (Mitchell): This morning I did not have the opportunity to speak to the Survival of Causes of Action (Dust-Related Conditions) Amendment Bill due to time constraints. I want to say a few words about that proposition now. I am pleased the bill has passed; it will enable the families of many working people to have some decent compensation in cases where the worker—usually the breadwinner of the family—has contracted a fatal dust related condition such as mesothelioma, etc. I would prefer to have been able to vote for a bill which would have enabled workers suffering from fatal diseases such as that to live on to see justice done in respect of their compensation claims, but the only thing this parliament could do in practical terms was to pass a bill which allowed the compensation claims of such workers to survive the death of the worker with the disease.

It means justice for the families of those workers, generally speaking; specifically, it enables payment of compensation for non-economic loss to devolve through to the estate of the deceased worker. This is against a background where we have a very limited degree of compensation—if I can call it that—in respect of people who are related to someone killed as a result of the wrong of another. I refer to what is called 'solatium'. Under Labor and Liberal governments in South Australia the provision in the Wrongs Act has never been much more than an insult to families who have just lost one of their members as a result of the wrongful act of another. That is regrettable and something that many of us in this place will be reviewing in the future.

The point of the bill is that a deceased worker's inheritance should not be restricted by the arbitrariness of the rate of progress of the disease or the callous tactics of insurance companies in dragging out compensation litigation. The current situation has been black and white, namely, that dying 24 hours sooner or later could make more than $100 000 difference in what compensation the estate might receive.

I commend the Hon. Nick Xenophon for introducing this bill. It highlights the differences between the Liberal and Labor approaches. The Liberals did not hesitate to blow-out a $6 million soccer stadium project to $41 million and they kept pursuing it madly at any cost, but when it came to a provision that would enable a handful of workers' families each year to receive decent compensation after a loss caused by terrible conditions in the workplace, the Liberal Party has been reluctant and slow to agree to this legislation. Many of the Liberal Party members fought it to the last minute. There is an irony in that, because it reflects the callous behaviour of some insurance companies from time to time in dragging out litigation where they could see a cost saving in the event that the litigation survived the worker instead of the other way around. So, I was pleased to support that piece of legislation today.

On a similar note I would also like to express the fact that I am really thrilled that today we have succeeded in an amendment to the Constitution which will give fixed four year terms to South Australia. The bill that has finally passed sets the election date as March 2006.

Time expired.

Mr HAMILTON-SMITH (Waite): I rise to address the subject of wetlands and water. They are both issues of vital importance to all South Australians. It is time for us to sit back and reflect on the achievements of the last four to eight years in the area of improving the water environment within South Australia. It is interesting that this government has put water very much on the agenda. In doing so, it recognises the valuable lifeline which is the Murray River, and it is now the No. 1 priority for the whole country as a consequence of this government's work.

We should also recognise that this government has faced up to the issue that we need to manage our water in a smarter way for a range of reasons, not only because we do not have enough water but also because we need to manage stormwater overflow and the damage that it causes. We also need to consider the overall environment in which we live and the vital part that water plays in the balance of that ecosystem not only in the country but also in metropolitan Adelaide.

It is interesting to note that a volume of about 110 gigalitres per year of stormwater discharges into Gulf St Vincent from catchments just in the Adelaide area. This figure may be compared with Adelaide's annual water consumption of 160 gigalitres, of which 110 gigalitres is pumped from the Murray River to Adelaide in the average year. The potential for water savings from the Murray are obviously very real if we can better capture the run-off within metropolitan Adelaide.

Of course, the government has made a number of achievements in this area, and one of them is my electorate, the Urrbrae wetland. That is a marvellous excavation which now captures enormous quantities of road water run-off and has created not only a water management device but also a valued environmental tool now used by students in my electorate on a daily basis to improve their knowledge of the environment and water management within the electorate. It is an outstanding facility.

The government contributed nearly $253 000 of initial investment, the bulk going to trash racks in the initial establishment of the wetland. Subsequently, through the Economic and Finance Committee I have been able to

ascertain that funding support over the last three years has been a further $21 340 in 1999; $1 100 in 2000; and $5 000 in 2001. A significant portion of these funds supported trials and investigations on improving gross pollutant trap/sediment trap performance at the wetland.

I am also working with the council and the minister to try to get funding for an additional retention dam to be built on the site and for further developments to the Urrbrae wetland so that we can manage the polluted water a little better before it arrives into the actual wetland dam.

Of course, there have been other achievements, some of them small; for example, Scotch College at Mitcham in my electorate has used local creek flow stored in aquifers to irrigate their ovals and substitute for mains water since the 1980s. That is one small example.

There are other major examples of wetland developments at Hamilton Park and in October 2000 at Mimosa Drive, Vale Park, where an important development occurred to try to capture and improve the flow of water into the Torrens River so that the bird habitat and the environment for fishing and rowing etc. was a little better managed. Also, at Port Adelaide there have been some marvellous achievements, and of course the government announced a $600 000 injection into the Morphettville wetland project—another great scheme to capture stormwater run-off.

A high level water body has been established to examine the Spencer Gulf's reuse of water more broadly. This reflects the government's commitment to help Playford, Port Adelaide, Marion and Mitcham councils and other councils in developing wetland based stormwater run-off management system which make safer not only our streets and suburbs from storm damage but also our road safer. In so doing, they create beautiful environmental jewels for local communities, students and the public.

Time expired.

Mr HILL (Kaurna): Before discussing the issues with which I want to deal today, I would like to congratulate the member for Mitchell on achieving something which is probably very rare in this place, that is, for a backbencher from the opposition to amend the South Australian Constitution. It is a remarkable achievement, and he deserves our praise and our credit for having pursued that matter and producing an outcome that will aid good government in South Australia and certainly will be fair for both sides of the House.

The reason I did stand today was to raise a number of transport issues which relate to my electorate. There has been a flurry of announcements in the recent past, indicating that an election is in the wind. Last month, just about everyone in the south will have been pleased to see the opening of the second stage of the Southern Expressway. As a resident of the Seaford area, I was particularly pleased because the entrance to the expressway is only a few kilometres away from my front door. I have used the expressway on a number of occasions now, and there is no doubt that it does shave a few minutes off the trip into town. Yesterday morning I left home at 6.01 and I arrived in front of Parliament House at 6.31. I did not break the law—at least not that I am aware—in travelling. I got into the city in about 30 minutes, which I thought was a pretty remarkable achievement. Mind you, the expressway takes time off the trip to Darlington, but in peak hours the trip from Darlington to the city can be quite slow.

There are other implications apart from reducing time, not the least of these being the sense that it will give potential land buyers that the south is no longer so far away. Over time this will mean an increase in the demand for property (and I guess an increase in property values, which will be popular—at least with those who hold property in the south); there will be a growth in population; and there will be more traffic and, of course, slower travel times and an even greater bottleneck at Darlington as we try to get into the city.

The experience everywhere is that new freeways lead to increased traffic, which eventually produces demand for more and more freeways. Of course, Los Angeles is the most extreme example of this. I foresee at some stage in the next 10 or 15 years that there will be increased demand to extend the freeway to widen it and to have traffic going both ways. Many people in the south regret that that has not happened already.

Some cities in both Europe and America deal with these issues in different ways. They invest in better public transport which, unlike freeways, only get more efficient as population pressure increases. Greater numbers on trains and buses means more frequent services, and that leads to a reduction in the demand for new roads. As a regular user of the Noarlunga to Adelaide train service, which is an excellent peak hour service, I have noted since the opening of the expressway that the train is less crowded and the car park less full. Can it be that the expressway is attracting passengers away from the public transport? It will be interesting to see what happens to passenger numbers over the next few months once the novelty value of the expressway rubs off.

Earlier this week, on entering the Noarlunga railway car park, I was surprised to receive notice that the government intends to charge commuters $1.65 a day to park there. The notice explained that this is planned as a security measure to encourage patrons to leave their cars at the station. While this might encourage casual travellers to park and ride, it will also place a considerable burden on the many workers who park and ride on a daily basis. It is the equivalent to putting up the cost of travel by about $400 a year. I suspect that it may well be a disincentive for many and may lead to the parking of cars in the adjacent Colonnades car park or on the street. I have called on the Minister for Transport to review this policy after a few months and to ensure that commuters are consulted.

On the issue of consultation, it is pleasing to note the government's recent backflip over the issue of motor registration rates for Aldinga beach following a decision some time ago because of an administrative convenience as it was explained to me. The government extended metropolitan boundary from Quinliven Road to south of Silver Sands. This meant the inclusion into the metropolitan area of thousands of residents who used to pay country rates, and thus higher rates for car registration. A concerted campaign by the local community, which I was pleased to support, has seen this policy overturned. However, this has not resolved the central issue of where country and cities boundaries begin and end. Residents at Port Willunga and Aldinga will continue to pay the metropolitan price for car registration but not enjoy the benefits of city public transport.

Along with their southern neighbours, they will continue to use buses that do not share common ticketing with the metropolitan area. Meanwhile, the community is still waiting for the Premier to release a report on this general issue commissioned two years ago—the local members should not hold their breath on this. There is a strong demand in the outer south for integration with the metropolitan ticketing

service. It is a matter of some inequity that this is not already in place.

Time expired.

Mr LEWIS (Hammond): Mr Acting Speaker, you would know that the new customs regulations with respect to firearms are of concern to firearms dealers and people who have a licence to repair them. Any firearms dealer wanting to import firearms, or parts, or ammunition, requires a customs form B709 for each of the various categories. They are issued by state police. Under the new customs regulation, any dealer convicted of an offence under the state firearms law within the preceding 10 years is naturally prohibited from importing—and that is not improper. For a dealer to obtain a new CD or H-class firearms licence from an importer, both the dealer and the importer must have appropriate customs certification, and the federal customs' certification of dealers is then—surprise, surprise—delegated to state police. So, the state police forces are in an extremely powerful position—more particularly, the firearms branch is in an overridingly powerful position, and unaccountable to anyone except this parliament.

The state police have introduced here in South Australia complex and very time-consuming regulatory changes (and they are constantly changing), which increase non-productive workloads for dealers. This affects their viability, and it further increases the chances of an inadvertent oversight, or the inability to comply with revised requirements within the set time frame, which is deliberately, in my judgment, draconian. Any dealer can be convicted of an offence which, in most instances, would be a minor breach of a state regulation, such as a clerical error. The end result of that is that they will be disqualified from being a dealer in the sporting firearms business for 10 years: in other words, their business is over.

This has nothing to do with public safety and everything to do with the phobia there seems to be amongst the people who have found their way into this very small cabal of police officers—or, at least, into the group which is driving policy relevant there. By relentless pursuit of all the dealers, it is then possible to eliminate them progressively, one by one, and eliminate all firearms imports, cut off supply of spares to maintain the operation of existing firearms and, effectively, completely close down not only the industry but also the use of the tools and devices (and firearms must be considered here) for the control of vermin, and for the use of destruction of animals on farms.

So, it leaves the consumers legitimately needing them with no support. More particularly, the people of the South-East, the Upper South-East, the southern Mallee, the Mallee, the Riverland and the Murraylands have, in large number, used the services for over 20 years of Roger Mathison in Murray Bridge, who has been harangued and now, more recently, forced to close down. There are two South Australian country dealers and one in the city who are in difficulties or facing prosecution at the present time.

Let me point out further that the Registrar of Firearms is using the Acts Interpretation Act to override and bypass the Firearms Act and regulations in his interpretations. They are not the ruddy law; they are just what he says has to go. And he is not accountable to anyone; he just does what he pleases. The police are in the process, I advise all members now, of rewriting the Firearms Act in what they are calling plain language. I do not accept that it is plain language at all. It is my belief that it will, more likely than not, result in subtle changes from what the act said and what we intended, which will ultimately undermine the process of the authority that we have if we pass that act in plain language. It will not serve the interests and needs of the people who need to use firearms or who are legitimately entitled to use them for recreational and sporting purposes.

Roger Mathison, the man who was the subject of the inquiry that I made of the minister during question time, is a 61 year old man who is an outstanding tradesman in his chosen profession of firearms manufacture, repairs and maintenance. He is now on the scrap heap, seeking employment through Job Search. I think it is outrageous that not one additional aspect of safety or benefit to any member of the general public has resulted from that raid, but he has been closed down, his business has been taken from him (and on a later occasion, when I have more time, I will outline the particular events which resulted in that), and that is outrageous.

Time expired.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

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

That Mr Hamilton-Smith be appointed to the Occupational Safety, Rehabilitation and Compensation Committee in place of Mrs Penfold, resigned.

Motion carried.

INTEGRATED NATURAL RESOURCE MANAGEMENT BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to promote integrated and sustainable management of the state's natural resources; and for other purposes. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

Introduction

This Bill is the culmination of significant amounts of work and extensive consultation, especially since the release of the draft Bill in February 2001. Since that time, numerous briefing sessions with key interest groups have been held, there have been 9 regional workshops, and approximately 140 written submissions have been received. The overwhelming message from the consultation process is that South Australia needs a simpler approach to the management of land, water, vegetation, biodiversity and cultural heritage values.

During this period the Statutory Authorities Review Committee's report on its 'Inquiry into Animal and Plant Control Boards and Soil Conservation Boards' has also been released. That report also concludes that there is a need for an integrated approach to the management of the State's natural resources and recommends that this Bill be supported. I will come back to the SARC report shortly.

The Bill now before Parliament incorporates a number of amendments that address issues that were raised during the consultation process. The inclusion of these amendments not only improves the Bill but also demonstrates the Government's commitment to being responsive to the community. In general, the changes do not change the overall thrust of the Bill. Rather, they relate to detailed issues such as criteria and processes for selecting INRM Group members. The new form of the Bill also seeks to clarify the

relationship between natural resource management plans and the South Australian Planning Strategy, and various plans, that seek to balance economic, social and environmental directions for South Australia.

Current Situation

Within South Australia there are numerous groups currently involved in the management of natural resources. These include:

- 68 Local Governments;
- 29 Animal and Plant Control Boards and 14 Council's with similar powers;
- 27 Soil Conservation Boards;
- 17 National Park and Wildlife Act consultative committees;
- 9 Natural Heritage Trust Regions;
- 8 Catchment Water Management Boards;
- 4 State Government Agencies with key involvement in natural resource management and planning; and
- a plethora of community organisations such as Landcare groups, catchment committees and other environmental organisations.

Reform is necessary as each of these groups have overlapping roles and responsibilities in delivering natural resource management programs and, while there is collaboration between them, they are in many ways acting competitively for the finite level of resources available. This is both inefficient and frustrating to the many individuals who are trying to make the system work to achieve improved outcomes.

Background

Over the past decade there has been increasing community and government interest in the rationalisation of legislative arrangements relating to the management of South Australia's natural resources.

In 1997 the Government indicated that during its next term of office it would seek to introduce policies aimed at '… *eliminating duplication and maximising benefits….. in natural resource management..*'

In 1998 a review was initiated with a view to developing new comprehensive integrated legislation for natural resource management. However it soon became apparent that there is a high level of community ownership of current arrangements by the various sectoral interests and there was a major risk of disenfranchising key organisations and individuals if wholesale changes were to be imposed. A more cooperative approach was therefore developed as outlined in the Bill before you.

The INRM Bill does not seek to directly amend existing legislation. Rather it seeks to provide a framework that will enable the simplification of existing administrative arrangements and provide increased capacity and authority for regional communities to make their own decisions about structures and arrangements.

As the Bill provides an overarching framework for the management of natural resources, it is not considered that it contains any restrictions to competition.

This approach is consistent with the Statutory Authorities Review Committee's (SARC) Inquiry into Soil Conservation Boards and Animal and Plant Control Boards report which states that '*following the establishment of INRM Regions and Groups, meetings of existing boards, committees and community groups involved in natural resource management should be encouraged to explore any possible voluntary rationalisation'*.

Importantly, the SARC report recommends that the *Integrated Natural Resource Management Bill* be supported and that a further review of natural resource management arrangements in South Australia be undertaken in 5 years time.

The Bill itself includes provisions that are consistent with this recommendation.

For example, a function of the INRM Board is:

to formulate, adopt or promote strategies designed to maximise integrated and sustainable management of the State's natural resources by relevant government agencies, statutory authorities and local government bodies, including by considering or recommending changes to legislation.

Furthermore, INRM Groups will, in addition to promoting integrated and sustainable management, preparing plans and setting priorities for allocating resources, be required to provide advice to the Ministerial INRM Board on:

how to improve arrangements and structures relevant to the management of natural resources within its region, with particular reference to reducing duplication and maximising benefits through rationalising and streamlining legislation, administrative practices and planning policies associated with natural resource management.

The legislation will therefore provide an opportunity not only to reduce duplication in various areas, but also to identify gaps in the management of our natural resources.

It is also expected that, in the medium term, relevant natural resource management legislation will be reformed and that there will be further clarification of roles, relationships and funding arrangements. Importantly, these changes will be undertaken in a manner that is supported by regional communities rather than being arbitrarily imposed.

Features of the Proposed Legislation

The Bill proposes:

- a Ministerial Board constituted by at least three Ministers appointed to the Board by the Governor;
- a State Natural Resource Management Plan to provide broad policy guidance;
- the identification of Integrated Natural Resource Management (INRM) Regions based on the natural environment, statutory regions and socio-economic boundaries;
- the formation of Integrated Natural Resource Management Groups comprising a maximum of eleven members in each region; and
- the preparation of Regional Natural Resource Management Plans and Regional Natural Resource Management Investment strategies by INRM Groups.

INRM Groups

The Government will be keen to achieve a wide range of skills on each INRM Group. These skills will be expected to include such things as land management, water management, biodiversity, Aboriginal land management, regional local government expertise, regional development and experience at State government level. The Government will also seek to achieve broad community involvement. The key is not to be overly prescriptive but to have sufficient flexibility to tailor the membership of a Board to suit the particular needs of each community, and the Bill provides that a majority of members of a Board must live or work in the relevant region.

Existing Administrative Arrangements

In many respects the Bill seeks confirm administrative arrangements that are already in place in regional South Australia where community pressure has led to the formation of 'Interim INRM Groups' in seven regions (South East, Murray, Mount Lofty Ranges, Northern Agricultural Districts, Kangaroo Island, Eyre Peninsula and Rangelands).

At the national level there has also been increasing recognition of the need to strengthen regional delivery mechanisms for natural resource management. On 3 November 2000 the Council of Australian Governments announced the 7 year $1.4 billion National Action Plan for Salinity and Water Quality (NAP) and, on 25 February 2001, the Premier signed the Intergovernment Agreement on the NAP (IGA) and committed South Australia to providing matching funding of up to $100 million.

South Australia has shown considerable leadership in the development of the National Action Plan for Salinity and Water Quality. Premier Olsen was the second Premier to sign the IGA and the first to finalise a Bilateral Agreement with the Commonwealth on its implementation.

As well as providing substantial funding to South Australia to facilitate implementation of a number of measures developed in State salinity strategies and other initiatives, the IGA on the NAP and the associated Bilateral Agreement commit South Australia to a number of reforms.

These include:

- establishing appropriate institutional arrangements for priority regions
- involvement of regional communities in the development of INRM Plans, to be accredited by governments
- capacity building activities to assist communities and landholders to develop and implement accredited INRM plans
- agreed land and water policy reforms, and
- clearly articulated roles for the Commonwealth, South Australian, local government and the community to provide an effective, integrated and coherent framework to deliver and monitor implementation of the National Action Plan.

South Australia's initiative in developing this Bill has been an important factor in gaining Commonwealth endorsement of the Bilateral Agreement and will expedite transfer of funds to commence implementation activities.

The 2001-02 Commonwealth budget announced a further $1 billion for a 5-year extension of the Natural Heritage Trust pro-

gram. While details of the extended NHT program are yet to be released, it seems certain that delivery will also be linked to implementation of regional INRM plans in a similar manner to that outlined for the National Action Plan for Salinity and Water Quality.

For the purposes of the NAP and NHT it is not mandatory that INRM legislation be introduced in South Australia; however such action will greatly facilitate program implementation. Furthermore, the significant level of resourcing available under both the NAP and NHT is likely to provide considerable incentive for further reform.

Consultation on the Draft INRM Bill

A draft INRM Bill was released for public comment between 17 February and 30 March 2001.

The overall community response has been positive. For example, a submission received from the South Australian Farmers Federation states that:

'*the South Australian Farmers Federation Natural Resource Committee strongly supports the principles and concepts underpinning the draft Bill. We see this as an important step forward for the effective long-term management of South Australia's resource base. Farming organisations Nation-wide have long been advocating the devolution of NRM responsibilities to local communities.*'

The community consultation process identified a number of suggestions for ways in which the Bill could be improved and changes have been made to improve the Bill and demonstrate the Government's commitment to being responsive to the community. Such changes include:

- the definition of 'natural resources' was amended to include reference to coastal, marine and estuarine areas, fish and areas of geological value;
- the definition of 'sustainable management' was amended to more closely reflect the principles of Ecologically Sustainable Development;
- the amendment of the maximum number of Ministers on the Ministerial Board so as to allow greater flexibility, to address substantial concerns relating to the exclusion of other Ministers with an interest in NRM;
- the inclusion of a new function for the Ministerial Board, being the ability to establish scientific, technical or community advisory committees;
- the inclusion of new sections to provide guidance on the issues to be addressed by the State Natural Resource Management Plan, Regional Natural Resource Management Plans and Investment Strategies;
- the amendment of the INRM Group Membership criteria to enable individuals with particular experience or expertise relevant to the management of natural resources to be included in addition to members of existing bodies; and
- clarification relating to meeting procedures and remuneration.

Conclusion

The *Integrated Natural Resource Management Bill* proposes some vital legislation that is necessary to improve regional delivery of natural resource management arrangements in this State. Importantly, the Bill does not take a confrontationist approach, or injudiciously abandon existing arrangements that are well respected by regional South Australians. Rather, it seeks to strengthen community involvement at the regional level and facilitate an evolutionary shift to a new paradigm.

There are considerable efficiencies to be gained.

Finally, new initiatives being introduced at the national level provide the important incentive that will facilitate the necessary change.

I commend this Bill to honourable members.

Explanation of clauses

PART 1
PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Objects

This clause sets out the objects of the measure, which are to promote and facilitate integrated and sustainable management of the State's natural resources, to provide a framework to enhance the management of the State's natural resources, and to involve the community in the development and implementation of regional initiatives to improve the management of the State's natural resources.

Clause 4: Interpretation

This clause sets out the definitions required for the purposes of the measure.

'Integrated management' is to include the co-ordination of policies, programs, plans and projects, and co-ordination in the exercise and performance of various administrative and strategy powers, functions and responsibilities.

'Sustainable management' will mean the use, conservation, protection or enhancement of the State's natural resources in a way that maintains ecological processes while providing for the economic, social and physical well-being of the community, especially by adopting various methods and principles.

Clause 5: Interaction with other Acts

This measure is intended to be in addition to, and not in derogation of, any other Act.

PART 2
MINISTERIAL BOARD

Clause 6: Establishment of Board

The *Integrated Natural Resources Management Board* is established.

Clause 7: Membership of Board

The Board will consist of at least three Ministers appointed to the Board by the Governor. A Minister appointed to the Board will have responsibilities related to the management, use, development, conservation or protection of natural resources.

Clause 8: Functions of the Board

The Board is to promote integrated and sustainable management of the State's natural resources. It will prepare a State natural resource management plan and promote integrated natural resource management within the State. It will act as a special source of advice to the Premier and consult with peak bodies.

Clause 9: Proceedings

The Board will meet at least once in every quarter and will be required to take reasonable steps to inform INRM Groups of any Board decisions that may be relevant to their functions or activities under the Act.

Clause 10: Annual report

The Board will prepare an annual report on its activities. The report will be tabled in Parliament.

PART 3
INTEGRATED NATURAL RESOURCE MANAGEMENT REGIONS
DIVISION 1—REGIONS

Clause 11: Establishment of regions

The Board will establish Integrated Natural Resource Management Regions in various parts of the State. A region will be established with a view to promoting integrated and sustainable natural resource management within the region and to providing a regional focus for relevant strategies. The Board will, in establishing a region, give particular attention to the form of the natural environment, and take into account regions or areas established under other Acts, relevant economic, social, cultural and local government boundaries or areas, and representations from relevant groups or persons within a community.

DIVISION 2—GROUPS

Clause 12: Establishment of groups

There will be an *Integrated Natural Resource Management Group* for each region. The Board will consult before it determines the initial composition of a group and seek to ensure that a majority of members live or work in the relevant region. A group will have up to 11 members.

Clause 13: Corporate nature

An INRM Group will be a body corporate. A group will be subject to direction by the Board.

Clause 14: Conditions of membership

A member of an INRM Group will be appointed on conditions determined by the Board for a term not exceeding three years. A member will be eligible for reappointment. The Board will be able to appoint deputies. The Board will consult with the remaining members of the group before filling a vacancy in the membership of the group.

DIVISION 3—FUNCTIONS AND POWERS OF INRM GROUPS

Clause 15: Functions

The functions of an INRM Group will include to facilitate the development of a regional natural resource management plan and an associated regional natural resource management investment strategy. A group will also provide advice to the Board in relation to the integrated and sustainable management of natural resources within its region.

Clause 16: Powers
An INRM Group will have the powers necessary for the performance of its functions.
Clause 17: Committees
An INRM Group will be able to establish committees in connection with the performance of its functions.
Clause 18: Delegations
An INRM Group will be able to delegate its functions or powers. However, an INRM Group will not be able to delegate the power to adopt or amend a regional natural resource management plan or investment strategy, or the power to adopt its annual report.
DIVISION 4—ACCOUNTS, AUDIT AND REPORTS
Clause 19: Accounts, audit and budget
An INRM Group will keep financial statements, which will be audited by the Auditor-General on an annual basis. An INRM will be required to have an annual budget approved by the Board.
Clause 20: Reports
An INRM Group must prepare an annual report on its activities.
DIVISION 5—SCHEDULE
Clause 21: Schedule
Additional provisions relating to INRM Groups are set out in the Schedule.
PART 4
REGULATIONS
Clause 22: Regulations
The Governor will be able to make regulations for the purposes of the Act.
SCHEDULE
Provisions applicable to INRM Groups
The Schedule sets out various provisions relating to the processes and procedures of INRM Groups.

Mr HILL secured the adjournment of the debate.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to amend the Native Vegetation Act 1991 and to make a related amendment to the Development (System Improvement Program) Amendment Act 2000. Read a first time.

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

That this bill be now read a second time.

I want to make a couple of informal comments in relation to the bill before the House. In this bill, the government has sought to strike the right balance between offering greater protection to native vegetation and also promoting incentives for landowners to revegetate and protect native vegetation that already exists. One of the initiatives in the bill is the concept of an environmental credit system for the revegetation of native vegetation, and we wish to consult further on that with some of our stakeholders, such as the Conservation Council and the Farmers Federation (we have had initial discussions with the Farmers Federation). We are not necessarily saying that the model is 100 per cent perfect. However, we believe in the principle of trying to encourage land-holders to protect native vegetation where possible, or revegetate where possible. In that context we float the concept in the legislation of environmental credits in relation to native vegetation, and I guess it is in that context that we submit that part of the bill to the House for consideration. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Introduction

During the early 1970s there was growing concern in South Australia that on-going clearance of the original native vegetation cover was resulting in a significant loss of native plants and animals as well as causing land degradation and impact on our critical water supplies. A review of the issue at the time concluded that conservation of biodiversity could not be confined to national parks, but required a landscape approach.

In acceptance of this, and now 21 years ago, this State embarked on a 'journey' to secure significant parts of the State's biodiversity outside of the formal National Parks and reserves system. The launch of the Heritage Agreement Scheme in 1980 by the then Liberal Government was a visionary and progressive move that signalled the start of the journey. Under the scheme, landholders were encouraged, through the provision of selected incentives, to voluntarily retain and manage remnant native vegetation areas. In return, a heritage agreement was entered into to secure the conservation of the land—generally in perpetuity.

Since that time, heritage agreements have continued to be an integral part of a comprehensive package of off-park conservation measures, which from 1983 also included controls on clearance. Changes to the controls occurred with the introduction of the *Native Vegetation Management Act 1985*, and its replacement by the *Native Vegetation Act 1991*. Despite some differences in the detail, the state's off-park conservation program, including controls on clearance, have won bi-partisan political support. South Australia has also has enjoyed a national and international reputation for providing leadership in this area.

That reputation will be further enhanced by the package of changes to the legislation that are introduced through this Bill and the supportive changes envisaged for the regulations.

Review process

The changes proposed have followed detailed reviews of both the *Native Vegetation Act 1991* and Regulations.

A review of the *Native Vegetation Act 1991* was commenced in late 1998 by a working group comprising members of the Native Vegetation Council, the Crown Solicitor's Office, and the Department for Environment and Heritage. The working group's report, *Native Vegetation Act (Enforcement, Appeals, etc) Amendment Report* was released for public comment in January 2000.

A broad review of the Regulations under the *Native Vegetation Act 1991* was also commenced in 1998 by a panel comprised of Mr David Boundy (representing extensive experience in agriculture), Dr Bob Sharrad (representing conservation expertise), and Mr Paul Leadbeter (an expert in environmental law). The panel was asked to focus on the exemptions (from clearance control) within the Regulations and the fee structure for applications to clear native vegetation. The panel's report *Review of the Regulations under the Native Vegetation Act 1991* was released for public comment in November 1999.

Despite some difference about the detail, public comment on the reviews identified that there was general agreement for a package of changes.

In addition, the Government reviewed the means to facilitate integration of decision making on native vegetation clearance with the development assessment and approval process. Changes to the *Development Act 1993* approved by Parliament provide the Native Vegetation Council with the appropriate legal basis to enable it to make directions relating to the clearance of native vegetation as part of a development application referred to it under an integrated development approval process. Some additional changes to the *Native Vegetation Act 1991* will ensure further improvements to the development approvals process.

Main features of the Bill

There are six key features of the Bill:

- Clarification that the Act limits broadacre clearance
- Provide for a significant biodiversity gain in return for clearance approval
- Encouragement for revegetation
- Introduction of a user-pays system to cover the cost of data collection
- Introduction of a judicial appeals process
- Improved enforcement capability

1. Clarification that the Act limits broadacre clearance

Since the introduction of the *Native Vegetation Act 1991*, and consistent with the objectives of the Act and Principles of Clearance (Schedule 1), the Native Vegetation Council has not approved the clearance of intact areas of native vegetation. The Bill proposes an amendment to the Act to provide greater certainty that intact areas of native vegetation will not be approved for clearance.

2. Provide for a significant biodiversity gain in return for clearance approval

The Native Vegetation Council may approve clearance of native vegetation if the clearance is not significantly at variance with the Principles of Clearance (Schedule 1). However, in such circum-

stances, the Council has used its discretion under the Act to secure a 'net biodiversity gain' by requiring, as a condition of consent, that the landholder must set-aside an area for biodiversity conservation purposes. This may result from de-stocking an area of remnant vegetation or revegetating a cleared area. The Bill proposes an amendment to the Act to provide that all clearance approvals will be accompanied by a condition that will result in a significant environmental benefit, after taking into account the loss of the vegetation to be cleared.

3. Encouragement for re-vegetation

There has been overwhelming support through the review process for the *Native Vegetation Act* to provide more support for the re-establishment of native vegetation in over-cleared areas.

This is partly achieved through the establishment of 'set-asides' attached to clearance approvals. However, in situations where there is no available space on the property for a suitable set-aside, the Bill proposes that a landholder may purchase an environmental credit from another landholder in the locality. The environmental credit system provides an incentive for landholders to revegetate land with locally indigenous plant species. To be entitled to an environmental credit, the landholder must enter into a heritage agreement with the Minister. To ensure that the revegetation is appropriate, the Minister must have regard to the Regional Biodiversity Plan or Plans and associated pre-European mapping (if any) that apply in the vicinity of the relevant land.

Money gained by a landholder when selling a credit is paid into the Native Vegetation Fund. The Native Vegetation Council will retain the portion of the payment required to manage the heritage agreement land for a period of fifty years. Any surplus is returned to the heritage agreement owner. In this way, the heritage agreement owner will be ensured of funds to manage the heritage agreement area, and may also gain an additional payment to use as he or she likes. In any event, it is a positive incentive to revegetate land with appropriate species.

In other circumstances, some landholders have revegetated land, sometimes with assistance from Government funding and/or from voluntary landcare support, only to find the land has been cleared following change of ownership. The existing Act does not provide a mechanism for controlling such clearance. The Bill proposes that landholders may voluntarily apply for the Act to apply to revegetated areas, which if approved by the Native Vegetation Council, will be noted against the title to the land to ensure that future owners are aware of the provision.

In addition, money paid into the Native Vegetation Fund resulting from a penalty or exemplary damages in relation to offences against this Act, must, as far as practicable be used to establish native vegetation on land in the vicinity of the cleared land. In determining a suitable area for revegetation, the Council must again have regard to the Regional Biodiversity Plan or Plans and associated pre-European mapping (if any) that apply in the vicinity of the relevant land.

The concept of encouraging and providing protection for revegetation areas, particularly through the environmental credit system, has not been modelled on systems used elsewhere. In view of this, the Government proposes to establish a small reference group, comprising people with expertise in revegetation of locally indigenous species, to review the process and report to me after two years of its operation.

4. Introduction of a user-pays system to cover the cost of data collection

The provision of a data report (with a development application) is necessary to enable the Native Vegetation Council to make directions on development applications referred to it within the two month time period required by the *Development Act 1993*.

Applicants will be required to contribute to the cost of data collection and the preparation of a data report. Data reports will be collected by people accredited by the Native Vegetation Council. To avoid any conflict of interest and to avoid the need for an expensive audit process, a specialist section of National Parks and Wildlife SA will manage the data collection and reporting process for the Council.

The fee structure which will be prescribed by regulation, will be based on the reasonable cost of preparing the report. The Minister may resolve to vary or remit this fee, and may resolve to do this for applicants in financial difficulty.

The introduction of a user pays system for data collection will speed up the assessment of native vegetation clearance proposals.

5. Introduction of a judicial appeals process

Inclusion of an appeals mechanism within the *Native Vegetation Act 1991*, will provide landholders with a clearer avenue to seek review of Native Vegetation Council decisions on clearance applications. The existing conciliation process will not be retained.

The appeals mechanism will not include a third party appeal which could considerably slow down the decision process, and will have time limits attached to finalise the decision process on a particular application and to ensure that decisions made before the commencement of this provision are not subjected to an appeal. Landholders aggrieved by old decisions have the opportunity to lodge a fresh application.

An appeal against a refusal by the Council to refuse consent, or against the imposition of conditions, will be heard by the Administrative and Disciplinary Division of the District Court, and will accordingly be subject to the scheme established under the *District Court Act 1991* for appeals of this nature. In particular, section 42E of that Act provides that the Court will, on an appeal, examine the decision of the original decision-maker on the evidence and material that was before it, although the Court may, if it thinks fit, allow additional evidence or material to be presented. The Court is also required to give due weight to the decision that is being appealed against and must not depart from that decision except for cogent reasons.

No right of appeal will be allowed for applications that vary or terminate a Heritage Agreement given that Heritage Agreements should only be varied by agreement of both parties to the agreement.

6. Improved enforcement capability

Over the past nine years, there have been concerns, about the level of unauthorised clearance and the ineffective enforcement powers, which in turn has encouraged others to clear without appropriate approval.

A number of measures are proposed to remove existing impediments to the enforcement process.

- Criminal proceedings will still be instigated for significant breaches of the Act.
- Civil proceedings will be heard in the Environment, Resources and Development Court (ERD), the specialist court established under the *Environment, Resources and Development Court Act 1993* to deal with environmental and natural resource management matters. The ERD Court has flexibility in the way it deals with matters before it, such as the referral of a dispute to a conference of parties.
- Applications to the Court for enforcement may only be made by the Native Vegetation Council, or a person who has legal or equitable interest in the land. A third party may not make an application for enforcement.
- 'Make good' will be imposed as part of proceedings and in addition to any penalty. This will discourage a person from clearing without approval on the anticipation that a possible penalty will be outweighed by greater financial returns from the cleared land.
- Given the significance of Heritage Agreement areas, the Bill proposes to make a breach of a Heritage Agreement a breach of the Act and subject to civil enforcement proceedings.
- The Bill proposes to improve the powers of Authorised Officers to collect evidence in relation to a suspected breach of the Act, in line with powers under more recent legislation such as the *Development Act 1993* and the *Environment Protection Act 1993*. These include, for example, the ability to enter land without a warrant and to take a sample of cleared vegetation for formal identification purposes, or to take photographs or other recordings necessary for enforcement purposes. Also without a warrant, an Authorised Officer would be able to stop a vehicle suspected to be involved in the unauthorised clearance of native vegetation. With a warrant, an Authorised Officer would also be able to require the production of documents held by a person in relation to the suspected unauthorised clearance.

In addition to the key features of the Bill, the proposed regulation change will feature:

- tightening of the exemptions to avoid misuse
- provision for the Crown to be also bound for new works – bringing the Crown into line with the rest of the community
- provision for greater flexibility for reasonable clearance – largely through the establishment of approved guidelines, and
- increasing protection to include large dead trees that are habitat for threatened species.

Conclusion

The *Native Vegetation (Miscellaneous) Amendment Bill 2001*, combined with proposed changes to the *Native Vegetation Act 1991*

Regulations will improve the legislative protection for the State's biodiversity by: formally ending broadacre clearance in South Australia; providing that any clearance approved is conditional on a net environmental gain; significantly encouraging revegetation; ensuring that people proposing to clear land, finance the collection of data on which the Native Vegetation Council needs to determine an application; introducing a judicial appeals process; and, improving the enforcement capability.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause relates to the definitions that are relevant to the operation of the Act. 'Land' is to include land submerged by water. Various consequential changes are also made to the section.

Clause 4: Insertion of s. 3A

For the purposes of the Act, a stratum of native vegetation is to be taken to be substantially intact if, in the opinion of the Council, the stratum has not been seriously degraded by human activity during the preceding 20 years, disregarding human activity that has resulted in a fire.

Clause 5: Amendment of s. 4—Application of Act

It is necessary to revise the provisions relating to the area of the application of the Act, particularly in view of changes to councils, and changes to terminology under the *Development Act 1993*.

Clause 6: Amendment of s. 6—Objects

The objects are to be revised to an extent. Reference is to be made to the commonly held desire of landowners to preserve, enhance and manage native vegetation on their land, and to the need to prevent additional loss of the quality and quantity of native vegetation in the State.

Clause 7: Amendment of s. 8—Membership of the Council

The Council includes a person nominated by the LGA, who will be selected by the Minister from a panel of three persons who have been so nominated.

Clause 8: Repeal of Division 2 of Part 3

The provisions relating to conciliations under the Act are to be repealed.

Clause 9: Amendment of s. 21—The Fund

Exemplary damages awarded under other provisions of the Act are to be paid into the Fund. Money paid as a penalty or by way of exemplary damages under the Act is to be used (as far as practicable) to establish native vegetation on land within the vicinity of the relevant land, and to maintain that vegetation once it is established.

Clause 10: Insertion of Division 4 in Part 3

This clause provides for a specific power of delegation to be vested in the Minister for the purposes of the Act.

Clause 11: Substitution of heading

This amendment is consequential.

Clause 12: Amendment of s. 23—Heritage agreements

This amendment makes express provision as to the purposes for which a heritage agreement will be entered into.

Clause 13: Repeal of s. 23C

This is a consequential amendment.

Clause 14: Insertion of Division 2 of Part 4

Certain revegetation arrangements are to be recognised.

Clause 15: Insertion of heading

This amendment is consequential.

Clause 16: Amendment of s. 24—Assistance to landowners

An owner of land who proposes to undertake revegetation in accordance with an arrangement approved under new Division 2 of Part 4 will be able to apply to the Council for financial assistance.

Clause 17: Amendment of s. 25—Guidelines for the application of assistance and the management of native vegetation

Draft guidelines that relate to land within the catchment area of a catchment management board will be submitted to that board for comment. Specific power to vary or replace guidelines is to be vested in the Council.

Clause 18: Insertion of Part 4A

This clause establishes a scheme for environmental credits.

Clause 19: Amendment of s. 26—Offence of clearing native vegetation contrary to this Part

Penalty provisions under section 26 are to be revised so that the specific monetary penalty is $50 000.

Clause 20: Amendment of s. 27—Clearance of native vegetation

It will now be generally the case that the Council may not consent to the clearance of vegetation that comprises or forms part of a stratum of native vegetation that is substantially intact.

Clause 21: Amendment of s. 28—Application for consent

An application for consent under the Act will now need to include information that establishes that proposed planting will result in a significant environmental benefit, or information that establishes that it is not possible to achieve such a benefit (which may then be accompanied by a proposal to apply environmental credits). It will also be necessary to provide a report relating to the proposed clearance that has been prepared by a recognised body.

Clause 22: Amendment of s. 29—Provisions relating to consent

The scheme under section 29 must be revised.

Clause 23: Substitution of s. 30

Separate provision is to be made for conditions of consent. Various kinds of conditions may be considered.

Clause 24: Substitution of s. 31

The civil enforcement proceedings are to be revised. An application will now be made to the Environment, Resources and Development Court. Specific provision is made for certain orders and notices to be made or issued by the Court.

Clause 25: Amendment of s. 32—Appeals

These are consequential amendments.

Clause 26: Amendment of s. 33—Commencement of proceedings

The period for commencing enforcement proceedings is to be changed from 3 years to 4 years.

Clause 27: Insertion of Division 3 of Part 5

This clause makes specific provision for the appointment and powers of authorised officers.

Clause 28: Insertion of Parts 5A and 5B

Certain matters will be the subject of appeal rights to the Administrative and Disciplinary Division of the District Court.

Clause 29: Insertion of s. 33J

This provision is associated with the vesting of jurisdiction in the ERD Court.

Clause 30: Amendment of s. 34—Evidentiary provisions etc.

Certain facts determined by the use of devices are to be accepted as proved in the absence of proof to the contrary.

Clause 31: Substitution of s. 36

The repeal of section 36 is consequential. Costs and expenses incurred by the Council in taking action under the Act are to be assessed by reference to the reasonable costs and expenses of an independent contractor.

Clause 32: Repeal of s. 37

This is a consequential amendment.

Clause 33: Amendment of s. 41—Regulations

Certain fees may need to be prescribed by reference to the Minister's estimate of the cost of the service that is provided.

Clause 34: Amendment of Development (System Improvement Program) Amendment Act 2000

The *Development (System Improvement Program) Amendment Act 2000* contains provisions relating to the areas of the State to which the *Native Vegetation Act 1991* applies. These provisions have now been superseded by amendments made by this Act.

Schedule

These are technical amendments.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT (STALKING) BILL

Received from the Legislative Council and read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The crime of stalking is one which has only been recognised fairly recently. South Australia enacted its stalking legislation in 1994.

A recent development in the area of stalking has been behaviour commonly dubbed 'cyberstalking'. Cyberstalking occurs when stalkers take advantage of information technology as a means of stalking their victims.

Cyberstalking can occur in a number of different ways. The cyberstalker may send emails to his or her victim; he or she may seek to contact his or her victim through chat-rooms; information about the victim may be posted on the internet; or the victim may be directed to offensive or threatening websites. Like other stalking behaviour, much of this may be behaviour which under different circumstances would be considered 'normal'. What makes this behaviour stalking is the intention of the perpetrator either to cause physical or mental harm to the victim, or to cause the victim to feel serious apprehension or fear.

The prevalence of cyberstalking has been better documented in the USA than in Australia. However, in March of this year, the Supreme Court of Victoria had to consider jurisdictional issues regarding a case in which a Victorian man was alleged to have stalked a Canadian woman, using the internet among other tools to stalk his victim.

In Australia, Victorian legislation currently takes the use of electronic forms of communication into account in its stalking legislation. Other legislation takes a more general approach which could include electronic communications within the definition of stalking behaviour.

South Australia's stalking legislation makes no direct references to the use of electronic forms of communication for stalking purposes. The Government considers it desirable to make it clear that stalking 'on-line' is equivalent to stalking 'off-line' and should be treated as such.

This Bill will amend not only the provisions of the *Criminal Law Consolidation Act* which create the offence of stalking, but also the related provisions in the *Domestic Violence Act* and the *Summary Procedure Act* which provide for the making of restraining orders. It is desirable to maintain consistency across these three Acts, and to ensure that there is the same scope for prevention via a restraining order as there is for punishment via the offence provisions.

No form of stalking, whether on-line or off-line, is acceptable behaviour in a modern society. These amendments will reinforce the existing stalking laws and strengthen their application to cyberstalking.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

Clauses 1, 2 and 3 are formal.

PART 2

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 4: Amendment of s. 19AA—Unlawful stalking

Section 19AA of the *Criminal Law Consolidation Act 1935* provides that a person who stalks another is guilty of an offence and describes the type of behaviour that amounts to stalking. Clause 4 proposes an amendment to that section to add two new types of behaviour that may amount to stalking. That is, that stalking may occur if a person, on at least two separate occasions—

1. publishes or transmits offensive material, by means of the internet or some other form of electronic communication, in such a way that the offensive material will be found by, or brought to the attention of, the other person; or
2. communicates with the other person, or to others about the other person, by way of mail, telephone (including associated technology), facsimile transmission or the internet or some other form of electronic communication in a manner that could reasonably be expected to arouse apprehension or fear in the other person.

The proposed amendment also provides that if material is inherently offensive material the circumstances of the dealing with the material cannot deprive it of that character.

PART 3

AMENDMENT OF DOMESTIC VIOLENCE ACT 1994

Clause 5: Amendment of s. 4—Grounds for making domestic violence restraining orders

Section 4 of the *Domestic Violence Act 1994* provides the grounds on which a domestic violence restraining order may be made. This clause proposes to add to the grounds already covered by the Act the situations where the defendant, on two or more separate occasions—

1. publishes or transmits offensive material, by means of the internet or some other form of electronic communication, in such a way that the offensive material will be found by, or brought to the attention of, a family member; or
2. communicates with a family member, or to others about a family member, by way of mail, telephone (including associated technology), facsimile transmission or the internet or some other form of electronic communication.

The proposed amendment also provides that if material is inherently offensive material the circumstances of the dealing with the material cannot deprive it of that character.

PART 4

AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 6: Amendment of s. 99—Restraining orders

Section 99 of the *Summary Procedure Act 1921* provides for restraining orders where a person behaves in an intimidating or offensive manner and describes the type of behaviour that will amount to this. This clause proposes to add to that behaviour the situations where the defendant, on two or more separate occasions—

1. publishes or transmits offensive material, by means of the internet or some other form of electronic communication, in such a way that the offensive material will be found by, or brought to the attention of, a person; or
2. the defendant communicates with a person, or to others about a person, by way of mail, telephone (including associated technology), facsimile transmission or the internet or some other form of electronic communication.

The proposed amendment also provides that if material is inherently offensive material the circumstances of the dealing with the material cannot deprive it of that character.

Mrs GERAGHTY secured the adjournment of the debate.

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 2313.)

Ms HURLEY (Deputy Leader of the Opposition): This bill has been a very long time coming to this House. It was initially introduced in 1998, it lapsed in 1999, and has been through several incarnations since then. It has also, I think, been a great drain on the time and resources of a great many people, including the Attorney-General, the Aboriginal Legal Rights Movement, and other stakeholders such as the SA Farmers Federation, the Chamber of Mines and Energy, as well as individual Aboriginal groups. However, we finally have it before us in a form which I understand is reasonably agreed by all parties.

I have been following the bill since 1998 and have had several briefings on the bill from various sources, including ALRM, SAFF and the Chamber of Mines and Energy. It is worth reiterating to this House what native title is and why there has been a bit of difficulty about it. According to a very useful book from the National Native Title Tribunal:

> 'Native title' describes the rights and interests of Aboriginal and Torres Strait Islander people in land and waters, according to their traditional laws and customs. Unlike freehold titles or leases, native title is not granted by governments. Native title may exist in places where indigenous people continue to follow their traditional laws and customs and have maintained a link with their country. Traditional laws and customs vary throughout Australia. The rights of one native title group may be different to those held by another group.

Further on in the booklet, this is expanded upon as follows:

> Native title cannot take away anyone else's valid rights, including owning a home, holding a pastoral lease or having a mining licence. When the public has the right to access places such as parks, recreation reserves and beaches, this right cannot be taken away by native title. Most houses in cities and towns are on freehold land, and most farms are also freehold. Freehold owners have exclusive possession. Residential, commercial and certain other types of leases also confer exclusive possession. Australian law does not recognise native title over areas where people have exclusive possession of the land.

The bill which was brought in and which we have been considering over a number of years is required for South Australia to be in conformity with federal legislation. Initially

the state government took not so much an aggressive view but an ambitious view of what that state legislation might comprise.

However, following this long series of consultations, we now have quite a minimalist point of view which conforms with federal legislation but really goes very little further than that. I understand that the Aboriginal groups and the ALRM, whilst they are not happy with the federal legislation, are happy now with the way in which this state bill conforms to that legislation. I will highlight a couple of the key points about the legislation in its current form.

It does confer the ability for the ALRM to be involved in specific cases. This is a very useful thing. They have performed a very useful role in the negotiation and do have the ability to represent Aboriginal people in certain cases whereas in other cases Aboriginal groups themselves, the traditional owners of the land, are content to do their own negotiation or have the ability to do their own negotiation.

It was also mentioned during the debate that the ability to make indigenous land use agreements is also optimised under this legislation. This is really a crucial point. In South Australia, the indigenous land use agreement process is well down the track and has had some successes. In talking with the Farmers Federation and the Chamber of Mines and Energy, they are very happy that we continue down this track. It produces by far the best outcomes without the need to resort to costly legal representation. In many cases, it can result in a quicker resolution of the issues when all the groups can sit down together, work through the issues and arrive at a commonsense agreement, rather than having to go through a series of legal and technical points and often arriving at an unsatisfactory situation which is not accepted by one or other of the parties.

I am certainly very pleased that we have reached this point in the process, where the bill is widely accepted. We can get conformity with the federal legislation. I am sure there will be considerable further discussion about the native title process at federal and state levels. I think we can learn through the fairly tortuous process of this bill and its other predecessors that certainly it is better to sit down, consult and negotiate from the beginning, to exhibit patience as has been widely attributed to the Attorney-General, not least by himself, and just to achieve a satisfactory all around resolution. On the basis of that, the opposition certainly supports the bill in its current form.

Mr LEWIS (Hammond): In the time since I was aware of the introduction of this legislation in the House, given that it covers a substantial area of the law—and there are 18 pages of it here—I have not had time to get a briefing on what each of the provisions mean, so I let the House know in advance that it will probably take us two or three hours to get through the committee stage. I want a fairly detailed explanation of what each of the clauses mean, because I am not prepared to pass a piece of legislation which I think fits in as part of a jigsaw for what will ultimately result in the destruction of the federation in this country.

It fits in as part of a piece of the jigsaw that is not primarily there for that purpose, but nonetheless, as a piece of that same larger jigsaw in legislative framework, it establishes the grounds upon which first a treaty could be signed between people who claim derivation from at least some of their ancestors as Aborigines, and in consequence of doing so, mock the establishment of the federation and do away with the capacity of the states to retain the integrity of their borders in the federal constitution, thereby reducing the role and function of the Senate to a point where it becomes a House which is mocked by members of the government in the House of Representatives. We all know that has already happened. Paul Keating has referred to the Senate as 'unrepresentative swill'. Hence, the argument begins to do away with the Senate; and to find reasons why it is not just redundant but, worse still, an obstruction. All this is aided and abetted by the concept that we can establish a separate category of access, title and ownership than that which has hitherto existed. So, I am not clear on what this stuff means.

While the House on Tuesday and Wednesday this week, as it did last week, got up before 6 o'clock, this most controversial piece of legislation is left until Thursday afternoon, when members will hop into me because they will claim I am deliberately deferring the adjournment of the House. Well, I am not prepared to do otherwise unless I understand the legislation which, it is proposed, will pass through the House. God knows, it is bad enough in Canberra in the House of Representatives when they pass 40-odd bills in about half that number of seconds by simply putting a guillotine on them, and most members do not know the titles of the bills, leave alone what the meaning will be on the structure of society once those bills have passed. If you ask them to explain how an explicit clause would affect citizens in the way in which it addresses the intercourse between citizens, whether commercial or social, they do not know. They cannot answer that and they do not care because they do not think it will be important at the next election. Indeed, the way in which we conduct elections in this country increasingly depends upon the spin which so-called spin doctors put on it, rather than the spin, or indeed the legitimate understanding, which citizens need to have of the law.

Most members of the House of Representatives, including the Treasurer, do not understand the tax act. The botch that has been made of that, with the taxation office admitting that neither its officers nor software programmers understand what the act means, is an example of this. How therefore to provide for its implementation and administration is enough concern for me, and anyone else who cares about the legislative process, to say that we need to understand what acts such as that, including this act, all mean. I do not understand, and no attempt was made to explain it to me.

I am one of those members of parliament, albeit in the minority—I do not know and I do not care whether I am in the minority or majority in that respect—who is determined to take some measure of responsibility for the legislation that goes through this place, to try to understand what effect that will have and how it will fit into the existing framework of the law. I do not know whether the minister knows that. It will be interesting to discover. In many instances in the past it used to amaze me and cause me distress that ministers have not known what various provisions are in the laws they have sought to amend by the bills they have had responsibility for in this place—but no longer.

I have been here 20-odd years and the extent to which ministers accept responsibility for legislation they bring into the place has diminished to the point where it is almost laughable at the present time; most of the legislation is not understood by the minister who brings it into this chamber, and an attempt to discover that by asking the minister about the legislation results in lengthy consultation between the minister and the adviser. Clearly, what the minister takes into the cabinet and into the party room, whichever party room that may be over the years, is not something of which they

have had much understanding and not something which the group they have presented it to has cared to try to understand because it has been said at the time, 'Well, if the Labor Party does not oppose it, why on earth will the public be interested in it?'; and, if the Labor Party does oppose it, 'Why is it that the Labor Party sees some advantage in the shift of emphasis of the law from the right or the centre further to the left?'; and, more particularly, 'What will be the consequences for the people whom the law will affect? Why are we making those consequences in law and having that impact on those people?'

I do not imply by saying 'impact' that it is adverse. I merely want to know who wins and who loses, if anyone does lose, and whether or not they, not their stakeholders, have been consulted. This argument that all you have to do is talk to Trades Hall and the South Australian something or other, say, the environment council or the chamber of mines, and so on, as being the way to consult with the wider community, is piffle. All that does is institutionalise the controls which those organisations have of the citizen's prerogative to go about their legitimate business. It forces people to join those organisations if they want to have a say on one or other side of the argument.

The Liberal Party says it stands for freedom of association, yet the manner in which it conducts its affairs and its consultation with the public is anything but standing up for the individual's rights—standing up for people who wish to choose whether or not they belong to an organisation or an association. The Liberal Party is as bad as the Labor Party in that respect. True, different organisations are involved. I do not think the Liberal Party wants everyone to join a union which is affiliated with the United Trades and Labor Council. I do not mind if they do. I encourage anyone who wishes to join to do so, and anyone who wishes to join any organisation to do so, but it should not be mandatory on any citizen who owns a business or who has an interest in any policy matter which is to be the subject of change in law for them to join an organisation before they can have a say on it. It should be, as was intended when we established parliament, the responsibility of each of us in here to listen to what our citizens, our electors, who delegate their authority to us have to say about the consequences for themselves.

It is all very well to stand up in here and say, 'I talked to so and so from such and such an organisation,' and it seems, that having been said, that that organisation has the authority and the power to speak on behalf of it, and to get away with it. I am saying it is not good enough. Increasingly, the public is disenchanted with us because we will not listen to what they say, or try to say, to us as individuals. We simply say, 'Well, we talked to this organisation that represents that point of view and they said something different.' They have their agenda for saying something different; that is what I am putting to the House today, and it is not necessarily in the best interests of harmony in society future. I am absolutely certain that it is not in the best interests of increasing levels of public respect for parliament. It is anything but.

I do not understand what one seeks to achieve from this. The second reading speech that was incorporated in *Hansard* on this matter is so full of jargon that it just bogs me down and craps me off that I cannot understand it. No attempt is made to do anything more than to put in there the basic legalistic explanations of what is intended. Yet in another instance, as I said to the House a little while ago, with the police, for instance, the Firearms Act is now in the process of being put into plain language so that its meaning can be changed and made even more draconian than it is now for those who are going to be affected by it in a direct way—I am not talking about those who are affected indirectly. I want to understand what this act means, what each clause within the act means and why it is necessary for that clause to be there. If it cannot be explained to me I will stay here until it is.

I will satisfy myself—whether or not I agree with the proposition—that by the time it is finally through this place I will have done my best to understand it, and I do not care what effect that has on the lives of any of the other members here. I am determined to make this place follow due process even if other agencies of government do not care or bother to do that. Altogether, then, I guess that I could lead off by posing the question: to what extent does the government set out to determine the legitimacy of those people claiming to be beneficiaries under native title and entitled to make such claims and establish the integrity of their membership of that group (which is still very badly defined in our law) of people who say they are of Aboriginal extraction?

We already know that a farce exists interstate of an instance of not only people who have no Aboriginal forebears whatever being given status as Aboriginal people but that they took, at public expense, others who claimed to be Aboriginal people to court to say that they were not entitled to be considered descendants of Aborigines and of Aboriginal extraction. The group of people I talk about are, of course, those in New South Wales who were clearly of Sri Lankan extraction, it has been finally proved.

Not one drop of blood in their veins came from any Australian Aborigine, and they have cost New South Wales and Australian taxpayers hundreds of thousands of dollars and done great injury to the cause of recognition of native title and other elements of the reconciliation process in consequence of the shoddy, incompetent and indifferent approach, if you want to call it that, taken by the instrumentalities which had the responsibility of establishing a register of those Australian citizens who are of Aboriginal extraction. I guess that will get us started on the way because that is where we need, in the first instance, to begin.

We have claimants there striking out the existing definition of a claimant and putting in another definition. Item by item we will see, when we get into committee, what we can discover about what those terms mean and what they are intended to achieve, what effect they will have on existing landholders and what the benefit it is said they will bring to the people who are to be the beneficiaries of their effects. Whilst I could have brought a couple of learned documents into the chamber with me to quote from in my second reading contribution on these matters, suffice to say that I think that the House now understands where I am coming from in dealing with this matter in debate, at least sufficiently so to ensure that I am not improperly accused of attempting to filibuster: I just do not know what the legislation means. I trust that the minister does, otherwise we are in for a very long night.

The Hon. R.G. KERIN (Deputy Premier): I thank the two members for their contributions to this bill. To a certain extent, I understand the concerns of the member for Hammond. It is a very technical bill and, for those not legally trained, it is extremely difficult to understand some of the clauses and the total meaning of the bill. I have spoken briefly with the member for Hammond. I thank him because he is agreeable for the people who have the intricate legal know-

ledge to brief him and to help him understand the bill. I appreciate why he would want to do that, absolutely.

I thank members for their contributions. Once we are through the second reading stage we will adjourn the bill to ensure that the member for Hammond, and any other member, has the opportunity of a briefing. The bill will be brought back on the next sitting day.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

RAIL TRANSPORT FACILITATION FUND BILL

Adjourned debate on second reading.

(Continued from 26 September. Page 2269.)

Mr ATKINSON (Spence): This bill has been occasioned by the commonwealth's dispensing with Australian National, that is, Australian National Railways. Owing to that event, a number of railway properties, buildings and track have been donated to the state as a result of the Non-Metropolitan Railways Transfer Act 1997. Among the tracks given back to the state is the broad gauge line from Wolseley (near Bordertown) down to Mount Gambier. That line once ran into another broad gauge line from Adelaide to Melbourne but, owing to the standardisation of the track in about 1995, the broad gauge line up from Mount Gambier to Wolseley ends in a standard gauge main line.

It is the hope of the government that by selling or leasing these railway properties it can raise money for railway works and among the works the government has in mind is the standardisation of the Wolseley to Mount Gambier track so that it would fit in with a standardised main line between Adelaide and Melbourne and the construction of a rail bridge as part of the third river crossing at Port Adelaide. One would have thought that using its normal appropriation authority the government could channel money, raised through the sale or lease of these properties and buildings, to these railway projects. However, an opinion by the Solicitor-General, Mr Brad Selway, has raised doubt about whether the general appropriation authority can be used for railway purposes. In his opinion on this matter the Solicitor-General says:

> Historically the development of railways has always given rise to a specific statute authorising such development. The statute books of this state contain many such acts. There are various historical and constitutional reasons for this. However, given that practice there must be some doubt whether it is the function of any government department, or indeed the government as a whole, to spend money for the development of a railway other than primary work without specific legislative authorisation.

If I may interpolate there, after the sale of the state's sale of the non-metropolitan railways to the commonwealth in 1975, the state government got out of the business of non-metropolitan railways. Mr Selway goes on:

> Since at least that time—

that is, 1975—

> it has not been the ordinary business of any state government department or indeed of the state government itself to develop or operate or to assist in the development or operation of non-metropolitan railways.

The Solicitor-General concludes:

> I think it would be inappropriate and probably improper to use an existing appropriation authority for such a payment.

Section 3 of our state Constitution says:

> A bill for appropriating revenue or other public money for any previous authorised purpose shall not contain any provision appropriating revenue or other public money for any purpose other than a previously authorised purpose.

Accordingly, the government has introduced this bill to authorise appropriation for non-metropolitan railways. The bill quite specifically rules out in clause 5 the expenditure of money on projects for the facilitation of metropolitan passenger railway services.

I notice that when the Minister for Transport first canvassed the bill in another place she thought that the leasing or sell off of these railway properties may eventually raise as much as $10 million. It is not that the government intends to run the Wolseley to Mount Gambier line, if indeed it is standardised and goes back into operation, but rather it is the intention of the government to lease that track, as I understand it, to a private operator, and three private operators have been short-listed for this purpose.

The other issue on which Mr Selway was asked to give an opinion was whether the state could require the commonwealth to contribute to the cost of the standardisation of the Wolseley-Mount Gambier line under the Railway Standardisation Agreement of 1949, which led to the State Railways Standardisation Agreement Act 1949. Under clause 14 of the agreement, seven-tenths of the total cost of the standardisation works were to be met by the commonwealth, but the Solicitor-General is quite adamant that South Australia cannot rely on that 1949 agreement, and he says that in 1961 a case on this point went to the High Court, and the High Court decided that the commonwealth was not under any legal obligation pursuant to the agreement. If we were to try to insist on that agreement it would be a case of looking a gift horse in the mouth since the commonwealth has been kind enough to return these non-metropolitan railway properties and buildings to us, despite our selling them to the commonwealth in 1975. The minister with us today was there when that very agreement—

The Hon. Dean Brown: That is why we have ended up with this land. The commonwealth government used it automatically.

Mr ATKINSON: That is something I did not know: it was a question I was going to ask, but the minister has anticipated me, that is, that under the 1975 agreement if the commonwealth did not use the tracks—

The Hon. Dean Brown interjecting:

The DEPUTY SPEAKER: Order! The minister and the member for Spence may like to formalise this discussion during the opportunities that will be provided in the debate.

Mr ATKINSON: Well, sir, I think the minister is quite helpful in explaining to the House that, under the 1975 agreement on non-metropolitan railways, if the commonwealth did not use the track or the property then it would revert to state ownership. I recall that the minister at the time in 1975 was a tremendous opponent of the transfer of non-metropolitan railways to the commonwealth. Indeed, the Premier of the day, Don Dunstan, called an election on this very issue. This was the failure of the then Liberal opposition to consent to the transfer of non-metropolitan railways to the commonwealth, but as things turned out it seems to have been rather a good deal because we sold them this property and now they have had to give it back to us for nothing. Maybe after 26 years the minister has a different view of his party's decision to oppose the transfer of the non-metropolitan railways to the then Whitlam government. Perhaps he will enlighten us on what is his opinion. Perhaps the member for

Schubert will enlighten us on whether the 1975 agreement was a good deal. Certainly at this remove it looks like a good deal to me. With those remarks, the opposition supports the bill.

Mr VENNING (Schubert): I certainly support this bill and also note the comments by the member for Spence. The object of this bill is to create a rail transport fund, as the minister and member for Spence were just discussing across the House, to allow the government to undertake rail facilitation projects and to provide specific authority for the expenditure of such projects. I, too, appreciate the information from the minister a second ago. Railways and also, I believe, rail corridors, handed back from the commonwealth government to the state can either be sold and/or leased and we can then create this fund.

I would like to comment on the challenge from the member for Spence a few moments ago; I think the sale of the South Australian Railways by the Dunstan government in 1975 is one of the worst things that any government in South Australia has done, particularly at that time. We never got any money for them; they were handed in as a liability and taken over, and all that did was close down a lot of our country lines. We lost all our local parcel and passenger services. It meant that country people lost a great asset. I thought it was incongruous that the city kept its rail services, which ran at huge losses, but they were not allowed to run at huge losses in country regions. It smacked of Dunstanism, and I think it was one of the worst things he ever did.

An honourable member interjecting:

Mr VENNING: They will be coming back. These corridors that were closed down right through the north were valuable not only for passengers and freight but, more importantly, for the grain. We now have ports such as Wallaroo that have no rail connection whatsoever. In the old days it used to be connected through Snowtown and Brinkworth into some of the best grain growing country areas in this state, but when SAR went we lost all those lines. The corridors are still there, but there are no lines, and it is pretty sad. I think that on reflection any member of this House would say that it was not a good move and certainly we lost a very valuable asset.

The ability to invest in appropriate rail projects and identify funds for that purpose will provide a more competitive transport framework for South Australian primary and secondary industries. It will address safety, greenhouse gas and pollution issues as part of the transport infrastructure investment decisions.

Projects currently approved and/or under consideration for government support include the Port River expressway rail bridge—a project in which I have taken a lot of interest—and, as the member for Spence has alluded to, the South-East rail line standardisation, that is, Wolseley to Mount Gambier. Investments in rail projects such as this will also enhance the commercial ability of the Adelaide to Darwin railway to attract rail freight, thus enhancing the South Australian government's investment in that project. As we said, we spent a lot of money on this and we now have to make it work. The way you make it work is to upgrade the network that is behind it. The Solicitor-General has advised that specific appropriation authority is required for the government to undertake rail projects. This need is addressed in the bill.

The growth in freight task across Australia is forecast to continue to increase at a greater rate than the GDP. At current growth rates, and in the absence of significant increases in the share of freight carried by rail, the tonnage moved by road is forecast by the Bureau of Transport Economics to increase by 80 per cent by 2015. The South Australian articulated road freight vehicle task is forecast to increase by 50 per cent over the next 10 years. That is a staggering statistic—from 12.1 billion to 18.12 billion net tonne kilometres. They are huge numbers and alarming statistics.

I believe it is very important that we actively promote the intermodal transfer of more interstate and intrastate freight from road to rail. If we do not address the issue of the increase in road freight, we will only see an increased in the rate of problems that we already experience on the roads with the heavy transports travelling on them. This is very dangerous on some of our roads, which are not designed to carry heavy freight transport as well as cars. As we all know, cars and trucks do not mix, and this certainly causes a lot of anxieties. A lot of our road fatalities are caused just by that, with huge trucks, B-doubles and even A-trains, in collisions with small family sedans; we have certainly seen some traumatic accidents.

With the Adelaide to Darwin railway project going full steam ahead, I am confident that we will see a very large and efficient intermodal operation at Port Augusta. I know the member for Stuart certainly supports that, and he certainly pushes his case very hard. That could well become the freight hub not only of South Australia but also of Australia. I firmly believe that we will see many other intermodal hubs established throughout South Australia and indeed throughout Australia, connecting through to Port Augusta and on to Darwin.

Members know that I am a great advocate of rail and its definite advantages to carry very heavy loads very long distances and at very beneficial economies of scale. Realistically speaking, large shipments of non-perishables should all be carried on rail. I understand that, when you are carrying perishable goods on a tight time frame, particularly over a distance, semis and B-doubles are the way to go.

I am not in any way saying that road transporters do not have their place; in fact, they play a vital role in the whole efficient process. However, we need to ramp up the use of intermodal transfer systems from road to rail. I believe that any effort that the government can make to assist the improvement of intermodal activities will not adversely affect road transports. However, what can go on rail should go on rail, particularly on the Melbourne to Perth route and also on the other intercity routes across Australia. I wonder why we see so much traffic on the Melbourne to Sydney road; that is the horror road of Australia. I know it carries perishable goods, but surely a lot of that freight should be on the railway line where it would not cause those problems.

We need to win back the confidence of business to use rail, as they did in years past. We potentially have a very good rail network in this country, and I believe it is underutilised. I want to cite one case in the Barossa. We have there a rail line which is used daily. It is used only to cart rock from Penrice to the city.

Members interjecting:

Mr VENNING: There is one train a day; one up and one back at 11 o'clock. There is no reason at all why, if they were encouraged, the wine industries could not cart glass, cork and everything else—apart from the wine, which is usually ordered for next-day delivery—on the railway line. Much work has been done to encourage that. It has not happened yet, but be assured that if an opportunity is there I will be promoting it.

The whole matter of rail and related issues takes me to a rail project in my electorate of Schubert. The newest one, which was opened just last week, is the refurbished railway line from Tanunda to Angaston. I am very pleased that after two years of arguing and wrangling we have eventually upgraded the railway line from Nuriootpa, so now the Barossa tourist train can go right through to Angaston. The member for Bragg, the Hon. Graham Ingerson, did a lot of work in lobbying the federal government, and we got the funds, but the private operators, through their contractors, wanted $60 000 per year just to upgrade those five kilometres of track. We argued that for a long time and, eventually—I do not know how they did it—we have come to an agreement and the train is now travelling to Angaston, so the total Barossa experience by rail is now complete. This goes to prove that if you keep at it long enough and keep pushing the argument you will eventually break through.

I also want to comment on the Port River expressway rail bridge and the port upgrade that goes with it. As this election draws near, I am a little concerned that negotiations are not complete, because we have no guarantee from the Labor side of politics that they would go on with this. This is probably the most vital piece of infrastructure that could occur for the economy of South Australia, because grain is still our largest long-term export and income earner. Certainly, the wine industry is pushing it very hard right now, but over the long term I believe grain will still be our biggest source of income. Given the port inefficiencies that we currently have, this is a great opportunity for us to address that matter. This rail bridge over the Port River is vital; then we could have trains delivering grain to Outer Harbor.

Two issues are involved here. The bridge has to be constructed very soon so that we can put the train straight over it to the port of Outer Harbor and, hopefully, with the sale process that is currently under way, we will see the deepening of the port to 14 metres so that we can get not only the large grain ships but also the large container vessels in there. We can then have an efficient port of world standard. Grain will be able to be delivered there by train straight from the silos in the country, rather than being delivered by road, which would clog up the roads in the Port Adelaide district. We are on the brink of some major breakthroughs in efficiencies with regard to the selling of a major project. I look forward to this project with confidence. However, I am also concerned because this project is uncontracted as we are going into an election period and is not all tied up. If the Labor side of politics gave us a commitment—or at least told us of its policy in relation to this matter—I would certainly sleep a lot easier. Projects such the port and the railway line connecting it are very important and should not be abandoned just because there is a change in the government of the day.

Mr Clarke interjecting:

Mr VENNING: The member for Ross Smith tells me that the bidders have until tomorrow. I know nothing of this matter, as it is under strict probity. At this time, I again declare my interest as a shareholder of AusBulk. I do not believe that AusBulk is involved in the discussions at present, but I am not sure. I look forward not only to the rail bridge, which is of critical importance, but also to the loop rail that goes with it, that is, the rail coming down from the main line, as it does currently, over the Port River and then to Outer Harbor. When it gets there, a loop line is provided so that trains do not have to back out. We are now putting in technology in country silos—especially those on the near verges such as those at Roseworthy and Tailem Bend—that will give them the ability to load trains five carriages at a time. In other words, a train can be loaded in 40 minutes instead of four hours. When the trains arrive here, they can be unloaded just as quickly, because they do not have to be backed out, and there can be a train right behind it.

Rather than have huge amounts of storage on ground when ships come in, the grain can be brought in the train as the ship is there, because the trains can very quickly be turned around. That loop line has been a dream at Port Adelaide for years, but there was not space to put it in. However, now at Outer Harbor we have the space, and it will go in. I am fairly sure that the Liberal government will win the election, but if we do not I hope that the Labor government will pick up that project and continue with it. As I said, that rail bridge is a very important pivotal part of the whole project.

The south-eastern rail standardisation project from Wolseley to Mount Gambier has potential. We have had private operators wishing to become involved in that. They have privately lobbied me. I take my hat off to the minister, because she certainly has not rushed in here full bore. She has considered the situation carefully. If we can get that Wolseley-Mount Gambier line open it would give us so much more flexibility with what we can do in the South-East, particularly with our being able to use the port of Portland, as well as other areas. We will be able not only to get the freight and pine products out by rail but also hopefully to get a passenger service back to one of our pivotal regional cities, that is, Mount Gambier, as it always used to be.

The last project I wish to discuss is a bit futuristic—the Adelaide rail bypass, which has been spoken of for some years now. Some people are opposed to it, because they think it could take Adelaide off line, although I do not believe it will. We have concerns about freight coming through some of our suburbs because it creates noise, and so on. A lot of that freight does not really need to come into Adelaide. It could bypass Adelaide and go to the intermodal operation, say, at Port Augusta or north of Adelaide. The bypass railway line could go to Murray Bridge, Apamurra, Cambrai or Sedan and then either into Angaston and into the city or directly north to Eudunda on the old corridor which is still there and connect up with the railway line north. Then you have the full option of going either way. This is a very timely bill. As members can see, I am pretty passionate about rail, and it is a matter of commonsense, because over the years rail has been a big part of our history. There is no reason why rail could not be a great advantage to South Australia, particularly regional South Australia.

SITTINGS AND BUSINESS

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

WEST BEACH RECREATION RESERVE (REVIEW) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SURVIVAL OF CAUSES OF ACTION (DUST-RELATED CONDITIONS) AMENDMENT BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

STATUTES AMENDMENT (GOVERNOR'S REMUNERATION) BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 4, lines 8 and 9 (clause 7)—Leave out subclause (b).

Consideration in committee.

The Hon. J.W. OLSEN (Premier): I move:

That the Legislative Council's amendment be agreed to.

During the debate on this measure before the House, the member for Hammond raised an issue related to the calculation. I indicated that that matter would be reviewed and checked. As a result of that review, this slight amendment has been put in place, and it is the intention of the government to support the amendment of the Council.

Mr ATKINSON: The opposition also supports the amendment. It is good to know that the careful eye of the member for Hammond has resulted in a useful and constructive change to the statute law of the state.

Motion carried.

RAIL TRANSPORT FACILITATION FUND BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2419.)

Mrs PENFOLD (Flinders): Our Liberal government has a progressive objective in relation to the development of South Australia for the benefit of future generations. This bill is groundbreaking in that it brings together many different needs on a state basis—something that has never previously been done by rail in this state. As the member representing Eyre Peninsula, I am perhaps more aware of this than most other members in the House. The Eyre Peninsula division of the former South Australian Railways made a profit in some years. That resulted directly from the tonnages transported by rail. Those who worked in the division contributed to the development and success of the rail system, enduring the harsh conditions that prevailed particularly in the first half of last century to provide a lifeline to remote settlements and towns. The proud record of those men and of the times is being preserved in the Eyre Peninsula Railway Museum operated by the Eyre Peninsula Railway Preservation Society in the former Port Lincoln railway station. Like most businesses that are run by governments rather than private enterprise, management's decisions in the past did not keep abreast of the reality of the business world.

Therefore, rail patronage across the state fell into decline. The railways were sold first to the federal government, then to private enterprise. However, the state Liberal government is continually researching what is best for South Australians to move ahead. We are not afraid of innovation and of taking up modern technology. So, we come to the Rail Transport Facilitation Fund Bill 2001.

During our term of office, freight movement across the state have increased significantly. Mining developments that we have supported are nearing the time when they will come on stream, with thousands of tonnes of product requiring to be transported. The growth in freight across Australia is forecast to increase at a rate greater than the gross domestic product. The Bureau of Transport Economics has forecast that, at the current growth rates, and in the absence of significant increases in the share of freight going by rail, tonnages moved by road would increase by 80 per cent by the year 2015. In South Australia, freight going by articulated road transport in the next 10 years is forecast to increase by 50 per cent from 12.1 to 18.12 billion net tonne kilometres. This is an exciting prospect. The Rail Transport Facilitation Fund Bill addresses the expectations raised through this forecast.

Moving freight by road and rail has never been integrated to any extent. Designing road trains and rail rolling stock so the trailers can be put onto bogeys without touching the freight is a move in the right direction. This is the type of planning that needs to be accelerated and expanded to benefit our state to appropriately cope with both distance and isolation. The advantages of each method of transport—that is, rail and road—need to be exploited for the best progress in the future. This state government has looked at issues as they affect the whole of the state and as they affect various departments. This integrated approach is reaping dividends for our state. We promote transport policy and planning across transport modes for economy, efficiency and protection of the environment. Inevitably, this links in with freight movement by sea. The government has done much in this area. Certainly, in my region, rail and road links with sea transport are well developed and integrated.

The Liberal state government is committed to promoting the greater use of rail by interstate and intrastate freight operators. The projected increase in freight tonnage requires planning now to ensure smooth handling in the future, and at the most economical cost. Such an increase, if handled only by road transport, would result in road congestion, a rise in road risks and a steep upward curve in road maintenance costs.

The Liberal government is proactive when it comes to the environment. From an environmental perspective, rail is able to transport three times the tonnage over certain routes for the same expenditure of energy as road. Facilitation of rail transport is, therefore, a positive move in reducing greenhouse gases. This fits well with the government's support for other measures to reduce greenhouse gases, such as the development of wind farms to generate electricity. A holistic approach to transport and freight movement provides the most favourable environmental outcomes for the state.

Competition is a word that we have all become familiar with in recent years. It is fair to say that competition across modes of transport has not been strong. Looking at rail and road as two facets of the same issue will provide a more competitive framework in South Australia's primary and secondary industries. We aim for the best service at the most economical rate. This will keep us competitive with our world trading partners. We are reminded time and again that we are now a global village. We must always be cognisant of this fact or we lose custom, therefore, lose income and go along the downward path to hardship and poverty.

The Adelaide-Darwin rail link opens a new era for South Australia, one in which we must anticipate the future and its opportunities. I find it quite exciting when I look at the possibilities that could come to Eyre Peninsula, particularly

in tourism. Of course, the Eyre Peninsula rail system needs to be standardised and linked with the interstate system to gain the most benefit for our state and, in particular, Eyre Peninsula. I flag that this is a matter for future consideration, and one that I have already given considerable thought to.

No development occurs without money. The Rail Transport Facilitation Fund Bill brings into play a dedicated fund that will have a wide application to develop, upgrade and improve rail in this state. It is good business practice to ensure that money earned in one area is reinvested in that area to lift income. Income from the sale and/or lease of rail assets will find a ready home in this fund, as will income derived from rail facilitation projects. It has been truly stated that money breeds money. The proposed method of funding the bill provides an investment pool that will be conveniently accessible as projects eventuate. It will be added to with grant money from time to time to keep the pool operational. I particularly support the flexibility with which the fund is being set up, so that projects can be evaluated on their merits and the most appropriate form of support decided on. That may be a grant or a loan, capital investment, or the purchase of equipment or materials. I support the bill.

Mr WILLIAMS (MacKillop): Mr Deputy Speaker, I think that you welcome this bill to the House probably as much as, if not more than, any member. We have heard considerable contributions this afternoon, but I wish to refer to the contribution from the member for Spence, who talked about the historical context of where we find ourselves today, and the Solicitor-General's advice that we need a specific appropriation authority for the government to undertake rail facilitation projects.

I have recently read a rather interesting book (which I note is quite popular at the moment) called *The Map that Changed the World*, which chronicles the life and times of William Smith, who is recognised as the father of the science of geology. He made his discoveries whilst involved in the construction of canals throughout Great Britain in the late 1700s, and he talked about the statutes having to go through the parliament, and people having to travel to London to see the statutes go through parliament to allow for the construction of canals which crisscrossed Britain to ferry coal, in those days. Of course, those canals were superseded quite soon after that time by the railways, which drove all the canal companies broke. I guess the way in which we went about business here in Australia grew out of that, and I can understand the need for a special bill of the parliament—a special statute—to allow for the construction of a railway, because it is a very complex matter to build a railway: the land has to be appropriated, and rail obviously needs very slight grades, large radius curves and all those sorts of things. So, it is a much more complicated matter than building a road.

The other factor that leads us to where we are now (and which has been alluded to by several members) is that, in the mid 1970s, the then Dunstan government supposedly—and the member for Spence referred to it—made a good deal in selling the country rail network of South Australia to the then federal Labor government.

Mr Atkinson: It was making a huge loss.

Mr WILLIAMS: The member interjects that it was making a huge loss—as was the metropolitan rail service, which was never sold and which has continued to make a huge loss to this day. If my memory serves me well (and it was a long time ago), I think that the federal government paid the state government in the order of $100 million for our country rail network. The odd thing was that I think the commonwealth grants that came through to this state in the next year were reduced by a similar amount. So, South Australia virtually gave the rail network to the commonwealth. I would argue that the then Labor government of South Australia sold the network for one purpose: it did not have the guts to close it down as it wanted to, and gave it to the commonwealth so that the commonwealth would close it down.

We have seen the rail network across the state over the last 25 years, line after line, being closed and put out of use—the rail was ripped up and, in a lot of cases, the land was disposed of. This is most evident through the Mallee, where the only two rail lines that operate through the Mallee now are the Pinnaroo and the Loxton lines. Thank God we still have those, because the Mallee is a very productive area of the state, as we saw last season, in particular—and this season there will be a huge grain crop come out of the Mallee. Unfortunately, most of it will be delivered to Port Adelaide via the road network, and that is a crying shame. Not only will that extra freight on our road network put more pressure on our road network, but it will also put more pressure on those other people who, of necessity, have to use the road network. I am talking about the average motorist who, in my opinion—particularly those who venture out from the city from time to time on country roads—are ill-equipped to be sharing a carriageway with B-doubles.

In more recent times, at last we have had a standardisation program for the Australian rail system. There is no point in going over the historical context of how we ended up with many different gauges of rail across Australia. But at last we are seeing a standardisation of that system right across Australia. Unfortunately, for my electorate and the people in the South-East of the state—that most productive area of the state—the line that runs from Wolseley south through Naracoorte and Penola to Mount Gambier, traverses probably the richest and most productive agricultural part of the state.

Since 1995, when the Melbourne to Adelaide line was standardised, that line has been left in limbo. Being a broad gauge, obviously the rolling stock cannot readily transfer to the newly standardised line. It has been a bone of contention with all those in my electorate since that time. They lament that that line was not standardised at the time in the early to mid-1990s to allow freight trains to operate down as far as Mount Gambier.

The member for Schubert spoke highly of the action that the minister is taking on this matter. The minister needs to be commended. At every opportunity I get, I sing her praises in my electorate. More than any transport minister of this state, this minister is presiding over a time which hopefully will see the standardisation of that corridor through the South-East to Mount Gambier and see freight trains and passenger services potentially back on that route, bringing the freight from that area into Adelaide, the heart of South Australia, where further value adding can be done. A lot is being done now, but certainly marketing can be done, even on ships. In a few years, we will see the completion of the Adelaide to Darwin route, which will allow us to access that new port in Darwin which is so close to the major markets of Asia.

Several members have talked about the increase in the freight tasks which we are facing in the near future. I will just quantify that in terms which might mean more to some members. I refer to the effect of the freight tasks that road hauliers have in my electorate. When travelling from

Tintinara to Tailem Bend some months ago on my way to Adelaide on a Monday evening ready for the Tuesday's sitting, out of sheer boredom I started counting the semitrailers coming towards me. In that drive of about one hour, I counted more than 120 semitrailers heading to Melbourne. I would hate to think how many semitrailers travel over that stretch of road from Adelaide to Melbourne every day of every week throughout the year.

I have felt and always argued that a lot of that freight should be back on the rail. Quite often I will pass up to three or four trains on the trip between Keith and Tailem Bend. I would like to see a lot more trains and a lot fewer trucks. I also have the situation in the township of Penola where the Riddoch Highway passes down the main street of that township which has rebuilt its economy in recent years around the tourism industry, obviously on the doorstep of the famous Coonawarra wine strip. It has recreated some historical walks around the town—

Mr Clarke interjecting:

Mr WILLIAMS: And yes, the third miracle has happened in Penola in the last few years, with the building of the tourism industry there. But the locals complain that they get approximately 600 heavy truck movements through the main street of that town every day, and that does not tie in very well with the tourism trade which is being built and which the locals wish to increase.

Also, as the member for Schubert pointed out, the third Port River crossing is incredibly important. The minister in her second reading speech in another place highlighted both those projects—the standardisation of the South-East rail network and the third river crossing—and, as the member for Schubert stated, hopefully we will get a deep water port at Outer Harbor, a new grain terminal—

Mr Clarke interjecting:

Mr WILLIAMS: Exactly.

Mr Clarke interjecting:

Mr WILLIAMS: You are confusing the issue. We are talking about setting up a rail fund so that we can have some moneys—

Mr Clarke interjecting:

Mr WILLIAMS: I think that will be taken care of.

The DEPUTY SPEAKER: Order!

Mr WILLIAMS: It is most important to this state that both these projects get up. I commend the minister for setting up this fund so that the moneys that are returned through the sale of rail assets—and there are a number which are surplus to the requirements of the state—can be put in that fund. The fund will also be able to receive income derived from other sources. I hope that, over the next period, funds are built up so that both these projects may proceed. I reiterate the importance that I believe they have for the future of this state. I commend the bill.

Mr MEIER (Goyder): I will speak very briefly to this bill. I notice that Wallaroo is mentioned specifically in it. I was a little concerned that perhaps land was to be sold off or other track would be sold off, and I have been assured that no track will be sold off in the Wallaroo area. In fact, the government and the minister give full support to the Yorke Peninsula Rail Preservation Society in their magnificent railway from Wallaroo to Bute.

Mr Clarke interjecting:

Mr MEIER: It is interesting that the honourable member interjects, because apparently there is sufficient track available, of both standard and broad gauge, from Wallaroo to Snowtown, to relay the track to Moonta. The only thing that is missing are the sleepers, and I have made requests of several different departments, but so far none has been forthcoming gratis.

Mr Clarke: I know where 39 000 are gathering dust, but I will get to that later.

Mr MEIER: Thank you very much. I am happy to follow that one through. On this bill, the minister has assured me that certainly, if there is any land or anything to be sold off, the normal full consultation procedures will apply and the community and councils will have the chance to have their say. So I see no problem with this, and I trust that it will benefit rail more for the future.

The Hon. DEAN BROWN (Minister for Human Services): I would like to thank each of the members for their contribution to this debate. It is an issue which has created a lot of interest particularly in country areas where it has the impact. I raised the issue across the House with the shadow Attorney-General. I well recall the bill that was brought into the parliament. I well recall the election in 1975—

Mr Atkinson interjecting:

The Hon. DEAN BROWN: I had.

Mr Clarke interjecting:

The Hon. DEAN BROWN: There were, actually, yes, but it was a snap election. I am sure other members would recall that occasion. In fact, I recall going out and speaking at a meeting that night, coming back and finding that there was a lot of discussion around the place because suddenly an election had been called. I also recall the then Premier of the day thinking that he was going to win that election very easily, and winning it by a margin of 250 votes in the end.

The Hon. DEAN BROWN: It was at that election that the Deputy Speaker (the member for Heysen) was elected to this parliament. I also recall going out and campaigning for the member for Heysen at that election. Coming back to the bill before the House, I thank members for their contribution. On behalf of the Minister for Transport, I will give a specific commitment to the House, especially to the member for Gordon. The member for Gordon has asked for certain undertakings from the minister and the minister is willing to give an undertaking concerning the following matter:

> In briefing [the member for Gordon] on the above bill, [the member for Gordon] indicated that he would like assurance that local councils will be given notice and proper government procedures are followed if a parcel of land in its area is to be offered for sale or lease.

The minister has said she will give an assurance to the member for Gordon. Continuing:

> . . . current government procedures for the sale of rail property require notice to be given to the relevant council (under Premier and Cabinet Circular 114) in case there is a specific interest in council acquiring that property. . .

The minister has indicated that this will continue to be the case. I continue quoting, as follows:

> Where councils have agreed to develop rail property for community not commercial purposes—a number of parcels of surplus rail property across the state have already been transferred to councils at little or no cost.

In fact, I think I am right in saying that at Pinnaroo they have established a museum which has become quite a tourist attraction and which I opened, having first been involved with encouraging the community to establish that museum. The museum was established on railway land and has become, I think, the pride of Pinnaroo. It shows a fantastic amount of

the history for the mallee. The member for Hammond, I know, is a keen supporter of the museum. There is a classic example where the local council has been heavily involved, together with the broader community, in terms of railway land. I am delighted to give that assurance on behalf of the minister that local councils in fact will be offered the land to see whether they have an interest in purchasing it; otherwise it will be put up for open sale. I urge all members of the House to now support the legislation through the committee stages.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr CLARKE: My electorate contains the Islington railway workshops which in its heyday, in the late 1960s, early 1970s, had something like 2 500 to 3 000 workers. Today, unfortunately, there would be barely 100 employees, if that, in that workshop. There are two areas I want to raise with the minister. I appreciate that the minister may need to go to the minister responsible for this legislation or the department to get the answers. He may wish to take it on notice.

In terms of the minister applying money towards rail facilitation projects, one of my constituents has been regularly in contact with me, the Premier, the state Minister for Transport, the federal Minister for Transport, the Prime Minister, and anyone else who will listen. He has come up with an invention with respect to the standardisation of our railway gauges. The company, JMB Engineering Services, has been formed to promote this invention involving a dual gauge carriageway.

Rather than the normal means by which rail gauges are standardised, where one of the railway lines is shifted so many inches to fit in with the standard gauge, this person and his company have developed a railway carriage wheel which has an additional flange on the normal wheel. Therefore, as the crane and its rolling stock go from one gauge to the next, it can simply adjust depending on which railway gauge it happens to be. He estimates it is of considerable saving in terms of the cost of standardisation of our railway lines in South Australia and, of course, there is export potential as well to other countries such as India which have adopted tactics similar to those that Australian colonies had a century, or more, ago of different size railway gauges. In fact, a model was put on display at Parliament House in the member for Schubert's office and a number of members of parliament took the time to look at it.

The difficulty is that all the letters and correspondence that my constituent has had from the Premier, the state Minister for Transport and her federal colleague state that it is a wonderful idea and they cannot understand why the private sector is not involved in it. In fact, in the words of the Premier, he was 'amazed that the private sector did not want to pick up the idea'. Unfortunately, the private companies that now operate our freight lines, and so on, and our railway companies are not interested in it. I can guess why. Basically, when railway standardisation takes place the taxpayers pick up the cost. What is the incentive for them to promote or develop this particular invention? If it costs more to standardise the railway gauges, it does not matter to them. The costs are simply passed onto the taxpayer.

I would like the government to have a serious look at what is being proposed by my constituent. There are reams of correspondence in the various departmental files on this particular invention. Either the government could say, 'Yes, we think it is a good idea and we will help you carry it through in terms of pilot studies and the like,'—because it is far too expensive for one individual or a partnership to do it—or, if the department thinks that it is a crazy idea but it is being polite to him, then put him out of his misery and tell him why so that he can get on with his life. He is perpetually left hanging between two stools, in part receiving encouragement from government agencies that he ought to look further at it but with no resources for him to effectively do so. So the government should either assist him or tell him that it does not think it will work; that it is a crazy idea or whatever and let him get back his life. I would like to know whether the minister, in particular the Minister for Transport, will in fact take on board my comments and see what can be done to assist this person.

The Hon. DEAN BROWN: I acknowledge the point made by the member for Ross Smith. In fact, I have seen the concept and I think anyone who has seen it would say it is a very innovative step indeed. Whether or not it can be applied practically is not for me to say. I am not a railway specialist. However, I will refer the issue to the minister and ask whether she would provide a frank response for the member for Ross Smith so that he can get in touch with the inventor. Certainly, if there is any way of developing that and putting it into a practical application, I think that it would be ideal to do so, particularly to overcome the variation in gauges that still exists around the whole of Australia.

Mr CLARKE: I thank the minister for his comments and, in particular, for the fact that he took the time to look at that model put forward by my constituent. I look forward to the response from the Minister for Transport. The minister might also be interested to know that, about two or so years ago, the invention by my constituent on the model railway that he looked at won an inventor magazine's—I am not sure of the exact title now—national award. The invention obviously had some considerable substance but, like the minister, I have absolutely no practical knowledge of engineering so I do not know whether the idea is capable of coming to economic fruition.

I know that this bill does not cover metropolitan passenger rail services; so, even though my question is based around metropolitan passenger rail it still relates to this bill in terms of my fears that the same thing might happen in the non-metropolitan area with respect to this fund. About six weeks ago I had reason to look at the condition of the railway sleepers of the metropolitan passenger railway system between Woodville and Outer Harbor. I might say that the wooden sleepers that I had drawn to my attention by certain people were an absolute disgrace.

They were white-ant ridden. Whereas normally the ballast surrounding the railway line would have a nice drop and slope on the ground for levelling, I assume that it had all been demolished over a period of time and was in need of remedial work. I did not realise, or I had forgotten, that this bill was coming on today so I did not bring my notes with me, but at a dozen places at least along that particular line, Woodville to Outer Harbor, the speed limit, for safety reasons, has been reduced to about 25 km/h. I visited the TransAdelaide depot—at the extension of South Road, I think it is, Wingfield way—and I saw about 20 000 concrete sleepers sitting there gathering dust.

I understand that about another 18 000 were on order at a price of approximately $100 a sleeper. They were scheduled to be used to complete the resleeping, if I could term it that way (it is probably not the technical term), of the Woodville

to Outer Harbor passenger railway line. However, I understand that the budget for that had been reduced. That work was scheduled to take place this year but they are now going to repair only half the line. The capital replacement costs in the budget have been cut in half. We have something like 19 000 to 20 000 sleepers at $100 each just sitting at the depot gathering dust when they ought to have been applied to upgrade the passenger railway track.

My concern is not so much the passage of the bill—and I know that a number of members have already spoken about how this will be used to upgrade railway lines, standardisation of the gauges, etc.—but that the work will not happen. As always it will ultimately depend on the government of the day to decide whether or not certain budgets will be met. Would the minister pursue with the Minister for Transport this issue of only half doing a job along the Outer Harbor to Woodville passenger rail line in terms of resleeping, if that is the term, otherwise something like $2 million of capital has already been spent on concrete railway sleepers, which are just gathering dust and, no doubt, taxpayers are paying interest on them.

The Hon. DEAN BROWN: To be frank, I fail to see the connection between what the member for Ross Smith has raised and this bill, but I will refer that matter to the minister and I am sure that, with her usual enthusiasm (if it happens to be a TransAdelaide issue), she will take up the issue. TransAdelaide has a reballasting program, but I will get the minister to respond directly to the member for Ross Smith. I continue to support this bill and urge members to continue to support it.

Clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

FESTIVAL OF ARTS

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to the Adelaide Festival made earlier today in another place by my colleague the Minister for the Arts.

ADJOURNMENT

At 5.39 p.m. the House adjourned until Tuesday 23 October at 2 p.m.