HOUSE OF ASSEMBLY

Wednesday 16 October 2002

The DEPUTY SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

HOSPITALS, NOARLUNGA

Petitions signed by 1 263 residents of South Australia, requesting the house provide intensive care facilities at Noarlunga Hospital, were presented by Mr Brokenshire and Ms Thompson.

Petitions received.

RELIGIOUS DISCRIMINATION AND VILIFICATION

A petition signed by 54 residents of South Australia, requesting the house to urge the government to withdraw the proposal to introduce a law against religious discrimination and vilification, was presented by Mrs Hall.

Petition received.

HENSLEY INDUSTRIES

In reply to **Hon. I.F. EVANS** (19 August).

The Hon. K. FOLEY: The Environmental Protection Agency has extended the compliance date on its orders on Hensley Industries until 31 October to allow Hensley to review various options available to the company in regard to its future operations. These options include upgrading on the current site, moving to the cast metals precinct or outsourcing some or all of its operations locally or interstate.

Officers of the Office of Economic Development are assisting Hensley management with this internal review in matters relating to land and construction matters including possible relocation to the cast metals precinct as well as whether modest levels of facilitation can be offered to Hensley. The issue of possible shortfalls in workers entitlements has not been raised with the Office of Economic Development.

The questions the honourable member has raised cannot be addressed at this time because Hensley management have not completed their internal review and reported to their board. I would be happy to provide further information to the honourable member after 31 October when I will be in receipt of a further briefing from the Office of Economic Development.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. L. Stevens)—

Commissioners of Charitable Funds—Report 2001-2002
Nurses Board, South Australia—Report 2001-2002

By the Minister for Science and Information Economy (Hon. J.D. Lomax-Smith)—

Bio Innovation SA—Report 2001-2002
Playford Centre—Report 2001-2002

By the Minister for Employment, Training and Further Education (Hon. J.D. Lomax-Smith)—

Construction Industry Training Board—Report 2001-2002.

TERRORISM

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today, I have written to the Prime Minister about national counter-terrorism arrangements. I have urged the Prime Minister to fast-track those measures already agreed by all governments following the 11 September tragedy last year. These measures were agreed at the April 2002 Leaders' Summit on Transnational Crime and Counter-terrorism which I attended. Since the summit, work has been progressing on arrangements for dealing with a terrorist event and for planning in prevention and intelligence sharing. It is clear that these issues are now more serious than ever.

I have therefore urged today that all Australian governments—commonwealth, state and territory jurisdictions—should sign the intergovernmental agreement on counter-terrorism as soon as possible. I support signing the agreement at the Council of Australian Governments meeting in November or, if not earlier, out of session.

The federal government has also announced a further review to look at any gaps in these arrangements following the recent events in Bali. That review also has my government's unequivocal support. But this should not stand in the way of implementing the arrangements the states, territories and commonwealth governments agreed to back in April. The events in Bali have shown us that terrorism on our doorstep can still hit at the heart of Australia.

I am announcing today that the state government will also be reviewing every aspect of our state's disaster legislation. This will include looking at South Australia's State Disaster Act 1980 and all other associated disaster prevention and emergency management arrangements. We have to make absolutely certain that we are doing everything within our power to protect the people of this state. The world has changed dramatically since the bushfires of the early 1980s, and even more dramatically in recent years. In 1983, South Australians came together to fight the devastating Ash Wednesday bushfires and to support all those so profoundly affected by that disaster. In 1997, we came together once again to battle the floods in the north of the state. But, the events of the past few days have highlighted that planning for disaster management must now move on. The more common natural disasters of flood, fire and storm will still receive our fullest attention.

The Minister for Emergency Services is already warning of a menacing summer in terms of bushfire risk. But there are new threats. We have only to think about the September 11 attacks or the anthrax hoaxes in Australia that followed to realise that our planning for disasters must become even more sophisticated. Of course, the devastating attacks in Bali and the heinous murder of one of our most senior public officials have heightened our resolve that the state be better prepared.

There is also another factor in disaster management in Australia in the 21st century, and that is why it is important that the 1980 emergency disaster legislation be upgraded. Much of our major infrastructure, including vital electricity utilities and many essential services, is now in the hands of the private sector. That was not the case back in 1980. We must make sure that these private sector operators are fully involved in disaster and emergency planning and prevention.

South Australia needs a new focus on risk management and prevention and mitigation strategies, as well as emergency response. We recently took part in the national exercise Minotaur to test our preparedness for a national foot and mouth disease outbreak. While South Australia was judged nationally and internationally to have performed excellently in this exercise, it did highlight a number of areas in which we need to improve our emergency and disaster management planning.

The review I am announcing today will be chaired by an experienced person, someone who is independent of disaster management organisations within our state. I hope to make an announcement shortly on who that will be. The review chair will be assisted by a reference group comprising senior representatives of the Department of Premier and Cabinet, South Australia Police, the Emergency Services Administrative Unit, the South Australian Government Captive Insurance Corporation, and other agencies as appropriate.

The review will have the power to draw on the advice of interstate disaster management organisations as appropriate, and may seek expert advice on issues from Emergency Management Australia, the national body. The review will look at issues including:

- the role of government agencies in all aspects of disaster prevention and management;
- recommendations about changing institutional arrangements to most effectively deal with major emergency and disaster prevention and management; and
- recommendations for amendments to the State Disaster Act 1980 to ensure we are better prepared.

The review will specifically address:

- national and international trends in the management of emergency services and disasters;
- links between various agencies, levels of government and the public and private sectors; and
- the appropriate role and membership of the State Disaster Committee (or its successor).

I have asked that the review begin as soon as possible and provide an interim report by the end of January 2003. Historically, our planning has tended to focus on events within the borders of Australia. The tragic events in Bali suggest that we should look carefully to ensure that we are prepared for any eventuality. To meet these new threats, we must be prepared to act locally, as well as in concert with other governments. The evacuation efforts from Bali have shown how as Australians we come together in an emergency. Disasters have no geography and no state loyalty, and do not recognise state boundaries or even international boundaries.

Given the nature of the events for which we must be prepared, we will work together as a state and as a nation. I must say that there has been excellent cooperation between the states, the territories and the commonwealth in dealing with the tragedy in Bali. The South Australian government offered its immediate assistance. The Royal Adelaide Hospital sent three medical teams to Darwin on two Lear jets, which were chartered by the state government on Sunday. Our medical personnel treated the injured who were retrieved from Bali and have accompanied the victims back to Adelaide to continue their care. This is all part of the state government's working to ensure that we have the best possible planning in place to deal with any number of disasters that could confront our state in the 21st century. It is time to update the legislation from the 1980s, and I pray that we never have to use them.

TOBIN, Dr M.J., DEATH

The Hon. P.F. CONLON (Minister for Government Enterprises): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.F. CONLON: I wish to provide to the parliament a brief update on the investigation into the murder of Dr Margaret Tobin. Police are dealing with a large amount of information and are continuing to devote all necessary resources to this matter. The police have advised me that there is no evidence to suggest that there are any wider implications for the security or safety of any other person. Other than the review of security into government buildings announced yesterday, it is therefore not considered necessary to institute any extraordinary security measures.

FIRE SEASON

The Hon. P.F. CONLON (Minister for Government Enterprises): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. P.F. CONLON: I wish to advise the house that tomorrow, Thursday 17 October, the CFS will gazette and advertise in the *Advertiser* dates of the fire danger season for 2002. Seven fire danger seasons will commence on 1 November in the following fire ban districts: Eastern Eyre Peninsula, Lower Eyre Peninsula, West Coast, Flinders, Mount Lofty Ranges, North-East Pastoral and the North-West Pastoral. A further five districts will commence their fire danger seasons on 15 November. These are the Upper South-East, Yorke Peninsula, Riverland, Murraylands and the Mid North fire ban districts. The Lower South-East will commence on 22 November and, finally, Kangaroo Island and the Adelaide metropolitan fire ban district will commence on 1 December.

Dates for the closure of fire ban seasons will also be gazetted, and these dates extend from 31 March to 30 April. Fire danger seasons have been declared by the Country Fire Service Board after consultation with the six CFS regional bushfire prevention committees across the state. This decision has been made in response to fuel loads, a drier winter and a predicted hot summer. All these commencement dates remain as those dates originally set, except for the Mount Lofty Ranges fire ban district—I do apologise, there is a typo in that paragraph of the printed statement; please bear with me.

The regional bushfire prevention committee for that region was asked to consider bringing forward the fire danger season following last weekend when the CFS was required at eight calls. In addition, the CFS has responded to a number of fires out of control already this season, which commenced with the early imposition of a total fire ban on 15 September. Approximately 50 fires were responded to on that day. Despite the rain during the past two weeks, there has been little change to the soil moisture levels, which I reported to the house some weeks ago. This means that most of South Australia continues to be at risk from bushfires and will continue to be at risk until next winter when we can hope for rain. I commend the board, officers and volunteers of the Country Fire Service for this decision, which I believe will be of great benefit to the state.

COURT OF DISPUTED RETURNS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: Mr Speaker, on 10 October Mr Justice Bleby of the Supreme Court, sitting as the Court of Disputed Returns, handed down his findings in the matter of Featherston v Tully. The petition was part of a Liberal Party reaction to your decision on 13 February to enable the Hon. M.D. Rann to form a government subject to the

conditions in your compact for good government. The Crown Solicitor represented the Electoral Commissioner in the matter. You, Mr Speaker, intervened in the matter. Justice Bleby confirmed your re-election as the member for Hammond. The petition was dismissed on all grounds.

The Liberal Party maintained—and continues to maintain in the media—that the people of Hammond were misled by you during the course of the election campaign. The Liberal Party alleged in its petition to the court that the outcome of the election was materially affected by misleading and dishonest statements by you. The Court of Disputed Returns has vindicated your explanation. In particular, the court found that your decision to support a Rann Labor government was made only after the election was held and was based upon the need for stability in South Australia and Labor's readiness to commit to your compact for good government. The Liberal Party alleged that you defamed the Liberal Party candidate. You will recall, Mr Speaker, that during the election campaign you responded to a Liberal Party whispering campaign against you and a Liberal Party leaflet that said:

> Peter Lewis's official how-to-vote ticket lodged with the Electoral Office actually preferences the Labor Party above the Liberals—

and that this would make Mike Rann Premier of South Australia. The Liberal Party placed an advertisement with a similar theme in the *Border Times*. You described the Liberal Party attack as a lie. The Liberal Party petition alleged that this amounted to defamation of the Liberal Party candidate, Mr Featherston. In most elections for the past 10 years, the Liberals have plastered polling places with posters saying 'Labor lies' but, when someone accuses the Liberals of lying, they launch a Supreme Court action. The court found that you did not defame anyone.

An important issue for the petitioner, Mr Speaker, was your credibility. Impugning your credibility has been the theme of the Liberal Party since its decision to expel you. It is my experience that parliamentarians do not make good witnesses in litigation. The house should know that counsel for the Liberal Party tested your credibility on oath and at length. This is what Mr Justice Bleby had to say at page 40 of his judgment:

> Mr Lewis was proved wrong on some peripheral issues. I am not satisfied that that necessarily renders the rest of his evidence unreliable, especially when there is corroborative support for that evidence.

At page 35 Justice Bleby says:

> I have no doubt that Mr Lewis is an astute politician, that he knows his electorate well and that he has made it his business to keep his finger on the pulse of the aspirations and desires of his electors. He is a man of high principle. Whether I sympathise with the principles he stands for matters not. However, as his relationship with the Liberal Party has shown, he is not prepared to subvert his independence and his own principles and political goals to the wishes of an organisation whose principles are incompatible with his own, even though it may be to his own personal cost and disadvantage to pursue that course. Notwithstanding his dispute with the Liberal Party, he has remained a person of essentially conservative political values. He is therefore not inherently likely readily to give support to Labor Party policies generally.

What the court decided, Mr Speaker, was that your election was a fair election. Justice Bleby also found that the State Electoral Commissioner, Mr Steve Tully, who was the defendant in the action, conducted the election entirely in accordance with the law. The court refuted any suggestion that the Hammond election was conducted in anything other than a fair, impartial and proper manner.

I would like to thank the commissioner and all his staff for the manner in which they conducted the Hammond election. Indeed, I thank the commission for its work in all South Australian electorates. It is a pity that the commissioner's time and the resources of the commission had to be spent on defending this legal action, but it is good that the commission has been tested and passed the test.

The court's decision is a blow to the Leader of the Opposition and his deputy and, most notably, the shadow treasurer, the Hon. Rob Lucas, who has so far based the opposition's political strategy around attacks on the member for Hammond. The people of South Australia voted and thereby determined that members opposite would form the opposition. It is to be hoped that the opposition, especially the shadow treasurer, might now take the advice of their federal leader and move on from this vendetta and begin the work of rebuilding—

The Hon. D.C. Kotz: Stick to the facts of the case.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann: Are you disagreeing with the judge?

The Hon. D.C. Kotz interjecting:

The Hon. M.J. ATKINSON: It is to be hoped that the opposition, especially the shadow treasurer, might now take the advice of their federal leader and move on from this vendetta and begin the work of rebuilding the capacity of Her Majesty's loyal opposition so that they might start discharging their vocation over the next four years or more.

Mr Speaker, congratulations on the confirmation of your election as the member for Hammond. May you achieve much in the four more years that the people of Murray Bridge, Strathalbyn, Tailem Bend and the Murray-Mallee have given you.

An honourable member: This is the discharge of your—

The SPEAKER: The honourable Attorney-General.

An honourable member interjecting:

The Hon. K.O. Foley: Rob Kerin, you should withdraw that.

The SPEAKER: Order!

An honourable member: Come on, Rob, play the game, not the man.

The SPEAKER: Order!

The Hon. K.O. Foley: It is quite disgraceful for a leader of the opposition to say that.

The SPEAKER: Order! The Deputy Premier will come to order.

CONSTITUTIONAL CONVENTION

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make another ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: The government will hold a Constitutional Convention to report to parliament pursuant to its compact with the Speaker. We hope that it will report back next year. Not long ago, cabinet approved the establishment of a Constitutional Convention Steering Committee comprising representatives of the other place and this place (both Labor and Liberal), the Speaker and the President. The Constitutional Convention committee met for the first time on Monday 30 September. I am pleased to say that discussion between members of the committee at that meeting was constructive and the only vote was not along party lines.

Mr Brindal: That annoyed you, didn't it?

The Hon. M.J. ATKINSON: Yes.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes, I was on the losing side. The committee resolved that five questions should be put to the public and the convention for discussion. They are:

1. Should South Australia have a system of initiative and referendum; if so, in what form and how should it operate?

2. What is the optimum number of parliamentarians in each house of parliament necessary for responsible government and representative democracy in the Westminster system operating in South Australia?

3. What should be the role and function of each house of parliament?

4. What measures should be adopted to improve the accountability, transparency and functioning of government?

5. What should be the role of political parties in the other place and what should be the method of election to the other place; and what should be the system (including the fairness test) and method of election to the House of Assembly?

The committee also agreed that experts should be asked to write a discussion paper each on these five questions. The committee will choose the experts at a meeting to be held, I believe, today. The committee will also look today at the format of the discussion papers and the series of town and country meetings that will be used to generate public debate.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 40th report of the committee, being the annual report July 2001 to June 2002.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 11th report of the committee.

Report received.

QUESTION TIME

BUDGET BLACK HOLE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer explain to the house the discrepancy between his claims of a budget black hole left by the previous government and the report to the opposite effect released by economics consultants Access Economics last week? The Access Economics report on the state budget concluded:

> On a net basis the previous government's legacy to the new one was therefore a $115 million better than expected starting point.

The report went on to state:

> What is clear from succeeding state accounts, however, is that the new government started with a whopping $620 million improved starting point in the general government sector this year.

The Hon. K.O. FOLEY (Treasurer): I am absolutely delighted with the question. If members could not see this question coming, they would not be politicians.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I thank the Leader of the Opposition for the question, because I love nothing more than getting up in this house and talking about their financial mismanagement and our good budgeting.

An honourable member interjecting:

The SPEAKER: I warn the member for Mawson.

The Hon. K.O. FOLEY: Let me say at the outset that within 24 hours of Labor's coming into office the Under Treasurer, who had loyally served the former government, came to me with advice which was prepared for whoever came into office. Rob Lucas knows this because he FOI'd half my office, and I am sure he has minutes which were waiting for him and which were waiting for me. I read these minutes and spoke to the Under Treasurer, who said, 'We have a major a crisis in this state.' On 13 March, the Under Treasurer—not the Labor Party—said:

> In our view the structural position of the South Australian budget is unacceptable and an issue that needs to be addressed as a matter of urgency. . . While there were known expenditure risks and cost pressures, the basis on which the mid-year budget review was compiled meant that no account was taken of these factors.

The other important factor in this regard is the inclusion of headroom and capital contingency amounts in the expenditure estimates. We were given advice that the structural position of the state budget was simply unacceptable, and the former Treasurer knew it. There has been, no doubt, an increased revenue take in this state. But what was it needed for? It was needed for all the cost pressures that these people deliberately hid from the public of South Australia during the election campaign. They are the ones who hid. We were told when we came into office that the cash deficit for 2002-03 was $77 million, an accrual deficit of over $200 million, right out to 2004-05 with an accrual deficit of $238 million. That is what I was told very shortly after coming into office. But hang on, guess what Mr Kerin did not tell us—the Leader of the Opposition—about what else was in the Access Economics report. Let us read a little more, because this is what Access Economics also said:

> Likely expenditure and cost pressures known at the time were insufficiently incorporated into the mid year budget review estimates—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Now, wait for this bit:

> For example, enterprise bargaining outcomes were not provided for—

and wait for this one—

> and unbudgeted spending was rife.

That is what Access Economics said about their budget. That is what we had to deal with. But let us have a look at what a few other people have said about our budget. Alan Wood on 12 July said:

> The former Liberal government which first lost an inept Premier and then power, wouldn't win any prizes for financial management. The surpluses it produced were so close to zero as to be meaningless.

What else was said? Alan Mitchell said in the *Financial Review*, about the improvement in the budget:

> The government has set itself a target of an average accrual fiscal balance of zero. That's a good target for South Australia.

He also said:

> It is also a better budget than those produced by the Liberals, in that it promises a return to a more sustainable fiscal position.

What else was said? Another report was brought down on the same day as that of Access Economics, Standard & Poor's. But you do not hear them quoting what Standard & Poor's said. Standard & Poor's made it very clear. This is what it said:

The government's medium term strategy for aiming for zero net borrowing on average over any four-year period by fiscal 2006 is a good start.

And guess what—what else did Access Economics say about this government? It said the following:

The announcement of a Charter of Budget Honesty and the targeting of zero accrual net borrowing on average in the budget sector should inject some discipline.

What did Chris Milne, writing in the *Financial Review*, say about our budget? He said:

It's a step in the right direction, but there's still a long way to go. Getting the net lending requirement into balance is a pretty tough objective.

It is an objective that we will meet. We will not be the poor financial managers of—

Mr BRINDAL: Mr Speaker, I rise on a point of order. Yesterday you ruled that it was a discourtesy for any member of this house to turn their back on the chair. I ask whether that applies to the Treasurer.

The SPEAKER: In some instances, can I say to the member for Unley, it is difficult to distinguish between the back and the hide. In the circumstances with respect to those people who address their remarks around the chamber whilst speaking, it is not uncommon nor disorderly. The Treasurer was not intentionally ignoring the chair and, in every instance, addressed the remarks to the house through the chair, including, in the course of doing so, looking at other members whom he is addressing. I do not find that disorderly. I do find, on the other hand, when members are not addressing the chair, that they simply stand in the chamber with their back to the chair and other more prominent parts of their anatomy often more fulsomely exposed than they might like to think appropriate. I therefore suggest to honourable members that they bear in mind what that symbolises, especially if one studies the behaviour of baboons in the zoo who wish to be insulting to their fellow creatures. I invite the Treasurer to continue.

The Hon. K.O. FOLEY: Thank you. Mr Speaker, without my back turned to you, can I thank the member for Unley for allowing me a few moments pause and rest and a bit of a drink, because I am coming back with a second wind. I repeat what Chris Milne said:

It's a step in the right direction, but there's still a long way to go. Getting the net lending requirement into balance is a pretty tough objective.

And it is a tough objective that we are prepared to meet.

In conclusion, what else was said about our budget by the rating agencies? In August 2002, after the budget was handed down, Moody's confirmed South Australia's rating of AA2. Standard and Poor's confirmed South Australia at AA+ in October. Standard and Poor's said:

South Australia remains comfortably within the AA+ rating and currently there is little downside risk to that rating.

Moody's has also said:

The outlook for the domestic currency rating is positive in light of the state's multi-year strategy.

The observers and the commentators have all rated our budget as a very good one—far better than you ever did. The reality is that you are a mob of fiscal vandals—

The SPEAKER: Order!

The Hon. K.O. FOLEY: —and your government was rife with financial incompetence.

The SPEAKER: Order! Save for the last two sentences, the minister's response to the question was reasonably orderly. However, it is not in order and I will withdraw leave if ministers ever again transgress into addressing anyone other than the chair as 'you'.

FIRE SEASON

Mr CAICA (Colton): Will the Minister for Emergency Services inform the house what effect the early commencement of the fire danger season will have on land-holders in the fire ban districts?

The Hon. P.F. CONLON (Minister for Emergency Services): I thank the member for Colton for this very important question. The land-holders in those districts, very importantly, can still burn in the fire danger season, but under the Country Fires Act they must obtain a permit from the local council. The permit process requires that each application will be assessed by an authorised officer and that anyone conducting a burn will be required to undertake a number of safety precautions. While this may add some small amount of inconvenience to the land-holder, it certainly provides greater security for the community, property, lives and livestock.

In this place, and having seen debates here, people often take what politicians say with a grain of salt. I urge them not to do that on this occasion, and I urge the house to pay attention. All the best advice we have is that the situation we face now is almost identical, if long-term weather forecasts are correct, to that which South Australia faced in the run-up to the 1983 Ash Wednesday bushfires. So, I ask that people take very seriously what I am saying here today. I say to the people of South Australia—

An honourable member interjecting:

The Hon. P.F. CONLON: Apparently the member for MacKillop does not agree. Do you agree or do you not agree?

Mr Williams interjecting:

The Hon. P.F. CONLON: You do not agree?

The SPEAKER: The member for MacKillop is not answering the question: the minister is.

The Hon. P.F. CONLON: I think that the member for MacKillop could get over his churlishness on some occasions and deal seriously with an issue. I urge all those living in high risk areas to exercise extreme caution, not only from the start of the fire season in their areas but also in the lead-up to it. To those in the Mount Lofty Ranges I send out the most serious plea: exercise caution in the next two weeks. Although the season does not commence for two weeks, the risk in many areas of the ranges is already extreme. We have seen that with eight call-outs in just the last couple of weeks.

It is extremely important that people prepare their properties for the fire season, and it is equally as important that the preparation is undertaken in a vigilant manner. Do it now: do not do it next weekend. Do it as soon as possible and, if in doubt, ring the CFS. The CFS has a hotline number which, unfortunately, I do not have with me. If a small burn gets away from people, please ring the CFS immediately. If you cannot reach the limb of a tree to remove it, ask your neighbours for help. Make sure to finish the job of removing rubbish: please do not leave it stacked up until next week. Please do it now.

Again, I take this opportunity to thank all those in the CFS for their important work. We will be doing everything we can to ensure that they are prepared, and my plea today is that people also do everything they can to prepare for what is an extremely dangerous bushfire season, despite the inexpert advice of the member for MacKillop.

BUDGET SAVINGS

The Hon. I.F. EVANS (Davenport): Will the Treasurer advise the house whether he agrees with the Auditor-General that there is 'considerable risk inherent in the future budgeted results, particularly with respect to the achievement of planned savings'? Both Access Economics and the Auditor-General have questioned the achievability of the government's budget saving targets. Further, the Treasurer has not provided the house with details, as requested during estimates three months ago, regarding the $960 million saving task.

The Hon. K.O. FOLEY (Treasurer): I am quite surprised that members opposite would raise the Auditor-General's report. It just so happens that I have some information that I would like to present to the house. I acknowledge what the Auditor-General has said; I have acknowledged what Access has said; I have acknowledged what Standard and Poor's has said: it is a difficult task. This government has to find savings in the order of a further $160 million to do what you never could; that is, balance the budget on an accrual basis as well as a cash basis. You could never do it.

The SPEAKER: Order! The minister will address his remarks to the chair. I had no responsibility for balancing the budget.

The Hon. K.O. FOLEY: I apologise, sir. The reality is that we have a very tough budget task ahead of us. I am not shying away from that. It is a very tough call. The reality is that is what I was left with; that is what I have to fix. For members opposite to have the audacity to challenge this government about what we are doing and whether or not we can get to the end point in fixing up their mess, I find extraordinary.

Let us look at what the Auditor-General said about the former Liberal government. This is one of the quotes:

There has been a number—

The Hon. I.F. EVANS: I rise on a point of order.

The Hon. K.O. FOLEY: Running scared, are we?

The SPEAKER: Order! The honourable member for Davenport has a point of order.

The Hon. I.F. EVANS: Mr Speaker, the question was specifically about the Auditor-General's comments on budget savings, not about the performance of the previous administration.

The SPEAKER: I uphold the point of order. The Treasurer will come back to the question.

The Hon. K.O. FOLEY: Thank you, sir. I can understand why they would not want me to quote about the performance of former ministers. They are all a bit embarrassed over there about what the Auditor-General said about their incompetence. I will address that in a different way, Mr Speaker, and obviously observe your ruling. However, I repeat that there is a tough financial task ahead of this government—a difficult financial task—but a financial task that my colleagues, the entire Labor Party and I are committed to and capable of delivering on, because we will do what members opposite could never do in eight years: provide good, solid, strong, stable financial management.

COURT OF DISPUTED RETURNS

Mr SNELLING (Playford): My question is directed to the Attorney-General. What is the estimated cost to the government of the Liberals' claim against the member for Hammond in the Court of Disputed Returns?

The Hon. M.J. ATKINSON (Attorney-General): The Crown Solicitor acted for the Electoral Commissioner, who was the respondent to the matter of Featherston v Tully. The financial value of the time spent by the Crown Solicitor and his officers in acting for the Electoral Commissioner is $40 961 excluding GST.

The Hon. P.F. Conlon: Add it to Wayne's bill.

The Hon. M.J. ATKINSON: The Minister for Government Enterprises suggests that we add it to Wayne's bill. Wayne's bill was about $180 000. This figure of $40 961 does not include any costs incurred by the Electoral Commissioner or his staff.

Members interjecting:

The SPEAKER: Order! The member for Finniss will come to order. There has been sufficient explanation from members of the opposition by way of interjection for any questions they may wish to ask for the duration of question time.

The Hon. M.J. ATKINSON: Nor does it recognise the value of lost time to the Crown Solicitor's Office or the Electoral Commissioner—time that could have been spent on other work. I have not wasted the commissioner's time any further by asking him to calculate this cost. Nor does this figure take into account the cost to the courts. The cost to the Courts Administration Authority of running a Supreme Court civil trial is nearly $6 000 a day. This matter ran for 14 days. That is a cost to our state of about $84 000.

In pursuing this matter, the Liberal Party has imposed a burden in time and money on the Crown Solicitor's office, the State Electoral Commission and the courts. They have tied up the state's precious resources owing to their inability to accept that they are no longer in government, and their refusal to understand that one of the privileges of members of parliament is to change their minds in the service of the public interest.

L-SHAPED CONSERVATION PARK

Ms BEDFORD (Florey): Can the Premier advise the house of developments concerning the land known as the L-Shaped Conservation Park?

The Hon. M.D. RANN (Premier): I thank the honourable member for her question and acknowledge her strong commitment to the indigenous peoples of our state and nation. I was very pleased to announce last Saturday that the state government plans to hand over the 21 000 square kilometre area known as the L-Shaped or Unnamed Conservation Park to its traditional Aboriginal owners in March of next year; certainly, we hope to be able to begin formalising the process from March of next year. We certainly hope to have it completed next year. The L-Shaped Conservation Park takes up part of the Great Victoria Desert along the Western Australian border and the Nullarbor Plain north of the Transcontinental Railway Line. The park consists of pristine, absolutely natural bushland which is now recognised as a biosphere reserve. It comprises open woodlands and shrublands of mallee, marble-gum, mulga and black oak. It also has significant fauna including (and this will be of interest to members opposite) the hairy-footed dunnart, the mallee fowl and the Scarlet and Princess parrots.

The park is of great cultural significance to the traditional owners, who have a deep long-term association with this land. It features the Serpentine Lakes, an ancient paleozoic drainage channel, as well as archaeological deposits and landforms important to the traditional owners. The handover of

the park to the traditional owners will be the single largest land rights handover in South Australia since the Maralinga lands in 1984. Those of us who were there at that ceremony will remember how important it was to the Maralinga Tjarutja people and to the leader of Maralinga Tjarutja, Archie Barton. That was followed by a smaller handover of land at Ooldea, back in the early 1990s, when I was minister for aboriginal affairs.

At that time, I promised the traditional owners that we would look at a transfer of the Unnamed Conservation Park, or the L-Shaped Conservation Park but, of course, a change of government shortly followed, and I understand that the parliamentary committee on Aboriginal lands did not meet for that duration; that is what I have been told.

I believe this will be a significant act of reconciliation and I hope that we will get bipartisan support. I hope the Leader of the Opposition will be able to indicate that. It will certainly be a significant act of reconciliation. It will ensure that the park is protected for the benefit of future generations of South Australians, black and white. It will continue to be part of our national parks structure, albeit under Aboriginal ownership, and I want it to be known as Reconciliation Park, a reconciliation park for our children and their children and their children.

At present, negotiations are under way with groups of traditional owners. The government is keen to sign a memorandum of understanding agreeing to further talks with regard to the transfer of the area next year whilst retaining its status as a conservation park. Previous land rights legislation, including the Tonkin government's historic Pitjantjatjara legislation, received bipartisan support, and I hope there will be bipartisan support for this transfer, this act of reconciliation.

BUDGET CUTS

The Hon. I.F. EVANS (Davenport): Will the Treasurer confirm that the $160 million in the budget cuts announced last week will result in cuts to agency budgets of approximately 6 per cent on top of the $967 million saving targets announced in the budget? Last week the Treasurer announced that the government would be seeking a further $160 million in budget cuts over the next three years, in addition to the $967 million in cuts already announced in the budget. If health and education budgets and jointly funded projects with the commonwealth are excluded from these cuts, this $160 million represents approximately 6 per cent of the remaining state budget.

The Hon. K.O. FOLEY (Treasurer): There is no question, it will be a tough budget. However, I can say that we have not started the budget process: I have just got over the last one. Work is now beginning and the work program will roll out over the course of the next few months. As the member knows, it is a difficult process, and I do not walk away from the fact that it will be another very tough budget. It will require discipline that this state has not seen from government for eight years. This will require a government committed to strong fiscal outcomes, because members opposite could rarely, if ever, balance a budget on a cash basis, and year after year there were significant accrual deficits. They left that legacy to this state. They left this government with a clean-up job, with deficits on an accrual basis of hundreds of millions of dollars each year.

They have the audacity to ask me a question about how I will do it. I will tell them this: the budget will be brought down in May, and they will have to wait until then.

TERRORISM

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Premier. In the light of the Premier's ministerial statement today, will the Premier now call on the federal Leader of the Opposition, Simon Crean, to support the Prime Minister's call for even tougher antiterrorist measures in the wake of the Bali bombings? The minister—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Premier made a ministerial statement today and I refer to what he said in that ministerial statement, as follows:

> The federal government has also announced a further review to look at any gaps in these arrangements following the recent events in Bali. That review has my unequivocal support.

Yesterday, the federal opposition leader claimed that the existing draft antiterrorist measures were tough enough and that the ALP did not support further changes.

The Hon. M.D. RANN (Premier): I point out to the Deputy Leader of the Opposition that it is really important at a time of national tragedy not to play politics in this way. However, I will say this—

Members interjecting:

The Hon. M.D. RANN: Do you want me to answer the question?

The Hon. Dean Brown: I do.

The Hon. M.D. RANN: You do. Well, maybe if you just calm down for a moment I will answer the question.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will come to order!

The Hon. M.D. RANN: In April, which was the month after the change of government, all the premiers and the chief ministers of the territories met with the Prime Minister over new antiterrorism arrangements. I am happy to give the deputy leader a briefing about those new arrangements. What I am asking for is for those things agreed upon to be signed and to be put into effect. There is absolutely no reason why that could not happen out of session. It is true that the Prime Minister has called a Council of Australian Governments meeting for late November. What I have offered the Prime Minister of Australia, John Howard, is that we are prepared to sign those measures now out of session. I just caution members that, during a national crisis and a national tragedy, playing politics is really not the way to go forward.

DISABILITY AGREEMENT

Mrs GERAGHTY (Torrens): Will the Minister for Social Justice advise the house what progress has been made to negotiate a new commonwealth/state/territory disability agreement?

The Hon. S.W. KEY (Minister for Social Justice): I would like to thank the member for Torrens for her question, particularly noting her advocacy in this area. Unfortunately, the progress towards this new agreement has been very slow. The chair of the community and disability services ministers conference, Minister Sheila McHale from Western Australia, has called a meeting of all ministers with responsibility for disability services for this Friday in Canberra, to discuss the third commonwealth/state/territory disability agreement. Time is running out. The agreement has been extended to

31 October after it expired on 30 June this year. Unfortunately, at this time it appears that the federal Minister for Family and Community Services will be the only minister who will not be at this meeting.

The states and territories are eager to progress this agreement, which is a very important agreement, and also the negotiations. We all consider that the area of people with disabilities and their carers has to be put on the top of the agenda, so we are really concerned about the history that has gone into these negotiations and hope that it will again have this priority. At just $15 million nationally in 2002-03, rising to $35 million in 2006-07, the offer represents less than half the growth funding under the current agreement.

This meeting on Friday is crucial for governments to collaborate and make sure that people with disabilities, who are amongst the most vulnerable in our society, are catered for adequately. The state and territory ministers agree and are strongly committed to signing a five year multilateral agreement, and need to make sure that this happens as soon as possible.

EDUCATION, CAPITAL WORKS PROGRAM

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services explain why the capital works program from 2001 to 2005 outlines a reduction in new works in schools from $81 million in 2001-02 to $71.2 million in 2002-03, then down to $44.2 million in 2003-04 and $51.5 million in 2004-05? The Australian Education Union has already identified over $300 million in outstanding capital works. Treasurer Foley has announced that there will be cuts in next year's budget, excluding education and health. Over the next four years, the number of preschool, child-care, schools and TAFEs, which would be receiving new and refurbished facilities, will reduce from $63 million in 2001-02 down to $42 million in 2002-03, $42 million again in 2003-04 and $44 million in 2004-05.

The SPEAKER: I wonder if the member for Mawson remembers the admonition he received earlier in question time, and whether he wishes to tempt fate further. The Minister for Education.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The honourable member read out a long list of figures. I am not sure where she is getting those figures from; she did not say. I will have a look at the figures when I read the *Hansard* and I will respond accordingly. I think it is a little bit cheeky of the opposition to get up here—

Members interjecting:

The Hon. P.L. WHITE: I think it is quite a bit cheeky of them, actually, to get up here and talk about capital works spending when their government presided over $124 million of underspending during its term of office. Think about how much capital works that would have achieved in our schools. If the opposition really thinks that the people of South Australia are going to blame the Labor Party for the backlog of school works when there was $124 million of underspending by the previous government, they had better think again.

I will look at the long list of figures which the honourable member raised; I will read them in *Hansard* and try to determine where she got them from. I remind the house that the capital works program for 2002-03 was announced in the budget and that no further capital works program has been announced.

Members interjecting:

The SPEAKER: Order!

PUBLIC ADMINISTRATION

Mrs GERAGHTY (Torrens): What action does the Treasurer intend to take in relation to any concerns expressed by the Auditor-General about public administration?

The Hon. K.O. FOLEY (Deputy Premier): As the Premier just said to me, we are taking decisive action; we have done so since we first came into office and we will do so following this report. I understand why the member for Davenport and other members did not want some of these quotes to be read out and quickly jumped to their feet to take a point of order. However, I think it is important that we hear publicly some of the concerns of the Auditor-General about the former government, because they go to the very heart of governance in this state. Let us look at a couple of these quotes. On page 5 of his report, the Auditor-General states:

> . . . there have been a number of disquieting features in public administration in this State in recent years that raise concerns regarding the propriety of the exercise of the Executive power of Government in certain matters.

He states further:

> . . . the Executive power of Government may be exercised only for the public good and not for improper purposes. The political and legal safety of the South Australian community is at risk when a culture of disregard for proper standards are practised by those who are responsible for the exercise of the Executive power of the State.

What a damning indictment on the former government. What an absolute disgrace the former government was, and the Auditor-General quite rightly brings this to public attention. He goes on to state:

> . . . some members of the former Executive Government summarily [dismissed] advice proffered by the Public Service when it did not accord with preconceived ideas.

The footnote to that states:

> The Hindmarsh Stadium Redevelopment is an example of this situation.

The Auditor-General also states:

> . . . the conduct on some occasions of a certain few members of the Executive Government vis-a-vis the public sector during the past several years impaired its capacity to discharge its responsibilities in some matters.

This is frightening stuff. This is about honesty, integrity and decent public administration, and the former government, this motley crew across the chamber, plunged this state into depths of disregard when it came to the quality of its public administration. The Auditor-General goes on to state:

> Audit reports over the past few years have detailed a number of instances where the appropriate framework was either inadequate or not followed to ensure that policy objectives were achieved. Policy failure has occurred with consequential financial cost to the community.

This is about the former Liberal administration. The Auditor-General has written you up in his volume as a dangerous, reckless government, one that was prepared to act improperly and was not prepared to put in place the common decency which good governance practices require. You should all be ashamed of your role in the former government.

Mr BRINDAL: I rise on a point of order, sir. Earlier today you clearly said to the Treasurer that, if he used the word 'you' again, you would withdraw leave. A reference to *Hansard* will show that he has done it in about three of the past four sentences. I ask whether you will uphold your ruling.

The SPEAKER: I heard the pronoun once at the time I called 'Order!' I uphold the point of order.

SCHOOLS, SALE

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services agree to commit the $15.7 million gained from the sale of schools and surplus assets in this financial year to the capital projects deferred for the last financial year? In the last financial year, a total of $7.6 million was received from the sale of Education Department properties, cars, buses and equipment. A number of schools are budgeted for sale in this financial year, including Netley Primary School, Pasadena High School, Tanunda Primary School, Wandana Primary School, Ethelton Primary School, Hampstead Primary School, Mansfield Park Primary School, Thorndon Park Primary School and Hectorville Primary School, representing revenue of $15.7 million to be received.

The Hon. P.L. WHITE (Minister for Education and Children's Services): Land sale proceeds under the former government have been factored into the capital works budget for education. That was the case under the former government for many years. The member for Bragg read out a long list of sites where there are either total or partial land sales at the moment. Interestingly, she dared to mention the Tanunda Primary School site, which involved negotiation between the former government and the local Barossa council for many years. I have acted and I believe that has been, or is about to be, resolved.

The point is that all those land sales have been factored into the capital program of the former government. For the member for Bragg now to say that this is available money to be factored in elsewhere is misleading and exacerbates the problem left by the former Liberal government, which underspent and created this massive backlog. It is a massive backlog—the honourable member is quite right about that—but members opposite should not look at the Labor Party to blame for that backlog. That backlog in maintenance and capital works has been created by the Liberal Party. Let me make it plain: it was $124 million of underspending by the previous government. If members opposite do not believe me, let me prove it. In 1993-94, it was $10.8 million under budget; 1994-95—

An honourable member interjecting:

The Hon. P.L. WHITE: Well, the opposition asked the question so perhaps they will have the courtesy to listen to the answer. In 1994-95, it was $27.951 million under budget; in 1995-96, $4 million under budget; 1996-97 was an election year and they spent their budget; in 1997-98, it was $8.8 million underspent; in 1998-99, $11 million under budget; 1999-2000 was a good year—$1.7 million over budget; in 2000-01, it was $31.7 million under budget—altogether a total of $124 million of underspending. Members should just think what could have been achieved in our schools, how much smaller the backlog would have been, had the former government delivered on the budgets that were approved by this parliament.

So, whom do members of the opposition think they are kidding when they get up here and complain about a backlog in capital works, when they presided over such massive, chronic underspending, which created a backlog? And, they then come in here and try to convince the people of South Australia that they were not in government for the last eight years. Again I say, 'Get a life and get a policy.'

EDUCATION DEPARTMENT BUILDING

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services explain to the house why she has approved refurbishment of the fifth floor of the Education Department building, when numerous capital works programs in our state schools have been cancelled and deferred?

The Hon. P.L. WHITE (Minister for Education and Children's Services): That expenditure was committed by the previous Liberal government. If the member had taken the trouble to check, she would have dug out the Public Works Committee report for the year 2000 that approved that expenditure and built it into the forward capital program. The member is, on the one hand, trying to say—perhaps to the unions and to the people whom they represent in education—that the outstanding occupational health and safety matters should not be attended to. Okay, fair enough. But she should be a bit honest here—

Mr Brindal interjecting:

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

The Hon. P.L. WHITE: —and admit that that was a Liberal government program, committed to our budget, and the proof of that is in the public documents of the Public Works Committee report dated 2000.

CRIME PREVENTION

The Hon. G.M. GUNN (Stuart): Will the Attorney-General inform the house of the impact on the city of Port Augusta with respect to his decision to cut state government funding for the Port Augusta crime prevention program—a decision that Her Worship the Mayor of Port Augusta has roundly condemned?

The Hon. M.J. ATKINSON (Attorney-General): The local government crime prevention program annual budget was cut from $1.4 million to $600 000; that is well known. There was no discrimination against regional areas: it was cut across the board in the metropolitan area as much as in regional areas. That is only local government crime prevention; there are other crime prevention programs that continue unabated.

I understand that Port Augusta had quite a bit of carryover in its crime prevention program, and it is continuing its program. As it happens, officers of my department have had discussions with the Local Government Association with a view to spending the $600 000 wisely. That may involve the Port Augusta program's continuing.

My view is that the cut was justified in the context of the budget that faced us. In the justice portfolio, our priorities were maintaining police numbers and diverting extra funding to the Office of the Director of Public Prosecutions to obtain the timely prosecution of home invasion offences. Most of us who were here in the previous parliament recall the history of the home invasion offence. The previous attorney-general (Hon. K.T. Griffin) did not want to have a dedicated offence of home invasion: he thought that it was unnecessary. In fact, he told a radio audience that there was no problem with burglary in South Australia at about the same time that housebreakings in South Australia reached record highs.

The Hon. D.C. Kotz: Don't put words into his mouth when he's not here.

The Hon. M.J. ATKINSON: I've got the transcript.

The Hon. D.C. Kotz interjecting:

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

The Hon. M.J. ATKINSON: For the information of the member for Newland, I have the transcript. The previous attorney-general said on radio that there was no particular problem with burglaries in South Australia. That is what

happens when you have attorneys-general in the other place.

A campaign was initiated by Salisbury pensioner Ivy Skowronski for the government to introduce a dedicated home invasion offence. I advocated it night after night in talkback radio discussion and, ultimately, members of cabinet prevailed on the Hon. K.T. Griffin to introduce a dedicated home invasion offence, which he called aggravated serious criminal trespass. That happened late in 1999. It became an indictable offence, that is, a more serious offence, and it had to be prosecuted by the Director of Public Prosecutions.

But the government did not fund the DPP to prosecute these offences. The member for Bragg says that this topic is pathetic. There is nothing pathetic about it because, when people who are charged with aggravated criminal trespass are on bail for months, there is a serious risk that they will reoffend. That is why my priority in the justice portfolio was to get more money to the Director of Public Prosecutions for the timely prosecution of home invasion offences. I do not mind saying that that is a higher priority for me than maintaining the local government crime prevention program at $1.4 million. I do not apologise for the budget decision that we took. That said, I hope local government crime prevention continues and I hope Port Augusta is part of it.

The Hon. G.M. GUNN: I direct another question to the Attorney-General and I ask him what steps councils such as the City of Whyalla and the City of Port Augusta should take in relation to the staff that they have employed under the crime prevention scheme so that they can continue to pay them, because a lot of them are under contract. Earlier this week, His Worship the Mayor of Whyalla was on the airwaves of the ABC at great length explaining the difficulties that the City of Whyalla will have in meeting its contractual arrangements because of the decision of the government to cut the funding to that particular organisation.

The Hon. M.J. ATKINSON: I understand that a number of local councils have made employment contracts with their crime prevention officer, the continued employment of whom is not subject to the availability of funds from the state government. So, the cut to a local government crime prevention program is awkward for them and that is why we are having discussions with them.

Mr SCALZI (Hartley): Will the Attorney-General outline to the house the impact that the government's decision to cut state crime prevention funding will have on programs provided by the joint management of crime prevention in Campbelltown, Norwood, Payneham and St Peters?

The Hon. M.J. ATKINSON: I think that question has been covered by my previous answers. There are discussions between officers of the justice portfolio and local government about how we will spend the $600 000 left in the local government crime prevention budget.

RELIGIOUS DISCRIMINATION AND VILIFICATION

Mrs HALL (Morialta): My question is directed to the Attorney-General. Does the government intend to proceed with the introduction of a bill to amend the Equal Opportunity Act to include a law against religious discrimination and vilification? On 11 June a discussion paper on a proposal for a new law against religious discrimination and vilification was circulated. Submissions and comments were sought, to be received by 30 August. Significant numbers of residents and organisations within the electorate of Morialta have contacted my office to express their strong opposition because they believe it will result in severe restriction of religious freedom, and they have sought advice on how to prevent this intended government legislation from proceeding.

The Hon. M.J. ATKINSON (Attorney-General): My department issued a very good discussion paper canvassing the need for provisions about religious discrimination in the Equal Opportunity Act and also having a provision on religious vilification equivalent to that introduced by the previous government on racial vilification. The discussion paper attracted many hundreds of replies, many of them from evangelical Christians who shared the concerns of the member for Morialta's constituents. I met heads of Christian churches some time ago and we discussed the merits of the proposal and the discussion paper. It is fair to say that nearly all of them were opposed to the two proposed changes.

Mr Brindal: Which ones actually agreed? Not one.

The SPEAKER: The honourable member for Unley has had his last fling.

The Hon. M.J. ATKINSON: The member for Unley said that not one religious leader agreed, but that just indicates the member for Unley's monochrome vision of religion in South Australia, because a number of religions here in South Australia support the two initiatives. The Greek Orthodox community, which I would have thought counted for something with the member for Unley since its Church of Ss Constantine and Helen is on Goodwood Road, almost opposite his electorate office—

Mr Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Furthermore, a number of non-Christian religions supported the changes, including one of the Hebrew congregations, Sikhs, Hindus and followers of the Islamic faith. So, at the meeting with heads of Christian churches it was—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: For the information of the member for Newland and the member for Unley, who have led sheltered lives, the Greek Orthodox Church is a Christian church. In fact, some of my more combative Greek Orthodox constituents have a car bumper sticker that says, 'Orthodoxy founded AD 33'. So, that may help them in assessing the Greek Orthodox Church. It was resolved among the heads of Christian churches that a delegation from them would talk to those non-Christian religions that supported these two initiatives, on discrimination and vilification, and would discuss with them the overwhelming Christian view in South Australia that the changes were not necessary.

It is not entirely surprising that minority religions, non-Christian religions, in South Australia would see the need for this kind of change, whereas the dominant religion would not; I think that is understandable. I hope something constructive arises from the dialogue. But, as the Premier said when he first introduced this proposal (which is law on the discrimination side in other state jurisdictions in Australia, and the vilification branch is law in three jurisdictions), it would be done in consultation and with the consent of the religions affected. We are not about imposing new laws that the intended beneficiaries do not want.

HOSPITALS, FUNDING

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health indicate which hospitals and health projects have been stopped to provide the $15.1 million of capital funds for aged care facilities which were previously coming from HomeStart funds with no impact on the capital budget—

The Hon. K.O. Foley: Of course it did. You don't understand numbers.

The Hon. DEAN BROWN: —with no impact on the budget, and the figures show that?

The Hon. K.O. Foley: You are incompetent.

The SPEAKER: Order! The Treasurer will leave the asking of questions to the deputy leader.

The Hon. DEAN BROWN: Exactly—and make sure that he does not mislead the house in any way. On 26 September 2002, the minister announced $15.1 million for aged care facilities. All except a very small portion of these funds are coming from the Department of Human Services capital budget, which was fully committed to other projects for the next two years.

The Hon. L. STEVENS (Minister for Health): I am delighted to answer this question. I thank the deputy leader for the question. I am very pleased to tell the house that the government has approved a new loan scheme to be funded by the Department of Human Services to replace the HomeStart loan scheme for aged care beds in rural South Australia. I am very pleased because a number of people in this house have been concerned and interested in this, and we have worked hard to get the scheme up and running. The scheme will provide up to $15 million for an additional 144 new aged care places and will be available to country hospitals and health services which had applied previously for funding under the HomeStart scheme.

Unlike the HomeStart scheme, loans issued under the new arrangements in health units will not add to the level of South Australia's public debt. Loans have been approved for the three health—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Just listen to the answer. Loans have been approved for the three health units which secured loans under the old scheme—that is, Gumeracha Hospital, Kangaroo Island Health Service and Naracoorte Health Service—and a further nine operators who had applied under the old scheme will be eligible to apply, and applications will be assessed using the same criteria as applied under the old scheme. The funds used for the aged care beds are a combination of proceeds from the sale of property and underspent capital funding carried over from one financial year to the next. Most importantly, no program of capital project works will be disadvantaged and, importantly, the loans will be repaid.

I must say that I am quite surprised to get this question from the former minister because, of course, under the Liberal government projects were announced, reannounced, put into the budget, taken out of the budget, relaunched and sometimes never built. In fact, if we are talking about capital slippage, I would call the deputy leader the 'king of capital slippage'. There are many examples of this occurring under the previous government, but let us talk about one in particular, and that is the mental health facility at Flinders Medical Centre. This project was first announced in 1998 and, while $7.5 million was allocated in the 1998 budget, nothing was built. It was reannounced and funded again in 1999, and again it was not built. Then, in the year 2000 budget, it disappeared altogether. In the 2001 budget, it was announced for the third time, and again nothing was built. It will take this government, with its commitment to mental health and capital works, to actually do the job.

In conclusion, I am very pleased that we have been able to come up with an alternative to the government's Home-Start loan scheme. I am very pleased that country health units are now getting down to the work of making applications for that loan funding, and we are very pleased to get on with the job and to make sure that we can get those places up and running in country hospitals as soon as possible.

RELIGIOUS DISCRIMINATION AND VILIFICATION

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In answer to a question today on religious freedom, the Attorney-General accused me of having 'a monochrome view of religion'. I repudiate that and am offended by the remarks. The *Hansard* record will show that the Attorney was clearly referring to a meeting he had had with the Heads of Christian Churches. So, to introduce, by way of interjection or otherwise, across the chamber—

The SPEAKER: Order! The honourable member for Unley knows that personal explanations merely enable the member to state the facts, or the circumstances, in which the honourable member believes they were misrepresented—simply stating the facts in truth and without engaging in debate. The honourable member has from the outset been into the domain of debate about the matter. It is sufficient, I think, for the member to have stated what he has already, unless I am in some way mistaken about what he is about to say further.

Mr BRINDAL: There is one further component, Mr Speaker. If the Attorney-General can correct this I will acknowledge it but, as I understand it—and I do want it put on the record—the Greek Orthodox community is part of the Christian community and, while I will not comment on his remark, as you have ordered otherwise, sir, I believe that the Greek Orthodox community is not currently a part of the Heads of Christian Church Meeting, and therefore would not have been at that meeting.

The SPEAKER: Order! That is right out of order. It has nothing to do with the way in which the member considers himself misrepresented as to whether one body is another group of bodies or not.

GRIEVANCE DEBATE

WILSON, Mr R.J.

The Hon. G.M. GUNN (Stuart): It appears that the honourable the Treasurer has had selective memory loss, did not read his brief properly or is in a state of high confusion, because he failed to advise the house that when Liberal government came to office there was a budget deficit of $350 million a year, and he was the financial adviser to the previous Premier. He obviously needs a new calculator, a

new adviser or a better briefing paper. Let the honourable Treasurer explain to the house his misdemeanour today.

The Hon. Dean Brown: He has forgotten the State Bank already.

The Hon. G.M. GUNN: That's right—the State Bank, SGIC and a number of other courses of action in which they distinguished themselves, and the Treasurer was there as the adviser, one step behind the Premier. Having brought the house up to date on that issue—

The Hon. M.J. Atkinson: There's a context here that you're signalling.

The Hon. G.M. GUNN: Well, you should have been a traffic policeman. He has put me off! I have lost my place.

I want to refer today to a loyal servant of the conservative forces in this state, the late Reginald Y. Wilson MBE, who played a very significant role in the political affairs of the state for many years. During the parliamentary break I, with a number of my colleagues, attended his funeral. I knew the late Reg Wilson particularly well and he gave me wise counsel in my early and formative time as a member of parliament and prior to my entering this place.

I thought it would be appropriate to place on the record just a brief history of his life. Reginald Wilson MBE was a former General-Secretary of the Liberal Party from 1952 to 1975. He died on 2 September 2002, aged 92 years. Mr Wilson was born on 6 August 1910 and educated at Jamestown and later at Muirden College; of course, Jamestown is in my constituency. On leaving school he worked for livestock agents Fischer and Copley Ltd in Adelaide, and was later a bookkeeper on a 1400 square kilometre sheep station in the Far North-East.

In 1937, Mr Wilson joined the staff of the Royal Automobile Association of SA where he handled touring, road mapping surveys and road safety matters. During World War II he rose to the rank of captain in the AIF and served with the 121 AGT Company which operated supply convoys from Alice Springs to Darwin during the Japanese attacks on the mainland.

When the war ended he returned to the RAA but resigned in 1952 to take his appointment with the then Liberal and Country League of South Australia. He served the LCL as its chief executive officer under five federal party presidents and nine state presidents during the political regimes of the federal Prime Ministers Menzies, Holt, Gorton and McMahon and state Liberal leaders and premiers Playford and Hall. He was the state campaign director for 39 elections and polls including state, federal and Senate by-elections and referendums. Of these, he saw defeat in only nine elections and polls. During his record period of 23 years as General-Secretary of the Liberal Party, membership rose to over 55 000, with 349 branches throughout the state.

In 1970, Reg visited the USA, where he observed political campaigning, and England, noting the the operation and election methods of the Conservative Party. He was made an MBE in 1979 for services to the community. Mr Wilson is survived by his wife, Elaine, two sons and their wives and a number of grandchildren. He made a very significant contribution to the political life of this state. He was a very sound and reliable citizen, and I was very pleased to have known him and be associated with him. I viewed him as a friend, and I think is important that when people make these contributions they are noted in this place. There is no doubt that he could have become a member of this parliament had he desired, but he chose to remain in the administrative section of the political world.

TERRORISM

Mr RAU (Enfield): It is always a daunting prospect to rise here after the father of the house, so I will do my best not to appear too poor in his shadow.

I rise to speak about a matter which has obviously been a matter of concern to this parliament and South Australians over the last week or so, and that is the impact of violence both in our region and in our city, and on the way in which we as South Australians view ourselves and the way in which we conduct our day-to-day lives.

Mr Speaker, you alluded, I think, in your comments to the parliament the other day to the fact that things are different and that this is a very concerning matter. We as members of this parliament must try not only to find a reasonable way of expressing the level of concern that members of the public should feel but also to get to the bottom, as best we can, of the problems which are leading to these escalations in violence at home and abroad.

In relation to the Bali bombing, it is obvious to everyone that that bombing was a calculated attack by persons concerned to make maximum damage at a particular place. I understand from the news reports today that a very unusual military explosive called C4 was used in the process, indicating that the people involved were not merely a bunch of hooligans out to cause some trouble with some diesel fuel and fertiliser.

The question is, 'Who were the intended targets?' I understand from information provided to me by no less a source than the member for West Torrens that the places which were targets in this outrage were places known to be frequented by Australians in particular. If that is the case, it is a reasonable assumption that the calculated intent of those behind this was to attack Australian citizens. But the question is why. Why is it that Australian citizens abroad should be selected for such treatment?

In this regard, I have a few problems which I raise and which I hope that other members of parliament will consider them and reflect on. The first is that we are apparently enjoying the status of a target, but is this a product of a self-fulfilling prophecy? Have we become a target as a result of our having identified ourselves as a target, proclaimed ourselves to the world as a target and behaved as if we are? What link, if any, is there between the undoubted terror which has been inflicted on Australian citizens in Indonesia and what appears to be something of a lynch-mob mentality afoot in relation to a country at the other side of the world, namely, Iraq? Is there any relationship between those two events? I have seen nothing in any reports to suggest that there is any linkage directly between the behaviour of these terrorists in Indonesia and the complaints made against what is undoubtedly an abhorrent regime in Iraq.

Where do we lie in the world? We clearly live in an area where to our immediate north we have some 100 million or more people whose basic faith is somewhat different from ours. That should not be a cause for us to be necessarily apprehensive of those people as a group, nor should it be an excuse for us to go around lecturing other people as to how they should conduct themselves in their own backyard. I am very concerned that Australia in its public stance in relation to these matters does not appear as the schoolyard cheer squad standing behind the local bully.

Of course, there is an alternative explanation which is that we are joining a fight against tyranny before the tyranny becomes a larger tyranny. Those are the two very important

distinctions that we need to ponder in terms of deciding which is the accurate one and which side of that coin would be the one we choose.

TRANSPORT, MORPHETT

Dr McFETRIDGE (Morphett): It is always good to follow the member for Enfield and I do so again. Something that reminded me of a recent evening I spent in the electorate was the reference to the Greek Orthodox community during question time. I had the pleasure of going to the Greek Orthodox Ball, and I must say that I was surprised not to see the member for West Torrens there. I know he is a good supporter of the Greek community and I was disappointed not to see him. However, I was pleased to see the member for Norwood. It was a fantastic night. That community is a wonderful community to be involved with and I congratulate all those who helped organise that night.

Talking about supporting your constituents, I have one constituent whom I would dearly love to help. He is in a position where he can help himself, and perhaps in the best position in the state to help himself, but he will not let me help him. I refer to the Minister for Transport, of whom I have asked questions in this place on a number of matters. I have also written letters to him on a number of matters, but each time I am greatly disappointed with his off the cuff answers and dismissive replies. It is a frustrating part of being in this place and trying to represent your constituents.

I did learn something though. I asked the Minister for Transport—one of my constituents—about improvements at the Jetty Road-Partridge Street-Gordon Street intersection. I will not go through the sequence changes in the traffic lights again, but I was under the impression that this was what is called a 'barn dance' intersection, although I am informed—educated by the minister's department—that it is a 'Barnes crossing', named after Mr Barnes. In New South Wales, apparently they call them a 'scramble crossing'. I think I would rather have a different name than 'scramble': the images that conjures up are something with which I do not want to be involved.

I was disappointed that when I asked the question in the house it was bounced around between local government and state government. The letter I received from the minister says that it is a matter for local government. Okay, I can accept that, but in the same letter it says that local government will have to go back to the state government to get approval. Why can we not have a little commonsense here: cut out the middle man, make a decision, have some leadership and get on with sorting out the problem? It has come up time and again in this place.

I received another letter about another intersection. I was going to ask a question about the intersection at Brighton Road and Maxwell Terrace. It is one of the new innovations where you can turn left on a red light. The sign at this intersection is proving very confusing for some of my elderly constituents, who, I am well informed, sit for 20 minutes, half and hour sometimes, waiting for the traffic lights to change and they just do not change. After writing to the minister, I received a reply stating that traffic at that intersection had been surveyed and the sign was okay. Let me tell the minister, my constituent, that the sign is not working. The system needs to be improved, and I would ask his department to have another look at it.

The other subject I keep asking the minister about involves the trams—and I was pleased to see that I am receiving some support from the other end of the tramline! Normally I am pushing from the Bay, but the front page headline in yesterday's *City Messenger* was 'Tram to nowhere'. I was very disappointed that the heading 'Government's blank response to calls again for tramline to be extended' indicated the minister's response. It is commonsense for that tramline to be extended. Some people say, 'Extend it to the Wine Centre.' I would be very supportive of that because I am told that even buses do not go there. I would like everyone to see that fantastic facility, the Wine Centre. It is failing because of poor patronage. Whatever we can do, I would be happy to give it bipartisan support, whether it involves tram, buses, or whatever else.

The Lord Mayor, Alfred Huang—a reputable man and a good supporter of this state and city—would like to see the tramline extended to North Terrace or even to North Adelaide. A number of people in this article in the *City Messenger* support extensions to the tramline. I know this government supports light rail, and I encourage it to keep supporting the development of public transport in South Australia, because a number of people are disadvantaged. Some people do not have access to motor cars or taxis and need to use public transport. I urge this government to keep looking at the provision of public transport.

NETBALL

Ms BEDFORD (Florey): In the last week of sitting before the break, in fact the week before the national netball league grand final, I spoke to the house about the demise of the Adelaide Ravens netball team who finished their season, and indeed their time in the national netball league, with a great win at ETSA Park at which the Premier and I were both fortunate enough to be involved. In the following week's grand final, the Adelaide Thunderbirds proudly represented South Australia and played a fabulous match, although eventually going down to the Melbourne Phoenix. The match marked another great year for the Thunderbirds, Coach Marg Angove and their Captain, Katherine Harby Williams.

I refer to the *Advertiser* article by Warren Partland just before the match when he talked about the pair having been involved in a premiership decider every year since 1986, initially with the state league side Contax and then with the Thunderbirds when the national league was formed in 1997. That is 16 grand finals altogether, with 2002 being their 17th. That is indeed an enviable record and perhaps one that will not be parallelled in Australia for a long time.

The Thunderbirds have consistently been the team to beat in the competition and it is a great credit to these two great competitors, Marg and Katherine, and the entire Thunderbirds club. At the end of season dinner at the Radisson Playford Hotel, we saw Thunderbird Rebecca Sanders named *Advertiser* player of the year. Rebecca, I am sure members will recall, was a hero for Australia in the Manchester Commonwealth Games when we won a gold medal over New Zealand. Katherine Harby Williams was named Thunderbird player of the year and Ravens player of the year was Alison Tucker. The dinner was a fabulous send-off for the Ravens—an event I know all the netball teams at state and national level look forward to every year.

With season 2002 over now, we look to the new year and to having only one side in the national league. I want to share with the house some of the information given to me at a recent meeting at which I learnt a good deal more about netball in this state. In my previous grievance I spoke of the

disappointment of Ravens supporters and, indeed, players throughout the state at losing our second team in the national league. Questions had been asked of me and raised about the perceived disadvantage suffered by the Ravens. I am told now that both teams were set up independently to be responsible and accountable for their own success and were provided with a management structure linked to state league feeder clubs, and that this was agreed to as fair by all parties at the time, each team receiving $50 000 from the national league.

Neither team, that is, the Ravens or the Thunderbirds, is supported financially by Netball SA, which retains responsibility for management of the home match event at ETSA Park for both teams when they play there and also retains the gate moneys. The lack of financial support has seemed to be a key factor relative to the support given to interstate teams, which apparently have access to gate money and a good deal more sponsorship than our own girls have. It seems that the advantage the Thunderbirds have has been well earned by their own hard work and their canny strategic appointment of Coach Angove and the initial selection of players. The professional approach to their sport is to be commended and reflects the commitment of all at the club, particularly Mr Rob Hook and his guiding of the club.

There is no doubt that there were many reasons for the demise of the Ravens, and I hope that we have all learnt lessons so that, when the time comes and they are back in the national league, we will not repeat the same mistakes. We will indeed see a dramatic change to netball in this state, and this is the reason why I have brought the matter to the attention of the house today.

There will be a loss of rivalry and competition here, and the derbies that were always well attended at ETSA Park will unfortunately be no longer. They were greatly anticipated by everyone. South Australia is a powerhouse for netball and women's sport in this country. There will also be a loss of choice for our players, and the Thunderbirds will not necessarily be able to pick up all the old Ravens players, so some of those girls will be forced to go interstate to get a game. Certainly, it will limit opportunities at the top level for netballers in this state, and that is to be regretted. When we consider the number of players from this state in the commonwealth squad, we begin to see the impact that losing the Ravens may have on us.

The state league and playing squad implications have also been explained to me in detail, as has the SASI support that was offered to teams. It seems that, despite a level playing field being the aim of all involved, we have still lost our second team, and the Ravens will be replaced in the national league in 2003 by a team from the Australian Institute of Sport. It is interesting to note that, in the state league, our state team (Contax) played the AIS team at the end of September and won convincingly. It may be that the AIS will find its year to be very tough at the national level.

Time expired.

TERRORISM

Mr SCALZI (Hartley): Today I wish to talk about the events that have taken place in recent days and the effect that they have had on our community. Just over a year ago we all felt the effects of 11 September and mourned for the lives that were lost there, including some of our own who were in the United States. I say from the outset that I support fully the federal government's response to the events on the weekend, and support the state government's response to the recent events and to the horrific crime that occurred in Adelaide. But it is important to ensure that, while we mourn and grieve, we are careful and retain a sense of reason, and to make sure that anger and frustration do not lead us to prejudice amongst some law-abiding citizens who might come from diverse backgrounds and have a different faith from that of the majority Christian community.

I speak as a person who attends multifaith functions and who believes in the importance of our multifaith society as an integral part of our multicultural community. It saddens me that some groups in our society, unfortunately, in these difficult times can, if reason is not maintained, be treated unfairly. So, I thought it appropriate that I read a press release from the Australian Federation of Islamic Councils. Headed 'Australia's Muslim Community Condemns Terrorist Attack in Bali', it states:

> The Australian Federation of Islamic Councils condemns the cowardly attack on civilians in Kuta, Bali. The Muslim community is deeply shocked and disturbed by the terrible incident and the great loss of life. Our hearts go out to the families of the victims of this attack. We express our warm and sincere condolences to the victims. They are our fellow Australians and, regardless of their religious backgrounds, Muslims, Christians and Hindus alike stand together as citizens of this great multifaith nation of ours. The President of the federation, Dr Ameer Ali, said this morning, 'Australians don't deserve this and, without reservation, we condemn this attack. We extend our heartfelt sympathies to the families of the victims. These sorts of attacks are aimed at destabilising the region. We call upon our community and the broader community to stand together in solidarity by working towards peace and harmony.' Australia is a peaceful country with people from all over the world. Let us all pray for the survivors and give our support in any way we can.

That is no different from a press release that would come from a Christian, a Jew or indeed any person with a sense of humanity. Many of us who are a little bit older might remember the song by the Scottish singer/songwriter Donovan called *The Universal Soldier*. In that song he said that the 'universal soldier' was a Catholic, a Hindu, a Protestant, a Baptist, a Jew and an atheist. I am sure that, likewise, a little bit of terrorism exists in all parts of humanity. As we found out, it lies underneath a lot of societies, and it is important that in looking for justice we seek the offenders of these heinous crimes, but we must be careful not to blame innocent people of whatever faith.

HOUSE OF ASSEMBLY TAPESTRIES

Mr KOUTSANTONIS (West Torrens): Recently, I received correspondence from you, Mr Speaker, about these wonderful tapestries decorating our marvellous chamber, and I agree wholeheartedly with your suggestion that they should be moved to a more prominent position, a place where more South Australians can enjoy their beauty and majesty. My aunt is one of the volunteers who helped to weave one of the tapestries, and I support you, sir, wholeheartedly in having those moved to a more prominent position where more South Australian children can be educated about women's suffrage.

But I make one point very quickly: I take great offence at the Hon. Diana Laidlaw's intervening in the affairs of this house. We are the masters of our own destiny in this place, and we and our constituents will be the judges of what occurs in this chamber. I would say that the Hon. Diana Laidlaw can just butt out and mind her own business about what we do in this chamber. We do not intervene in what happens in the Legislative Council. Standing orders are quite clear about reference to the other place and the debates in the other

house. I would argue that the Hon. Diana Laidlaw should butt out and mind her own business.

The other point I want to make is about the terrorist attacks in Bali. The very tragic events that took place reveal to all South Australians that we are now vulnerable to terrorist attack. Even though these attacks were not committed on Australian soil, we must be wary that we are also a target. The Prime Minister and the Leader of the Opposition (Simon Crean) have been talking about how Australians have prepared themselves for the worst, and it has happened. I have an airport within my electorate, and I have great concerns for the safety of my constituents with that airport. I hope that, in the Premier's security review, they will write to the federal police and the commonwealth about increasing security at our airports.

I am very concerned about constituents of mine who live in the flight path, and how any terrorist attack might affect them. I was talking recently with some journalists and editors from the *Advertiser*, discussing how vulnerable we are here in South Australia. If there were a terrorist attack on our waterworks or generators or even somewhere here in the CBD, it could cause chaos. We must prepare for the very worst. As you have said, sir, Australia is a country that enjoys liberties and freedoms. We are in close proximity to our constituents in terms of access to ministers and members of parliament, and I do not want that to change. If we start changing the way we operate, the terrorists win.

If we start taking away liberties and changing our way of life and our access to our democratic institutions, we are somehow forfeiting what we have fought for in the past and not honouring generations that have gone before us. That does not mean that we cannot strengthen our security systems. If the threat of terrorism comes to our shores, Kim Beazley's plan for a coastguard will be looked back on in hindsight as a very good thing. Currently, our armed forces are stretched to capacity across the world, serving in East Timor and other parts of the region, and they will probably also be serving in Iraq.

We need a dedicated force to protect our coast. Labor's plan for a coast guard is a good plan and it has been endorsed by military experts. Kim Beazley and Mark Latham have been right on this issue. I think it is time for the Prime Minister to act in a bipartisan way by taking on board our coast guard plan and having a dedicated group of people in the armed forces whose sole job will be to patrol our coasts. If the Prime Minister is serious (as he said at the last election) about deciding who comes into this country and how they get here, we need a coast guard to defend our shores, because we are now a major target for terrorist attack, as has been proven by what happened in Bali. We must protect our citizens, and part of how we do that is by protecting our shores. I urge members opposite to speak to their federal counterparts about establishing an Australian coast guard.

PUBLIC WORKS COMMITTEE: WASTE WATER TREATMENT PLANT

Mr CAICA (Colton): I move:

That the 182nd report of the committee, on the Waste Water Treatment Plant and Environment Improvement Program Relocation to Bolivar, be noted.

The Public Works Committee has examined the proposal to apply $97.55 million of taxpayer funds to the Port Adelaide Waste Water Treatment Plant environment improvement program relocation to Bolivar. The Port Adelaide Waste Water Treatment Plant is the second oldest of the four major SA Water plants in the metropolitan area and serves Port Adelaide and the Le Fevre Peninsula. The original parts of the plant are in need of replacement. The effluent from the plant is chlorinated and discharged into the Port River near Bower Road. It does not meet current standards for nutrient removal and impacts on the water quality of the Port River. The proposed relocation to Bolivar will eliminate the discharge of phosphorus, ammonia, nitrogen and chlorinated compounds into the Port River.

The committee notes that, under the licence by which SA Water operates the Port Adelaide Waste Water Treatment Plant, an environment improvement program to decrease the environmental impact of the plant must be committed to. An EIP forms part of the proposed project. The waste water at the Port Adelaide Waste Water Treatment Plant is highly saline due to groundwater infiltration but 30 per cent of the waste water flow to the Port Adelaide Waste Water Treatment Plant is low saline and suitable for reuse. The Queensbury diversion project was initiated to divert this low salinity water to the Bolivar Waste Water Treatment Plant for potential reuse in the Virginia pipeline scheme. The Queensbury diversion project was approved by the Public Works Committee in 2000 and commissioned in March 2002.

The committee is told, too, that the present project proposes the relocation of the Port Adelaide Waste Water Treatment Plant to a new high-salinity treatment plant to be constructed at Bolivar. It is proposed to build inlet screens, grit removal facilities and a new pumping station at the site of the existing Port Adelaide Waste Water Treatment Plant and a 17 kilometre pumping main to transfer waste water to the new Bolivar High Salinity Waste Water Treatment Plant. Treated waste water will be discharged to Gulf St Vincent through the existing Bolivar outfall near St Kilda. The redirection of the Port Adelaide flow to Bolivar will eliminate discharges to the Port River. An assessment indicates that the 90 tonnes of discharge redirected from Port Adelaide will have no significant incremental effect on the marine environment in Gulf St Vincent.

The Port Adelaide Relift Pumping Station will be the largest waste water pumping station operated by SA Water. In the event of an emergency situation, emergency response procedures will be initiated to take advantage of any storage capacity available within the waste water collection system. Overflows of screened and degritted waste water will be disinfected with sodium hypochlorite prior to discharge. This will have only a short-term impact on the environment.

The committee is told that measures, such as divided switchboards and emergency non-electrical pumps, will be taken to reduce the risk of failure. The pumping main will be a 17 kilometre long 900 millimetre diameter cement lined, externally epoxy coated welded steel pipe that will be cathodically protected to give a design life of about 100 years. It follows the shortest land route between the Port Adelaide Relift Pumping Station and Bolivar, and a section will follow the alignment of the proposed Port Adelaide Expressway—stage 1. At Bolivar the waste water will enter a sequence batch reactor plant in which the material will be treated and separated into sludge and effluent to be discharged. This process will be odour controlled. Digested sludge will be discharged to either the existing mechanical

dewatering plant or the existing sludge lagoons at Bolivar for subsequent reuse of biosolids.

Mr Brindal: Could you tell me something I don't know?

Mr CAICA: We know that the member for Unley knows everything. Decanted highly saline effluent will be pumped to an ultraviolet disinfection unit near the head of the existing outlet channel at Bolivar where it will be UV disinfected prior to discharge to Gulf St Vincent near St Kilda.

The committee is told that there has been extensive community, agency and local government consultation regarding this project dating back to 1996. The proposed relocation to Bolivar is the only option that will satisfy community expectations regarding the discharge of effluent into the Port River. The committee is told that the project will:

- eliminate the detrimental environmental impact of the discharge of treated waste water from the Port Adelaide waste water treatment plant to the Port River; and
- reduce the odour nuisance to the surrounding community.

The committee is also told that the capital cost of the project is estimated to be $97.55 million (exclusive of GST) and forms part of SA Water's overall environmental improvement program. There will be an incremental increase of $730 000 per annum in the operation and maintenance costs of the project in comparison with the costs for the existing Port Adelaide waste water treatment plant. There will also be an incremental increase of $1.1 million per annum in power costs, due mainly to the cost of pumping waste water from Port Adelaide to Bolivar.

The financial evaluation indicates a net present value cost of $76.6 million, which is the project cost net of base case costs, and a benefit-cost ratio of 0.37. The economy wide evaluation indicates a net present value cost of $70.3 million and a benefit-cost ratio of 0.45. The preferred option has quantified benefits in the form of lower odour impacts and reduced marine pollution in the Inner Harbor, and the net present value of these benefits is estimated at $6.2 million. The project is not being proposed to generate additional revenue and will be funded by an extension of the environmental levy to fund the metropolitan environment enhancement program as part of the sewerage pricing proposal for the years 2002-2003. The committee notes that there is no certainty as to the duration of the environmental levy.

The committee is told that the project needs to commence in October 2002 in order to be completed in December 2004. Part of the Port Adelaide to Bolivar pipeline will follow the alignment of the Port River Expressway Stage 1 and, therefore, is dependent on the progress of the expressway project in determining when the pipeline will be installed. The committee supports the environmental objectives of the proposal, and encourages further action by SA Water with regard to its attempts to reduce the environmental impact of its operations. In particular, the committee is encouraged by the consideration of macrophytes, fish farming and other natural processes, some of which offer SA Water potential supplementary revenue streams as low cost methods for further reducing nutrient levels in waste water products.

The committee is told that the cost of the electricity needed to pump waste water from Port Adelaide to the Bolivar waste water treatment plant is estimated to be in the order of $1.1 million per year. The committee is further told that SA Water's current electricity pricing contract runs until 2005-06 and that the costs provided to the committee are based on this contract and estimates of price changes after that time. The committee is concerned that potentially volatile future changes in power prices could force these operating costs higher than those estimated and thereby impact adversely on the economic performance of the scheme in the longer term.

The committee is told that SA Water is seeking to extend and develop waste water reuse opportunities both for the Bolivar waste water treatment plant through the Virginia pipeline scheme and more generally. The committee supports such initiatives, but is aware that the success of such initiatives is limited by the availability of cheaper mains water. The committee is of the opinion that, until such time as the environmental value of water is considered in developing water consumption strategies, the potential for success of waste water reuse schemes, such as those available through the Bolivar waste water treatment plant, cannot be fully realised. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: COMMERCIAL ROAD VIADUCT UPGRADE

Mr CAICA (Colton): I move:

That the 183rd report of the committee, on the Commercial Road Viaduct Upgrade, be noted.

The Public Works Committee has examined the proposal to apply $4.894 million of taxpayers' funds to the Commercial Road viaduct upgrade. The committee is told that the Commercial Road viaduct is located at Port Adelaide on the mixed gauge section of the Outer Harbor railway line. The viaduct is a six metre high, open deck structure supporting rails on wooden bearers. The viaduct also incorporates two bridges where the rails are supported by wooden sleepers located in buckle plates. In addition to TransAdelaide metro passenger services, a number of other rail operators utilise the TransAdelaide-owned track for intra and interstate rail freight services, accessing the container terminal at Pelican Point.

In 1992, a Transport SA report indicated that the viaduct was in fair condition, but recommended a number of structural improvements. In 1994 a report by Connell Wagner outlined the parts of the bridge on which work was required. A 1998 report by Transport SA and Janus Railway & Civil noted the urgency of parts of the work and suggested a program to address deficiencies. In 2001 ministerial approval was given to works totalling $2.15 million. Further works valued at $1.31 million were authorised in October 2001. On 2 September 2002 total expenditure for the project was revised from $3.5 million to $4.9 million, with cabinet approval taking the project above the threshold for examination by the Public Works Committee.

Work was ceased until this necessary review was completed. The committee notes that failure to complete this last stage of the work to reinforce and encase all the remaining concrete piers proposed for 2002-03 is rated as a high risk to public safety. The works will upgrade the Commercial Road viaduct to national bridge code standards. It includes strengthening piers and rail track support structure. Works commenced in 1998-99 with $3.6 million net of GST spent to date. During 2001-02 the viaduct remedial works involved reinforcing and encasing 65 concrete piers. The work to be done includes those structural improvements highlighted in three previous Transport SA reports and focuses on strengthening the concrete piers. The committee notes the work has

been ongoing for the past two years and approximately half the 65 viaduct piers have now been strengthened.

The design solution involves wrapping the piers in a cage of steel reinforcement and constructing timber formwork to totally encase the pier. Concrete is then pumped into the encasement and vibrated to ensure that the pier is totally surrounded by concrete. The formwork remains in place until the concrete has attained adequate strength and is then removed. Similar encasing and forming is carried out on the pile cap on which the piers sit. The combination of steel reinforcing bars and encasing concrete provides significant improvement in the load-bearing capacity of the piers and eliminates the exposure of the existing piers to further deterioration. The committee is told that the design of the strengthened piers ensures that their form and appearance is retained.

The committee is told that the proposed project seeks to produce the following results:

- to enable the Commercial Road viaduct to meet the structural standards required by the Australian Bridge Design Code and TransAdelaide's current operating requirements for 21 tonne axle loads;
- to maximise the 'inservice life' of the structure; and
- to provide a structure that instils confidence in those operating and using the train services that traverse the viaduct and address public safety issues.

The total capital cost for the project, inclusive of all works undertaken between 1998-99 and 2002-03 financial years, is estimated at $4.894 million. The operation costs associated with the upgrade are a once-off cost and form part of the project.

Economic and financial evaluations of the project considered three options for the viaduct including:

- 'do nothing': this would require closure of the Outer Harbor line at some point due to potential failure of the Commercial Road viaduct and has a net present value cost (NPVC) of $19.1 million;
- 'proposed solution': this comprises the current solution to strengthen the remaining piers to ensure the ongoing safety and viability of train services and has a NPVC of $4.8 million; and
- 'demolition and replacement with a level crossing': this has a NPVC of $10.2 million.

Completely replacing the Commercial Road viaduct has been considered as an alternative to upgrading the structure and was costed at approximately $60 million. It should be noted that the project is primarily driven as a means to ensure public safety of 2 200 passengers a day carried over this viaduct by TransAdelaide.

Design work and structural steel work is complete and work strengthening the concrete piers has commenced. Private contractors are undertaking the work and the remaining 27 piers to be strengthened are scheduled to be completed by June 2003. The committee notes that the upgrade of the viaduct does not include specific measures to protect it from earthquake, but understands this to be a function of the viaduct's design and, therefore, is unavoidable. The committee does generally recommend that agencies act to incorporate earthquake protection measures into all new construction upgrade projects.

The committee notes that the track and the viaduct structure are rated for axle loads of 21 tonnes, which is adequate for the rail traffic currently using the viaduct. After the upgrade, the viaduct structure will be rated for axle loads of 25 tonnes, but the track will not have this rating. The committee notes that it is expected that the proposed Port River rail bridge, when completed, will divert all freight traffic away from the viaduct. Should the Port River project not go ahead, however, the track along the viaduct will be upgraded to provide a 25 tonne axle load rating in conformity with new national track rating principles. The committee accepts that, should this be necessary, TransAdelaide has pre-existing funds with which to undertake such work.

The committee further notes and accepts that the sleepers along the viaduct will be of timber composition rather than concrete, because timber provides a more flexible and effective medium in that context and provides an increased level of public safety. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

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

In committee.

(Continued from 28 August. Page 1390.)

Clauses 2 and 3 passed.

New clause 3A.

Ms BEDFORD: I move:

Page 3, after line 12—Insert in Part 2:

Amendment of s.5-Interpretation

3A. Section 5 of the principal act is amended by inserting after the definition of 'prescribed offence' in subsection (1) the following definition:

'putative spouse' means—

(a) a person who is a putative spouse within the meaning of the Family Relationships Act 1975, whether declared as such under that act or not; and

(b) a person in respect of whom a declaration has been made by the District Court under section 7A of this act;.

Mrs REDMOND: I am a little puzzled—and perhaps that is just because of my ignorance about these matters. The version of the amendments marked '23(1)' which I have received (and which, I assume, is what is before us at the moment), provides:

New clause, page 3, after line 12—insert in Part 2:

I am puzzled as to how we get to line 12—how that is counted—because I could not find any way of making it fit where commonsense tells me the new clause should fit after clause 3.

Ms BEDFORD: In our books, it is clearly lined up.

Mrs REDMOND: Can I approach the member for Florey and clarify that point first?

The ACTING CHAIRMAN (Mr Snelling): Yes.

Mr HANNA: Can I speak briefly to that? In a number of the acts that are touched upon by the amending bill, clarification was sought about the definition of 'putative spouse', so that it is clear with respect to the people to whom the amendments will apply. So, there are identical amendments in respect of those separate acts. In relation to the amendment by way of a new clause coming after line 12, it is clearly intended to come after the heading, which specifies an amendment of the Parliamentary Superannuation Act 1984. One can see from the new clause as printed that it refers to section 5 of the principal act and, in this case, that principal act is the Parliamentary Superannuation Act. So, the member for Heysen and others will see that the same pattern is repeated in respect of each of the acts touched upon by the

amending bill and, in each case, the definition of 'putative spouse' should come in after the heading giving the title to the act that is to be amended.

Mrs REDMOND: I have a further question about the definition that is proposed to be inserted regarding the use of the word 'and' between subparagraphs (a) and (b). The definition will read, 'Putative spouse means (a)' such and such, 'and (b)' such and such. Normally, at law, one would use the disjunctive rather than the conjunctive and put 'or' as the appropriate mechanism between those two subparagraphs, so that a putative spouse can be either the person who falls within definition (a) or the person who falls within definition (b), but does not necessarily need to fall within both components to come within the definition of 'putative spouse'. If the definition began by providing, 'putative spouse includes (a) and (b)' I would not have a problem. But, given that it provides, '"putative spouse" means', I believe that it is appropriate for there to be an 'or' between those two subparagraphs rather than an 'and'.

Mr HANNA: The member for Heysen correctly perceives that someone wishing to have the benefit of these provisions would not wish to have to comply with both conditions (a) and (b). Indeed, there would never be a need for a person who was a putative spouse within the meaning of the Family Relationships Act to have a court declaration to the same effect. So, the member for Heysen is on the right trail. As I understand it, the Attorney-General's Department has supplied the wording but, personally, I would be very comfortable with the word 'or' instead of 'and' as indicated by the member for Heysen. I find that to be an attractive amendment to the new clause, should it be put.

Mrs REDMOND: I have been supplied with a document which I understand repeats the amendment except for the word 'or' instead of 'and'. I understand that those opposite may be prepared to accept that amendment.

The ACTING CHAIRMAN: I take it that the member for Heysen is formally moving that amendment?

Mrs REDMOND: Yes. I move:

Line 4 of definition of 'putative spouse'—leave out 'and' and insert:
'or'

Amendment carried; new clause as amended inserted.

Clause 4.

Mr MEIER: I think members are aware of my attitude to this bill and I do not intend to repeat my comments which I made on 21 August during the second reading debate. My question relates to new clause 4A(4)(b), which provides that a declaration may be made under this section despite the fact that one or both partners are dead. I ask the mover of this bill whether a same sex partner can make application after the death of a partner who is a member of parliament receiving superannuation. In other words, does the couple have to stipulate that they are a same sex couple before the superannuation has been determined? It strikes me as a little unusual that the claim could be made after the death of one of them. Am I right to assume that, or can the member explain further what this means?

Mr BRINDAL: I have a point of clarification. I know that this is a private member's bill but, generally, a minister or somebody handling the bill on behalf of the house is given the privilege of having an adviser or parliamentary counsel to assist them. Is that not applicable to private members' bills?

The ACTING CHAIRMAN: No, it is not a point of order. Standing Order 72 provides for parliamentary counsel to be able to advise ministers but not private members. It is quite clear in the standing orders.

Mr Brindal: It seems to me that somebody should change that.

Mrs GERAGHTY: I have a point of clarification following the member for Unley's question. When you say that a member cannot have parliamentary counsel assisting them with the bill, does that relate to parliamentary counsel being on the floor of the chamber or are they able to advise from one of the galleries?

The ACTING CHAIRMAN: There would be no objection to them providing advice from one of the galleries but they are not allowed on the floor of the chamber, as they would be to advise a minister on a government bill.

Mrs GERAGHTY: That, therefore, limits the opportunity for a member who is not a minister to have access to parliamentary counsel, which I agree we should look at.

The ACTING CHAIRMAN: Members are free to take this matter up with the Speaker or the Standing Orders Committee. I am only enforcing the standing orders as they are provided for me.

Ms BEDFORD: As far as we know, it operates the same as the current law, so we cannot see that it would be a problem.

Mr MEIER: I am not asking whether it is a problem. I assume you have had appropriate counsel over two years, I think it would be, because this bill has been around for a while. I just sought an explanation and I am happy to allow some time so that perhaps this matter can be given further consideration. I find it very unusual.

Mr HANNA: Is the member for Goyder asking whether a particular person has to be specified before the date of death? I think the point that the member for Florey is making is that, under the law which currently stands, for all of us—in this case superannuants under the parliamentary superannuation scheme—the same requirements about denoting beneficiaries apply even after the passage of this bill.

Mr MEIER: Officially this is my third turn, even though the member not handling the bill asked for further explanation, which is very unusual, but I am happy to seek to explain further. The member for Florey said that it is the same as applies now under the current law, and that is fine, but I am seeking further explanation. If one of the partners of a same sex couple dies, is the partner entitled to the superannuation or is it the case that, even after the death, an application can be made to the court to indicate that they were cohabiting and that person, therefore, should be entitled to the deceased person's superannuation and estate?

Ms BEDFORD: Yes, is the answer.

Clause passed.

New clause 4A.

Ms BEDFORD: I move:

Page 4, after line 9—Insert in Part 3:
Amendment of s.4—Interpretation
4A. Section 4 of the principal Act is amended by inserting after the definition of 'police cadet' in subsection (1) the following definition:
'putative spouse' means—
(a) a person who is a putative spouse within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not; or
(b) a person in respect of whom a declaration has been made by the District Court under section 4A of this Act;

Mr BRINDAL: I was going to ask for your guidance, sir, because in order to deal with the amendment moved by the member for Heysen, to understand that amendment it is

necessary to question the holder of the bill on her amendment to see whether the word needed to be 'and' or 'or'. As I understand it, she is saying they have accepted the 'or', but I would still like to question her on her amendment.

The ACTING CHAIRMAN: I have before me an amendment which has been brought to the table by the member for Florey with the 'and' replaced with 'or'. So, that means that it is no longer necessary for the member for Heysen to proceed with the amendments which she had foreshadowed. I have before me the amended new clause 4A, which has the 'and' replaced with the 'or' and which the member for Florey has moved.

Mr BRINDAL: My question is for the member for Florey in order for this house to have some clarification, because, no matter what we are considering, we had three amendments put before us: the original amendment of the member for Florey, the proposed amendment of the member for Heysen and now this new amendment.

The member for Florey has been a champion of this and a very fearless advocate. I would like her to explain why she came in with an original proposal that stated 'and', which would mean that both provisions would have to apply and would clearly discriminate against same sex couples. I am very surprised, and I would like to know if she has some explanation why such an important word as 'and' was in there. I do not understand how she could have let this matter slip past her.

Ms BEDFORD: It is amazing, isn't it? I have had to be awake all night going through my legal texts, with great help from parliamentary counsel, the Attorney-General's Department and the member for Unley. I demurred to their senior and more expert legal opinion, having perhaps seen the error of my ways.

New clause inserted.

Clause 5 passed.

Clause 6.

Ms BEDFORD: I move:

Page 5, lines 5 to 7—Leave out 'striking out "the husband or wife de facto" (twice occurring) from paragraph (b) of subsection (1aa) and substituting, in each case, "the putative spouse",' and insert:

inserting after paragraph (b) of subsection (1aa) the following paragraph:

(c) a person who was cohabiting with the contributor at the time of his or her death as the putative spouse of the contributor.

Amendment carried; clause as amended passed.

New clause 6A.

Ms BEDFORD: I move:

Page 5, after line 9—insert in Part 4:

Amendment of s.3—Interpretation

6A. Section 3 of the principal Act is amended by inserting after the definition of "the PSESS Scheme" in subsection (1) the following definition:

'putative spouse' means—

(a) a person who is a putative spouse within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not; or

(b) a person in respect of whom a declaration has been made by the District Court under section 3A of this Act;

New clause inserted.

Clause 7 passed.

New clause 7A.

Ms BEDFORD: I move:

Page 6, after line 2—Insert in Part 5:

Amendment of s.4—Interpretation

7A. Section 4 of the principal Act is amended by inserting after the definition of 'Public Sector Employees Superannuation Scheme' in subsection (1) the following definition:

'putative spouse' means—

(a) a person who is a putative spouse within the meaning of the *Family Relationships Act 1975* whether declared as such under that Act or not; or

(b) a person in respect of whom a declaration has been made by the District Court under section 4A of this Act.

New clause inserted.

Clause 8 passed.

Clause 9.

Ms BEDFORD: I move:

Page 6, lines 32-34—Leave out 'striking out "the husband or wife defacto" (twice occurring) from paragraph (b) of subsection (1a) and substituting, in each case, "the putative spouse",'and insert:

inserting after paragraph (b) of subsection (1a) the following paragraph:

(c) a person who was cohabiting with the contributor at the time of his or her death as the putative spouse of the contributor.

Mr HANNA: I wish to point out that in relation to this amendment, as with the earlier identical amendment, advice received subsequent to the original drafting of the bill by the member for Florey led to the amending clause being moved in this amended form. The reason is that it was considered upon close examination that 'husband and wife de facto' is a term not identical with 'putative spouse'.

It has work to do in the legislative sense, where it resides in the principal act. Therefore, the effect of the amendment is to delete the striking out of 'husband and wife defacto' and instead adding an extra provision, so that there is no problem with husband and wife de facto couples receiving benefits in the same way as the couples for whom this legislative measure is put forward.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Ms BEDFORD (Florey): I move:

That this bill be now read a third time.

Mr MEIER (Goyder): In considering this bill as it comes out of committee, I recognise that there have been quite a few amendments moved and passed but, so far as I am concerned, it does nothing to change my opinion of the bill. The comments I made back on 21 August still apply. Although I can see some merit in the bill introduced by the member for Hartley, I would like to restate the opposition I expressed earlier, and we will see what this house determines at the end of the third reading.

Mr BRINDAL (Unley): Members do not usually contribute to the third reading but I wanted to depart a little, as did my colleague and friend the member for Goyder, and make a couple of observations. This bill is one that causes sharp divisions of opinion in this house, as do all moral and conscience bills. It has been fully debated, and the merits of the proposition to be put forward by the member for Hartley will, I think, be equally fully debated. Putting that aside for one minute, I would like to congratulate the member for Florey and, I hope, on behalf of all members of this house because, whether or not we agree with the bill, it is nice to see a private member's bill go through all stages and pass this chamber. I know that for some members, if any bill was going to pass, they would not wish it to be this bill.

Notwithstanding that, it is actually nice to see private members achieving something, because in the 13 years I have been here this house has been so dominated by executive government that private members are in many ways almost

seen as second-class citizens. Because of the way that private members' business is set up, it is almost impossible for private members to do this sort of thing. The member for Florey has plodded away for three years, sometimes against fairly big odds, and today this house will vote on a bill for the third time. Now, pass or not, it is an achievement and I congratulate the member for Florey, and this house, for actually acknowledging for once that private members constitute this place, not just ministers sitting on a front bench.

Mr SCALZI (Hartley): I, too, wish to add to my second reading speech. I believe that the member for Florey's intention to deal with the financial inequity of a particular group is really the force behind this bill and, as such, it deals with that inequity. However, I find it ironic that in protecting the rights of certain groups we in this chamber are witnessing members opposite, on a fundamental conscience vote to represent their constituents and the state, hampered by the rules of the Labor Party. I have no difficulty in someone opposing my view or another view. Someone might disagree with me on many issues but I would fight for their right to express their view. I can see today that my fellow members of parliament, on the Labor side, have been denied the right to vote on a conscience issue. We can all talk about constitutional conventions and about not playing politics—

Mrs Geraghty: Talk about equality.

Mr SCALZI: Rightly so. The member for Torrens has talked about equality. This bill denies the equality of a significant group in society in terms of their having access to superannuation entitlements. In other words, members opposite are perpetuating the same discrimination that they are saying this bill addresses. What will happen to the significant group in our society who are not in sexual relationships? This bill discriminates against them and says that their financial contributions do not have the same value as that of someone who is married or who is a putative spouse. People who do not have a sexual relationship will be discriminated against.

So, I am pleased that the member for Torrens talked about equality. This bill is not about equality; it is about an agenda. It is about an agenda to support a particular pressure group. I have no right to criticise any group because it wants equal entitlements: if they have been discriminated against, I support their argument. However, I find it hypocritical that a group can push and obtain their rights at the expense of other people's rights. We are talking about a truly multicultural society, a diverse range human relationships, and about people who are not in sexual unions, and this bill discriminates against them, and does so openly.

I believe that this is a limiting bill. Dealing with basic human rights, definition is the first step, and that is what this bill does: it defines certain groups who happen to be in particular relationships and gives them precedence over others. It is arguing on a basis that they were discriminated against and, therefore, they should have access, but it forgets about the human rights of others. It forgets about the two brothers, the two sisters, the uncle and the niece, the aunt and the niece. Members opposite should look at the press release from the Tasmanian Attorney-General who recognises caring relationships. This is the same Labor Party. What will happen about carers? What will happen about other meaningful relationships? Oh, no! Let's do this piecemeal. Let's do this as a result of pressure groups. Let's do this because caucus says so!

I have no difficulty if some member of my party disagrees with me. My opinion of or respect for that person does not diminish, I accept that. I respect my colleagues who vote against one of my proposals if they genuinely believe that it is not right. That is what democracy is all about. I respect that. However, I know that members opposite do not have the same right. This has happened on other occasions in this place when members opposite have been denied a conscience vote. That is what I am angry about, not that you support or pass a particular bill. You are entitled to; that is democracy. Once a bill becomes law, I am the first to respect that law.

It is really hypocritical that members are not able to exercise a fundamental right to represent their electorates and to exercise their conscience. We can have all the constitutional conventions we want, but unless we have a latitude that on certain issues members of parliament are able to stand up as individuals and in the interest of their constituents and the state, then we do not have democracy. We have parties that dictate, and that concerns me. That is one of the fundamental reasons I could never join a party that would preclude me from exercising my conscience.

Mr Brindal: That is part of the democracy; you've got that choice.

Mr SCALZI: I have that choice. However, once you are in this place, I thought that it was convention that certain issues such as divorce, marriage, abortion, voluntary euthanasia and gambling should be a matter of conscience, and if members opposite tell me that I am raving on, why is it that not one member opposite crosses the floor? Why is that not one member has a different view? Either members do not agree with me or they do not agree to disagree with caucus. That is the answer. I would believe members opposite if one of them crossed the floor. I have not seen it yet, because as soon as one person crosses you give them the great exile that they gave Moses. That is what you do.

Mr Hanna: He actually did very well in the end.

Mr SCALZI: In the end.

Mr Brindal: Moses was not exiled. Who exiled Moses?

Mr SCALZI: The Egyptians.

Mr Hanna interjecting:

Mr SCALZI: I got it wrong, he went to the desert. It will be very interesting to see the vote on this important bill—

Mr Brindal interjecting:

Mr SCALZI: I know, it is the Egyptians, he had to run away from the Egyptians.

The ACTING SPEAKER (Mr Snelling): Order! I have given the member for Hartley a fair bit of latitude and I would—

Mr SCALZI: I won't cross the Red Sea—

The ACTING SPEAKER: Order! I ask the member to confine his remarks to the bill.

Mr SCALZI: Thank you, Mr Acting Speaker. As I have said, this is a very important piece of legislation. Some say it is about reform. What we know for certain is that it is about change, change that will affect us and our families if this becomes law for many years to come. I believe that the discrimination which the member for Florey seeks to address in this bill should be equally addressed to other groups in our society, because if it is about a fundamental human right, then fundamental human rights are not limited to groups. Fundamental human rights are universal. They are not limited to one's sexual orientation. Therefore, this bill is limited and it is discriminatory against a significant proportion of the population.

Mr Hanna interjecting:

Mr SCALZI: The member opposite knows that I am right. Do not perpetuate discrimination against other legitimate groups and relationships.

Mr HANNA (Mitchell): I do not want to drag this matter out painfully any longer, but I will just say briefly that the central question remains. After the amendments made in the committee stage of this bill, the central question remains; that is, if a couple live together and love each other and one of them names the other person as the beneficiary for their superannuation, which one of us will say that by law they cannot give that superannuation benefit to their loved one? The member for Goyder would say it should be so. I say that is grossly unfair.

In response to the member for Hartley, if we can give parity, equality to a particular group of people in society—that is, those people who have same sex relationships—and if we can accord them their superannuation rights by law in the same way that married and unmarried heterosexual couples receive and enjoy such rights, then why would we not do that? If you want to have an argument about homosexuality, have it at some other time and at some other place. Quite clearly, this is about removing discrimination, and it is on that basis that I will certainly be supporting the bill.

Mr HAMILTON-SMITH (Waite): The bill has come out of committee essentially and principally unchanged from the form in which it went into committee, and that is that it uses as its device to extend superannuation entitlements to same sex couples the device that same sex relationships are like marriages. It redefines same sex relationships as marriages. In my view that is its fundamental flaw, and in fact it undermines the principle and some of the argument which it puts forward by so doing. I am not opposed to same sex couples receiving the same superannuation entitlement as is received by married couples. In fact, I am not opposed to certain other relationships being entitled to the same superannuation entitlements as presently received by married couples—and another bill on the *Notice Paper* touches on those broader co-domestic relationships.

What I fail to see and what I think the bill has failed to establish as it has come out of committee is that it is necessary to define same sex relationships as putative spouse or marriages in order for them to receive that benefit. In my view, saying that heterosexual marriages mainly and principally are there to provide a vehicle for the raising of families is equal to a same sex relationship totally is a fallacy. To be perfectly frank, from the same sex couples to whom I have spoken about this bill—and there have been quite a few, in fact the member who has put forward the bill has arranged for many of the lobbyists to visit me, and I have approached other constituents or they have approached me to discuss the bill—do not see their relationships as marriages.

To be perfectly frank, in the form that this bill has come out of committee, I think it will offend some same sex couples, because in order to achieve the benefit of a superannuation entitlement the parliament will have found it necessary to redefine their relationships as marriages, which many of them perceive to be a heterosexual arrangement and not a same sex arrangement. In fact, I think the bill really fails to understand the nature of the majority of same sex relationships, which are unique and do not need to be redefined in terms of marriages in order for them to be successful or for them to have legitimacy, particularly in relation to their superannuation entitlement.

I will speak on the other bill before the house and will support the principles espoused therein. In so doing, I re-emphasise that I am not opposed to the principle that same sex couples should be extended the same superannuation entitlements as married couples, as this bill will enact, but I think that the fundamental device that is used is flawed. I think it undermines the family and undermines marriage as an institution.

I agree with my colleague the member for Hartley that some members on the other side should have a serious think about their principles and a serious think about their conscience in this place, given that it is widely known that many of them, all things being equal, had they had their conscience, may not have supported the bill in its present form. But that is a matter for another time. I will be very disappointed if the precedent that this bill has now created, which defines same sex relationships as marriages for the purpose of law, is used as a precedent to then argue that a host of other bills should be changed: that, because the parliament has already defined same sex couples as marriages, the other bills should automatically be so changed. I believe that every bill should be looked at on its merits and dealt with individually.

In conclusion, I believe that this bill will pass through the parliament and become law, and I will be very surprised if it does not. However, in this case, although the aim has been worthy, we have created a bad piece of law.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I rise to add my voice to the speakers in support of the member for Florey's bill. I do so with some sadness, because this is a debate that would appear to me to be almost entirely unnecessary. It seems to me self-evident that difference in relation to the way one chooses to live one's life and engage in a personal relationship should not be translated into disadvantage. That is the essence of discrimination, at least unfair discrimination, in this context. There are important roles that the law can play, and this bill plays a very important role in relation to an expressive role of law. The expressive function of law allows us to lay down values that the society wishes to express on behalf of its citizens to the broader community.

In this bill, we seek to express a view about same sex relationships, and the view that we seek to express is that they are not relationships that should be frowned on by this parliament—that they should not be subject to disadvantage or subject to the sorts of disadvantages that accrue in a financial sense in relation to superannuation entitlements. It seems difficult for us to face communities that decide to form families (which perhaps the member for Waite is not prepared to acknowledge are families but which they regard as families) and say to them that they are not legitimate or that they should suffer some disadvantage in the eyes of the law. It would be a sad thing if this parliament were to send a message to that group of citizens that certain families are not welcome in this community whereas other more traditional families perhaps are.

That is a message that pushes some members of the community off into the peripheries of the community and treats them as different and not sanctioned, and prefers others. That notion of excluding certain sections of the community is something that I do not stand for, and the party of which I am a member does not stand for, and which I think ultimately undermines the health of the community. We should be embracing as many members of our community as we can, and we fundamentally damage the fabric of our community

when we push people aside and discriminate against them in this fashion.

There seems to be a misunderstanding: the member for Waite has referred to the fact that the bill seeks, in essence, to call these relationships marriages. That seems to be one of his arguments: that somehow the definitions contained within the bill will give same sex couples in the label of marriage and that that somehow would be offensive to their communities. The first thing to say about that is that it is these communities that are calling for this legislation, so we are content to rely upon what they are asking us to do.

Secondly, he misunderstands the definitions that are contained within the act. Those definitions that refer to putative spouses include same sex couples. That does not lead to the necessary inference that same sex couples are involved in a marriage relationship. All we are seeking to do is ensure that the differences that are undoubted in the two sets of relationships are not translated into disadvantage. That is the fundamental difference in the proposition that is being put. There are differences between same sex couple relationships and marriages; that is self-evident. One is the same sex relationship, the other is between persons of different gender. But the issue is not that there is a difference. The question is whether the difference ought to be translated into disadvantage, and we do not accept that it should. Hence, we propose this bill to remedy what we say is unfair discrimination against a group in this community.

Mr Brindal interjecting:

The Hon. J.W. WEATHERILL: It would be my fondest hope that many members of this parliament could stand together to show to those in the community who are involved in same sex relationships have the support of this community and this parliament; and that they are entitled to assert their relationships with pride and should no longer endure the disadvantages that presently exist.

Mr Brindal: Your standing shoulder to shoulder with the member for Torrens, the member for Playford and the Attorney is enough!

The Hon. J.W. WEATHERILL: As the member for Unley suggests, the more people who stand shoulder to shoulder on this issue and show the whole of the community (not just those who are involved in same-sex relationships) that we are prepared to embrace these relationships, the more powerful a message will be sent. I think what also needs to be said is that, whilst these are small steps about relatively minor although important financial relationships, they establish an environment within which the rest of the conduct of the community is informed. It would be of no surprise to members of this house that those who are involved in same-sex relationships experience not only the sort of discrimination that is found within superannuation arrangements but much broader discrimination—indeed vilification—within the community. We make our contribution to ridding the community of such attitudes by passing legislation of this sort. I urge as many members of this parliament as possible to stand with us to support this bill.

Ms BEDFORD (Florey): I want to pick up on one of the remarks of the member for Unley. This bill came before the house because one of my constituents came to see me about a problem affecting him. It has been a long time coming and I cannot wait to let him know that it has happened. In response to the member for Hartley, as far as I know superannuation is not a conscience issue; nor is discrimination. That is why our party has happily stood together on this issue to see it come through to the end of the debate today.

An honourable member interjecting:

Ms BEDFORD: Well, I can assure you that there has been no opposition to it since the debate happened and the opposition has accepted the position.

Mr Brindal: You're saying that all your colleagues absolutely endorse it?

Ms BEDFORD: My colleagues are behind me 100 per cent. I would like to thank my parliamentary colleagues on both sides of the house for their support, because without it we would not have reached this position. I acknowledge in particular the members for Heysen, Unley and Fisher and the member for Mitchell, whose legal expertise has been more than helpful today. I also knowledge parliamentary counsel who are here today and the assistance of the staff of the Parliamentary Library, who have worked for me over the last three years gathering the necessary information and research.

I also acknowledge Mr Matthew Loader, who did all the initial research and preliminary work on the bill, and the help and support of Jackie Stricker and Kerryn Phelps and the Let's Get Equal campaign which, as members may know, brought to our attention the fact that over 50 other pieces of legislation contain forms of discrimination. I know that we will get to those eventually.

The House divided on the third reading:

AYES (26)

Atkinson, M. J.	Bedford, F. E. (teller)
Breuer, L. R.	Brindal, M. K.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. N.
White, P. L.	Wright, M. J.

NOES (20)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Scalzi, G. (teller)
Venning, I. H.	Williams, M. R.

Majority of 6 for the ayes.

Third reading thus carried.

STATUTES AMENDMENT (SUPERANNUATION ENTITLEMENTS FOR DOMESTIC CO-DEPENDENTS) BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 1396.)

Mr HAMILTON-SMITH (Waite): I support the bill, which I note comprises five parts. I may wish to raise some matters during committee, but the general thrust of the bill is to extend superannuation entitlements to domestic co-

dependents, including same sex couples and other special co-dependent relationships that warrant the extension of such a benefit. This bill is superior, in my view, to an earlier bill just passed by the parliament in that it adopts a more sensible approach to the extension of superannuation entitlements to those in need. Indeed, the bill continues to recognise that marriages and de facto relationships—putative spouse relationships—should continue to enjoy their present entitlement to such superannuation benefits, but the bill recognises that times have changed and that there is a need to broaden the entitlement for superannuation benefits to include other domestic co-dependent relationships.

The bill includes not only same sex couples but also other special co-dependent relationships, the criteria for which are set out in Part 2 and which include couples who have cohabited with each other continuously for a period of five years and who, during the period of six years immediately preceding that date, so cohabited with each other for periods aggregating not less than three years. The relationship of dependence is defined in the bill in terms of the parties to the relationship caring for and contributing to the maintenance of each other. It also provides that one of the parties to the relationship 'care for and contribute to the maintenance' of the other.

Other criteria are set forth in the bill and qualify the definition of domestic co-dependence but, essentially, the bill takes the view that the qualifying characteristic of the relationship is that of a caring relationship in which the parties in the relationship contribute to the maintenance of each other. They are, in effect, co-dependent on each other. It seems to me that this approach to the matter should have been taken from the outset.

This bill recognises that there are many different types of relationships. There are relationships that one might describe as apples and relationships that one might describe as oranges or pears; they are different. It is not necessary to redefine all relationships as apples in order for them to qualify for this superannuation benefit—and that is what the earlier bill has done.

It is necessary, indeed, for parliament to recognise that these co-dependent and family type relationships are quite diverse; that they all are, in a sense, co-dependent family type relationships but they are unique and have their own individual identities. It is not necessary in this bill—and this bill does not go down the path—to redefine relationships as marriages or as involving putative spouses in order to extend to them the entitlement to equal superannuation rights. This is the fundamental flaw in the thinking of members opposite, and this is the folly of those members opposite who might have recognised that there was an argument for the extension of these benefits to relationships, such as same sex couples, but who have fallen into the trap of providing a legal definition to reinvent those relationships as marriages.

This bill takes a different approach to the objective and provides a vehicle for members who agree with the principles of the bill to extend the benefits to other relationships without undermining marriage and the definition of putative spouse for the purpose of law.

Regrettably, I have concerns that this bill will not be successful—I hope it is, but I have concerns it will not—because the underhanded way, or at least unfair way, in which the government has approached this matter will probably require that caucus predicates against a conscience vote and, therefore, the government will oppose the bill; I feel quite certain of that, and that is regrettable.

The earlier bill was nothing more than a government bill disguised in private members' time. It was nothing more than the Rann government agenda finding its way through private members' time into law. Had the government been courageous, it would have put forward the other bill in government time and had it dealt with in government time, but it chose the shady way out, that is, to scurry it through the parliament in private members' time.

I draw members' attention to this bill introduced by the member for Hartley. I ask members opposite who feel inclined to support it to do so, to follow their conscience, and not to be told what to do by others in their party. I encourage members to examine the bill on the basis of what it represents, that is, an open-hearted approach to domestic co-dependent relationships and an honest attempt to extend superannuation entitlements to those who rightly deserve those entitlements, without the need to focus on the issue of sexuality and marriage, and what is marriage, as the instrument by which to achieve that goal.

I have some concerns about the actuarial implications of this bill. However, I am comforted by my view that this parliament must do what is right, not what necessarily is fiscally expedient. Whatever the outcome, there will be a cost associated with this bill, should it be successful. In my view that cost should be met, and should be approached by us all in this place, in a reasonable way as something that needs to be done for the benefit of the community at large.

I restrict my remarks to those already made, and perhaps pick up some issues during the committee stage. This bill achieves exactly what the Bedford bill—just passed by this parliament—sought to achieve, but it does it in a way which is more reasonable and fair. It not only does that: it goes further to recognise that there are many other special relationships of a mutually co-dependent nature that warrant recognition for the purposes of superannuation entitlements.

I draw members' attention to the remarks I made during debate on the earlier bill about two elderly sisters, one over 60 and one under 65, who came to see me. They had lived together for in excess of 15 years and they were in a loving, mutually co-dependent relationship. They were deeply concerned about another issue that had to do with their not being recognised as being in a mutually co-dependent relationship and their being discriminated against on the basis that they were not married. This problem is not restricted to same sex couples. This matter of discrimination extends far beyond that to many other couples who should receive an entitlement but presently do not.

This bill seeks to address that problem. If members opposite are so committed to defeating discrimination and upholding social justice, I ask that they read this bill, consider the principles within it and what it seeks to achieve, and that they support it.

Mr KOUTSANTONIS secured the adjournment of the debate.

SUMMARY OFFENCES (TATTOOING AND PIERCING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 1399.)

Mr BRINDAL (Unley): When this debate was adjourned, I was a little apologetic to the member who introduced the bill because my party room had not determined a position

and, indeed, whether or not it was to be a conscience vote. I can inform the member now that my party room has determined a position, and we will support this measure through all its stages.

As I have said, as a former minister for youth and now shadow minister for youth, I know that this bill will not be universally popular with all young people; that, in fact, some young people at 14, 13 and even 12 think that they know better than their parents and that they can make decisions that will affect them for the rest of their lives, and that they can do it with impunity. But almost since the beginning of time adults, carers and nurturers in society have felt it a rightful premise that those who are the carers and nurturers have rights of protection, rights of nurture, over their children until they form the mental capability to exercise those rights for themselves, and that is the way it has always been. This bill proposed—

Mr Koutsantonis: Are you still at home?

Mr BRINDAL: No. The member for Torrens did not listen: I actually grew up and shifted out. This bill is about when the entitlements of children cease and when their entitlements as adults kick in. The bill proposes that at a certain age they are regarded as children, and they cannot make decisions about tattooing and body piercing. I am simply making the point, as a former minister for youth, to one who is barely out of his youth—I thought that he was grown up at 13; there are plenty of people around his electorate who tell me that he was exercising some adult rights at a very young age (I will not say which adult rights).

The fact is that this bill will not be universally popular with young people, but this opposition—me, as shadow spokesman on behalf of youth, and my colleagues—does not resile from the fact that we think that our society and this parliament have a right to protect children, and that perhaps when they are a little older they might regret a decision made in haste at the age of 14 or 15. This bill seeks to protect and nurture children: it does not really seek to take away their rights. It seeks to say, 'Until you reach a certain age you should not exercise that right, because it might be a life changing decision.'

I will not go into, as some of my colleagues might, the various forms of piercing, but I have alluded briefly to why in fact some forms of piercing, in the context of this bill—or, at least, in another context—are looked towards with respect to total banning. I have not witnessed it, but I believe that there are different forms of body piercing (and I point out to the house that, in the last parliament or the parliament before, this house unanimously passed a bill against genital mutilation of females, and quite rightly) for both males and females, and someone in the house might like to, in the corridors (I do not think that it is appropriate in the chamber), tell me the difference between genital mutilation and some of the forms of body piercing which some young men deem artistic. I do not know what the difference is. I do wonder why the mover, or the government, does not seek to say, on behalf of the people of South Australia, 'Some things are just not acceptable.'

Mr Rau interjecting:

Mr BRINDAL: I am told that it may well be a later consideration. I cannot speak for my colleagues, but I would seriously consider that. As a society, we have long practised multiculturalism. We believe that people who come here should be able to exercise their cultural beliefs. But within that I think there is an implicit understanding—or there should be an implicit understanding—that we are Australian and that there is a mainstream culture that can set the outer parameters. We proved that in the last parliament by saying that genital mutilation—genital circumcision—is unacceptable, even if it is a cultural practice. We would never accept the old, and now banned, practice in India of suttee, where the wife throws herself onto the husband's funeral pyre. Similarly, I think that, in instances such as this, as a mainstream Australian culture, we have every right to say to our citizens that some things are unacceptable, and some of these forms of what I believe is genital mutilation should not be accepted either in children or in adults.

On behalf of the opposition (and others may choose to speak), I would like to commend the member for introducing this bill. I think that it closely models the bill introduced by the member for Fisher in a previous parliament, but I would like to commend the new member for introducing it. The opposition generally believes that it has merit, and we will support the bill.

Mr HAMILTON-SMITH (Waite): As my colleague the member for Unley has indicated, I will support the bill, and I commend the member for introducing it. I think that it is a step in the right direction. It follows some legislative changes that were made some years ago in the parliament. In fact, it was a private member's bill from our side of the parliament, if you like, that tightened up the law in this respect. I think that, although this bill goes a little further, it probably goes a little further down the right road.

There is no justification for the tattooing and piercing of minors without parental consent and there is certainly a very valid argument to require some sort of a cooling off period, particularly in regard to minors—or younger people, shall we say, rather than minors.

Section 21C is the section that I had most concern about, for the reason that there is a tendency for parliaments to go down the nanny state road of predicating and dictating to adults what they can and cannot do. Section 21C will, in effect, as I read it, require an adult—who could be 30 or 35 years of age—to no longer be able to get a tattoo on a day but, rather, to require a three day cooling off period—to agree on the design and to come back and get it done later. While I think that is very sensible for teenagers, and even people a bit older who might be out for a night on the town and have a few too many drinks and find themselves in the tattoo parlour, some citizens would regard that as an infringement of their civil liberties, and I have some difficulties with that. However, I note that there are other pieces of legislation where the government requires cooling off periods, and I am thinking particularly of arrangements in respect of the purchase of property and the entering into of certain contracts.

I suppose you could argue—and I think this is what swayed me—that entering into a contract with a tattoo artist to make a permanent, indelible and, in most cases, unremovable change to your body is probably a pretty significant step by any person and one that ought to be thought about for a couple of days. So I implore the civil libertarians among us to take the view that we are not saying to people, 'You can't do this.' We are simply saying, 'We want to put a device in place to ensure that, if you do this, you have had a chance to think about it.' We recognise that the majority of people, particularly adults, who decide to get a tattoo have made a capable, competent decision, and that is their choice, but I take it the member has inserted this clause to protect the minority of people who may need a bit of legislative guid-

ance, and I guess the rest of the citizenry will have to put up with the inconvenience to protect the few. On that basis, I support it.

I served in the army for 23 years and I would not be able to count the number of soldiers who have come to me and said, 'I wish I hadn't had this tattoo splattered across my arm or chest when I was out drinking with the boys after I finished my recruit training,' and these were grown men in their 30s. I have heard that time and time again. I have known soldiers who have gone to great lengths to have tattoos removed surgically. I knew one soldier who had a tattoo from the bottom of his neck line to the top of his socks, which was interesting. You could not see the tattoo when he had a suit on but when you were going for a run with him it was pretty amazing to see tattoos to 90 per cent of his body. He certainly regretted it, and I think this bill will provide some protection for those who are young and a little bit silly and, hopefully, prevent some parents from making some shocking discoveries about what their children have been up to while out having a good night.

For the small business people who provide tattoos, this is a regulatory change to their business situation, and that is another concern that I had with the bill. It always troubles me when we legislate to interfere with small business people going about their business. I think tattooing and piercing businesses are legitimate small businesses. People come for a service to be provided and that service is provided and these people make a living out of it, and it is quite legitimate. This is going to make business tougher: there is no question about that. It will probably reduce demand for tattooing and piercing services because it puts impositions in the process, particularly for young people, of getting a tattoo administered. However, I say to those small business people that, on balance, parliament is of the view that the first priority is the protection of young people, particularly if there is alcohol involved, and the second priority is supporting the family and ensuring that parents are involved in the process of decision-making when it comes to tattoos. But that does not mean that parliament is not aware of the important priority of supporting and assisting small business.

On balance, it would seem that the view in the parliament is towards the first two priorities in this particular instance, and I ask that you understand our support for the bill, which I expect to be unanimous within the parliament. It is with the best of intentions that it enjoys bipartisan support. I commend the member and the bill.

Mr MEIER (Goyder): I am very happy to support the bill because I believe that it provides safeguards that are overdue. As some members will recall, the member for Fisher sought to bring in parts of this bill and, in fact, if my recollection is correct, it may have gone through this house but did not get through the whole parliament, probably because parliament was prorogued beforehand.

The first part of the bill, which has my full support, provides:

> A person must not pierce any part of the body of a minor unless the minor is accompanied by a parent or guardian and the parent or guardian consents, in writing, to the piercing of that part of the minor's body.

My children are now past the minor stage, but I know that one of them, whilst a minor, did want to have her ears pierced. I, as father, had objections, but I guess I was overruled in the end by a wife who felt that it would be appropriate for our daughter to have her ears pierced, and so I wanted to have full safeguards during that procedure, and so did my wife. We discussed it for some time; we thought about it; we discussed it with our daughter; and then an arrangement was made to go to a qualified medical practitioner, even though I think that jewellers can do it, or even people in jewellery shops. Well, I was not having that! So I have been in the position of a being a parent where the piercing of ears for a female is not uncommon.

Nevertheless, this legislation will be very sensible, because in this day and age the piercing of ears is nothing. It has been with us for hundreds, if not thousands, of years. I am staggered to see some parts of the body that are pierced these days. I do not know how young people can breathe half the time, let alone show affection to others, with the amount of piercing that they have; but that seems to be the in thing. And, if they are an adult, that is their right. However, I am sure that some of the people I have seen with piercings have been minors.

If they can convince their parents that it is okay, and then get them to agree to it and get them to go along with them, well, I guess that is the parent's responsibility. I think the penalty of $2500 will go a long way towards making sure that it is adhered to, and I fully support that.

The second part of the bill deals with the cooling off period for people who wish to get a tattoo. The member for Waite has identified very clearly what people in the army have gone through when, having graduated, they have perhaps had a few drinks too many and have been convinced to go into a tattoo parlour. They wake up the next morning and realise what they have done, but by then it is too late.

I remember my father (who was still alive at the age of 94) telling me many years ago, 'Son, never get a tattoo.' He said, 'It might be the in thing at the moment, but you will never be able to get rid of it.' I believe these days there is a process that will considerably fade it, and maybe get rid of it, but I was pleased he gave me that advice. I do not know that I was ever really tempted to have a tattoo, but I can see that some people have been embarrassed by the fact that they have tattoos in a place where, in certain situations, it is awkward to roll up the sleeves, or whatever. So, the cooling off period is very sensible. Not long ago I read an article about an AFL footballer who said that he and a few of his mates had been drunk and had tattoos done, and the next day they regretted it. So, there is another example that we should keep in mind. But people who perhaps have not had too much alcohol or anything else should give it careful thought.

Debate adjourned.

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

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The Hon. M.J. WRIGHT (Minister for Transport) introduced a bill for an act to amend the Harbors and Navigation Act 1993; the Motor Vehicles Act 1959; and the Road Traffic Act 1963. Read a first time.

The Hon. M.J. WRIGHT: I move:

> That this bill be now read a second time.

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

Leave granted.

> On 17 July 2002, I foreshadowed the Government's intention to bring forward a package of road safety measures designed to produce sustained improvements in road safety and reductions in the South

Australian road toll. A number of these measures require legislative amendment, and are now set out in this Bill.

Based on Bureau of Transport Economics estimates, road crashes cost the taxpayers of South Australia over one billion dollars per year, of which over 70 per cent is attributable to crashes involving fatalities or serious injuries. Apart from the significant impost on the medical and hospital resources of the State, there is a huge social and personal cost involved.

South Australia's fatality rate in 2001 was 10.2 per 100 000 population which, when compared with the national average of 9.1, was about 10 per cent worse. During the 1970s South Australia fatality rate was worse than the national average in only 2 years out of 10, during the 1980s our performance was worse than the national average 3 years out of 10, but in the 1990s our performance slipped behind and we were worse than the national average 9 years out of 10.

This deterioration in SA's performance relative to most other states has been exacerbated—if not caused—by a system of road safety regulation that is the least stringent in Australia. There is not one significant piece of road safety law where South Australian penalties are higher than those applied in any other State.

This Government is committed to the implementation of the *National Road Safety Action Plan* that sets the target of reducing the number of road fatalities to an average of about 5 per 100 000 population by 2010. This target presents a major challenge for all Australian States and Territories, with South Australia needing to reduce the number of fatalities from 154 in 2001 to less than 86 by 2010—a reduction of about 55 per cent in the number of fatalities.

Achieving this target represents a serious challenge, one which this Government has accepted and will confront.

It will mean changes to our laws, changes to the way we expect people to drive and behave on the roads and serious increases in the amount of law enforcement, particularly for the most serious and dangerous driving practices of speeding, drink-driving and seat belt and child restraint use. It will also mean targeted spending on road safety infrastructure and road crash black spots.

The benefits will be shared by our families and our communities, with reduced fatalities and road trauma, lower health system costs, reduced insurance costs and reduced social and emotional costs.

The Bill contains amendments to the *Harbors and Navigation Act 1993*, *Road Traffic Act 1961* and the *Motor Vehicles Act 1959* to implement the following road safety measures:

- the introduction of loss of licence for drivers who commit an offence of exceeding the prescribed concentration of alcohol of more than 0.05 and less than 0.079;
- the introduction of mobile random breath testing;
- the use of red light cameras to detect speeding offences;
- the allocation of demerit points for camera detected speeding offences;
- sanctions for breaches of road traffic laws by holders of either a learner's permit or a provisional licence;
- the strengthening of both theoretical and practical testing of learner drivers; and
- an increase in the minimum period for which persons are to hold a learner's permit and provisional licence.

Some of the road safety initiatives I foreshadowed in July are not covered in this Bill. They will be dealt with separately by changes to the regulations and in the second stage of this program. One particularly important initiative that will be accomplished by regulation rather than by this Bill is lowering the State urban default speed limit to 50 kilometres per hour. In addition, changes to the questions asked during theoretical testing of applicants for a learner's permit will also be covered by regulations.

The reduction of the open road speed limit to 100 kilometres per hour or less does not require any regulatory change but can be dealt with administratively following a careful assessment of the unique condition and traffic load of each road.

Illegal concentrations of blood alcohol are involved in about 30 per cent of fatal road crashes in South Australia—about 47 people died last year because of illegal alcohol levels. About 15 per cent of serious injury crashes—which caused serious injuries to about 235 people last year—involved illegal concentrations of alcohol. The likelihood of having a crash doubles for every 0.05 per cent increase in blood alcohol concentration (BAC). Except for the Northern Territory, every other jurisdiction has licence disqualification as part of the penalty for drink driving offences of 0.05 BAC or more, whereas South Australia presently only imposes licence removal for offences of 0.08 or more.

Drink driving cannot be condoned. There is no acceptable reason for driving while affected by alcohol. The link between the road toll and drink driving has been vividly demonstrated over many years. The recent plateau in the number of drink driving offences detected and the ever escalating number of crashes involving alcohol affected drivers clearly reveals that a new approach is needed.

The Bill therefore provides for the mandatory loss of licence for persons caught driving a motor vehicle with a blood alcohol concentration of between 0.05 and 0.079. The first offence will involve a loss of licence for 3 months, the second for 6 months and the third for 12 months. The maximum fine of $700 will remain unchanged and will apply to a first, second or subsequent offence. The decision not to increase the monetary penalty has been taken to demonstrate that this initiative is totally about road safety.

To minimise the impact on the courts, the Bill proposes that a person with a BAC of 0.05 to 0.079 will still be able to expiate the offence upon payment of an expiation fee, currently $134. However payment of the expiation fee will now lead to an automatic licence disqualification for 3 months. Alternatively, the person may elect to have the matter determined by a court. If convicted, the maximum penalty of $700 will apply, as will the mandatory licence disqualification. The length of disqualification will vary for a first, second or subsequent offence.

The new legislative arrangements will not affect the requirement that drivers of prescribed vehicles (for example heavy vehicles, taxis and buses) are required to have zero BAC. These drivers will continue to expiate the offence where they have a BAC under 0.05 with no loss of licence. However, where the driver of a prescribed vehicle has a BAC of 0.05 or more, they will be subject to the penalties outlined above.

The Bill also enables the alcohol interlock scheme (AIS) to be available to persons who are convicted of or expiate a second or subsequent offence between 0.05 and 0.079 BAC.

These measures will bring South Australia broadly into line with all other States. The reduction of the threshold for loss of licence from 0.08 to 0.05 in Queensland and the ACT, combined with the mandatory loss of licence, resulted in a significant reduction in drink driving at all levels of BAC.

The present random breath testing (RBT) procedures which utilise fixed RBT stations have been very effective in promoting the anti drink-driving message but are not an efficient use of police resources due to their visibility and size. Their presence, particularly in rural areas, is often communicated to drink drivers by the "bush telegraph" and other networks, seriously impacting upon their effectiveness. Additionally, random breath test stations established on multi-lane roads require that one lane be closed to traffic. This creates a traffic hazard and unnecessarily interferes with the free flow of vehicles not identified for testing.

Mobile random breath testing is used in all other Australian jurisdictions and has been shown to be an efficient and effective tool in combating drink-driving offences and, when used in conjunction with ordinary RBT stations, will address the traffic management issues.

According to Police figures, the current rate of fixed RBT in South Australia is about 600 000 tests each year. By comparison Queensland conducts 2.3 million fixed RBT and mobile tests annually, Victoria conducts 1.1 million fixed RBT and 1.1 million Mobile breath tests annually, Western Australia conducts 400 000 fixed RBT and 600 000 mobile breath tests. NSW conducts more than 2 million fixed RBT—figures for mobile RBT were not available.

The Road Traffic Act presently provides that a member of the police force may require the driver of a motor vehicle who approaches a breath testing station to submit to an alcotest. In all other situations, police must establish "reasonable grounds" for making a request of a driver to submit to an alcotest or breath analysis.

This Bill will amend the Road Traffic Act to allow police to stop a person for the purposes of conducting an alcotest or breath test. In order to ensure that mobile random breath testing does not adversely discriminate against any sectors of the community, the Bill requires the Commissioner of Police to establish procedural guidelines, which must be approved by the Minister for Police, for the proper conduct of mobile random breath testing. These procedures are to be published in the Government Gazette and the Commissioner is to report against these guidelines to Parliament annually.

In order that fixed housing speed cameras can be introduced into this State—for example at accident black spots—the Bill amends the Road Traffic Act to require that fixed housing speed cameras will be tested in the same way that red light cameras are tested and

calibrated. Regulations will be made to require that the cameras be tested every 7 days unless the film or electronic record is removed or the camera itself is moved. The Bill also provides for the introduction of new digital camera technologies by a simple change to the definition of "photograph" so that it includes images from an electronic record.

Let me share some frightening statistics with you:

- 21 per cent of all drivers involved in crashes are aged from 16-24 years BUT 16-24 year olds are only 14 per cent of the total number of licensed drivers.
- 16–24 year olds are the largest of all age groups in all speed offences and alcohol offences.
- more than 5 per cent of 16—24 year olds are involved in crashes, compared with only 2 per cent of other age groups.
- approximately 1 000, 16–24 year old males were detected drink driving in 1995 compared with less than 200, 50—60 year old males.

Longer periods on a provisional licence have been shown to lead to fewer road crashes, and longer periods of driving under careful supervision has been shown to establish better driving behaviour in young drivers.

In June of this year, the Premier announced changes to the provisional licence arrangements which will mean that novice drivers will be required to remain on a provisional licence for two years or until they are 20 years of age, whichever is the longer. The Bill amends the Motor Vehicles Act to implement this change.

The Bill also creates a requirement that a provisional licence cannot be issued unless the learner's permit holder is aged 16 years and 6 months and has completed a minimum total period of 6 months on a learner's permit. Any period of disqualification while on the learner's permit will not count for the purposes of determining when a person can progress from a learner's permit to a provisional licence.

Additionally, we need to ensure that this extra time on a learner's permit or provisional licence is backed up with actions to ensure drivers have knowledge of road safe and good driving habits. For this reason, the Bill includes an amendment which will enable regulations to be made stipulating the number and nature of the questions for a learner's permit theoretical test. These regulations will also determine the pass mark to be achieved overall, or in any component of the test. It is intended that the regulations will broaden the questions set in the examination to include questions on road safety matters, such as the effects of alcohol and speed, stopping distances, effects of road surface and weather, and the additional care required when dealing with certain groups of road users such as cyclists and heavy vehicles. The pass mark for the theoretical examination will be increased from the present 75 per cent to 80 per cent.

The Bill includes an amendment enabling regulations to be made stipulating the minimum time between failing a practical on road driving test and attempting another driving test. This will encourage the learner to obtain further supervised driving instruction and practice before undertaking another driving test. The Government's intention is that the regulations will stipulate a minimum period of 2 weeks between tests.

Currently the Motor Vehicles Act provides for a person who has been convicted by a court for driving with a blood alcohol concentration of between 0.08 and 0.15 (a category 2 offence) or above 0.15 (a category 3 offence), upon return from licence disqualification, to be subject to a probationary licence and conditions for a period of at least one year.

To give greater recognition to the seriousness of drink-driving, the Bill proposes to extend this regime and introduce, in the case of a first offence between 0.05 and 0.079 BAC, a probationary period of 6 months following the disqualification period. This probationary period would be imposed irrespective of whether or not the disqualification was ordered by the court. The probationary period would also apply if the offence was expiated. Second or subsequent offences would be followed by a probationary period of 12 months.

The Bill provides for demerit points to be incurred for camera detected speed offences. While demerit points are incurred for offences detected by members of the police force, they presently do not apply in respect of camera-detected offences. The present expiation fees currently ranging between $126 and $312 are not accompanied by a risk of licence loss for repeated offences. The incurment of demerit points and eventual loss of licence will be a much more significant deterrent to speeding than expiation fees alone.

Apart from the Northern Territory, South Australia is the only jurisdiction not to apply demerit points for camera-detected offences.

The Motor Vehicles Act has already been amended to enable the introduction of demerit points for red light offences detected by camera. As the previous amendments have established the framework for the application of demerit points to camera-detected offences, this Bill extends those provisions to encompass speeding offences.

Running red lights is one of the most dangerous traffic offences, and even more so when it is associated with speeding. It is a major cause of crashes, yet the speeding motorist running a red light is penalised only for the red light offence.

Where they are able to, red light cameras will also be used to detect speeding offences. Drivers detected disobeying a red light and speeding will be prosecuted for both offences, will pay the penalty for both offences and will incur demerit points for both offences. This will apply regardless of whether the driver pays the expiation fees for the offences or has the matter determined by a court.

To ensure that red light cameras operating as speed cameras are used to achieve road safety outcomes rather than be perceived as being for the purpose of raising revenue, the Bill provides that the Minister for Transport will determine the intersections at which the combined red light and speed detection functions will operate. These sites will be notified in the Government Gazette.

Should the owner of the vehicle be a body corporate that chooses not to identify the driver or has not furnished the Commissioner of Police with a statutory declaration stating why the identity of the driver is not known and the inquiries (if any) made to identify the driver, the maximum penalty will be $4000 if both a red light offence and speeding offence are involved. If the offence of being the owner of a vehicle that appears to have been involved in those two offences is expiated, then the body corporate will have to pay the expiation fees for both offences and an additional $300 for each offence.

The higher penalties for bodies corporate are intended to dissuade companies from expiating offences on behalf of their employees with the intent of shielding the drivers of company cars from incurring the demerit points associated with an offence they have committed.

The drink-driving provisions of the Road Traffic Act are mirrored in the Harbors and Navigation Act so that a consistent set of laws and penalties apply to both driving a vehicle and operating a vessel while under the influence of alcohol. The Bill makes amendments to the Harbors and Navigation Act in order to maintain consistency in the corresponding alcohol provisions of that Act and the proposed drink-driving amendments.

Lastly, the Bill makes minor amendments to both the Road Traffic Act and Harbors and Navigation Act to correct references to the Nurses Act 1999. The Acts presently refer to the repealed 1984 Act.

I commend the Bill to the House.

Explanation of clauses

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF HARBORS AND NAVIGATION ACT 1993

Clause 4: Amendment of s. 70—Alcohol and other drugs

This clause amends section 70 of the principal Act so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty.

Clause 5: Amendment of s. 72B—Blood tests by nurses where breath analysis taken outside Metropolitan Adelaide

This clause amends section 72B of the principal Act to update the definition of "registered nurse" for the purposes of the section.

Clause 6: Amendment of s. 74—Compulsory blood tests of injured persons including water skiers

This clause amends section 74 of the principal Act so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty.

PART 3

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 7: Amendment of s. 5—Interpretation

This clause amends section 5 of the principal Act to insert definitions of "alcohol interlock scheme conditions", "photograph" and "photographic detection devices" for the purposes of the Act.

Clause 8: Amendment of s. 75A—Learner's permit

The amendment to section 75A of the principal Act made by this clause is consequential on proposed new section 79.

Clause 9: Substitution of s. 79

Currently section 79 of the principal Act requires an applicant for a driver's licence or learner's permit who has not held a licence at some time during the period of 5 years immediately the date of the application to produce to the Registrar a certificate signed by an examiner certifying that the applicant has passed an examination conducted by the examiner, in the rules of law to be observed by drivers of motor vehicles or to satisfy the Registrar that, within that period of 5 years, the applicant held a driver's licence in another State or Territory. The section provides that a person will not be regarded as having passed an examination for the purposes of the section unless the person has answered correctly at least three-quarters of the questions asked in the examination, but the Registrar may treat the person as having failed if an incorrect answer has been given to a question dealing with any rule which in the Registrar's opinion is one of special importance.

79. Examination of applicant for licence or learner's permit

Proposed section 79 requires the examination to be passed by an applicant to be the theoretical examination that is prescribed by the regulations and conducted in the prescribed manner. The regulations may provide that, for the purposes of the Act, a person will not be regarded as having passed an examination unless the person has answered correctly not less than a prescribed number of questions asked in the examination (but, despite such a regulation, the Registrar may treat a person as not having passed an examination for the purposes of this Act if an incorrect answer has been given to a question dealing with a matter that, in the Registrar's opinion, is of special importance).

Clause 10: Amendment of s. 79A—Practical driving tests

Currently section 79A of the principal Act requires an applicant for a driver's licence who has not held a licence at some time during the period of 5 years immediately preceding the date of application to produce to the Registrar a certificate that the applicant has passed a practical driving test appropriate to the class of vehicle for which application is made or to satisfy the Registrar that at some time during that period of 5 years the applicant held a driver's licence in another State or Territory and has experience such that the Registrar should issue a licence without requiring a practical driving test.

The clause amends the section to impose a requirement that an applicant who passes a practical driving test must have held a learner's permit for a period of at least 6 months or periods totalling at least 6 months.

Clause 11: Amendment of s. 81—Restricted licences and learner's permits

The amendment to section 81 of the principal Act made by this clause is consequential on proposed new section 79.

Clause 12: Amendment of s. 81A—Provisional licences

Currently section 81A of the principal Act provides that provisional licence conditions are effective for a period of one year or, in the case of a person aged under 18 years when applying for a licence, until the person turns 19. The clause amends the section to provide for conditions to be effective for 2 years or, in the case of a person aged under 20 when applying for a licence, until the person turns 20. The clause also provides that if a provisional licence is issued to an applicant following a period of disqualification, the period for which provisional licence conditions is effective is extended by 6 months.

Clause 13: Amendment of s. 81AB—Probationary licences

Currently section 81AB of the principal Act provides that probationary licence conditions are effective for one year unless a court has ordered that they be effective for a greater period. A probationary licence is issued following a period of disqualification. The clause amends the section to provide for the conditions to be effective for a period of 6 months if the offence that led to the disqualification was a first offence against section 47B(1) of the *Road Traffic Act 1961* that was a category 1 offence.

Clause 14: Amendment of s. 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions, etc.

The amendments made to section 81B of the principal Act by this clause are consequential on the amendments to section 81A.

Clause 15: Insertion of s. 81C

81C. Disqualification for certain drink driving offences

Proposed section 81C requires the Registrar to give a person who expiates an alleged offence against section 47B(1) of the Road Traffic Act that is a category 1 offence a notice that the person is disqualified from holding or obtaining a licence or learner's permit for—

- in the case of a first offence—3 months; or
- in the case of a second offence—6 months; or
- in the case of a subsequent offence—12 months,

and that any licence or permit held by the person is cancelled.

A person who expiates a second or subsequent offence will be entitled, after the half-way point in the period of disqualification, to be issued with a licence or learner's permit subject to the alcohol interlock scheme conditions for the required period (ie, a number of days equal to twice the number of days remaining in the period of disqualification immediately before the issuing of the licence or permit).

The proposed section is not to apply where a person expiates an offence if the vehicle involved is alleged to have been a prescribed vehicle within the meaning of section 47A of the Road Traffic Act and the concentration of alcohol in the blood of the person is alleged to have been less than .05 grams in 100 millilitres of blood.

Clause 16: Amendment of s. 98A—Instructors' licences

This clause amends section 98A of the principal Act to require an applicant for a motor driving instructor's licence to have held an unconditional driver's licence for a continuous period of at least 12 months immediately preceding the date of the application.

Clause 17: Amendment of s. 98B—Demerit points for offences in this State

Currently section 98B of the principal Act provides that if a person is convicted of or expiates two or more offences arising out of the same incident, demerit points are incurred only in respect of the offence (or one of the offences) that attracts the most demerit points.

This clause amends the section so that if a person is convicted of or expiates two or more offences arising out of the same incident and one of the offences is a red light offence and another is a speeding offence, the person incurs demerit points in respect of both those offences.

The clause further amends the section so that if a person is convicted of or expiates an offence against section 79B(2) of the Road Traffic Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a red light offence and a speeding offence arising out of the same incident, the person incurs the same number of demerit points as a person who is convicted of or expiates both a red light offence and a speeding offence arising out of the same incident.

Clause 18: Amendment of s. 145—Regulations

This clause amends section 145 of the principal Act to empower the Governor to make regulations preventing a person who fails a theoretical examination or practical driving test from taking a subsequent examination or test within the prescribed period.

PART 4

AMENDMENT OF ROAD TRAFFIC ACT 1961

Clause 19: Amendment of s. 5—Interpretation

This clause amends section 5 of the principal Act to insert definitions of "accident", "photographic detection device" (currently defined in section 79B) and "photograph" for the purposes of the Act.

Clause 20: Amendment of s. 43—Duty to stop and give assistance where person killed or injured

The amendments made to section 43 of the principal Act by this clause are consequential on the definition of "accident".

Clause 21: Amendment of s. 47—Driving under influence

This clause amends section 47 of the principal Act so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty and minimum period of licence disqualification.

Clause 22: Amendment of s. 47A—Interpretation

The amendments made to section 47A of the principal Act by this clause are consequential on the amendments to section 47E.

Clause 23: Amendment of s. 47B—Driving while having prescribed concentration of alcohol in blood

This clause amends section 47B of the principal act to require a court that convicts a person of a category 1 offence against the section to disqualify the person from holding or obtaining a driver's licence or learner's permit for a period not less than—

- in the case of a first offence—3 months;
- in the case of a second offence—6 months;
- in the case of a subsequent offence—12 months.

The clause also amends the section so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty and minimum period of disqualification. The section is also amended so that the requirement to give an expiation notice to an alleged offender and allow him or her an

opportunity to expiate the alleged offence before commencing a prosecution applies only if the alleged offence is a category 1 first offence and the alleged offender is aged 16 years or more.

Clause 24: Repeal of s. 47DA

This clause repeals section 47DA of the principal Act. This is consequential on the amendments to section 47E.

Clause 25: Amendment of s. 47E—Police may require alcotest or breath analysis

Currently section 47E of the principal Act provides that a member of the police force may require a person to submit to an alcotest or a breath analysis, or both, if the member believes on reasonable grounds that the person, while driving a motor vehicle or attempting to put a motor vehicle in motion—

- has committed an offence of contravening, or failing to comply with, a provision of Part 3 of the Act of which the driving of a motor vehicle is an element (excluding an offence of a prescribed class); or
- has behaved in a manner that indicates the person's ability to drive the vehicle is impaired; or
- has been involved in an accident.

Performance of the alcotest or breath analysis must be commenced within 2 hours of the event giving rise to the member's belief. A member of the police force may also require an alcotest of a driver of a motor vehicle approaching a breath testing station. If the alcotest indicates the prescribed concentration of alcohol may be present, a member of the police force may, within 2 hours after the vehicle is stopped for the purpose of the alcotest, require and perform a breath analysis.

The clause amends the section so that a member of the police force may require a person to submit to an alcotest or breath analysis, or both, if the member believes on reasonable grounds that a person—

- is driving, or has driven, a motor vehicle; or
- is attempting, or has attempted, to put a motor vehicle in motion; or
- is acting, or has acted, as a qualified passenger for a learner driver.

The section is amended to provide that the powers conferred by the section may not be exercised unless—

- the Commissioner of Police has devised procedures to be followed by members of the police force in connection with the conduct of alcotests and breath analyses under this section, being procedures designed—
  - to ensure that the powers conferred under this section are exercised only for proper purposes and without unfair discrimination against any person or group of persons; and
  - to prevent, as far as reasonably practicable, any undue delay or inconvenience to a person stopped only for the purpose of a requirement being made that the person submit to an alcotest or a breath analysis; and
- the procedures have been approved by the Minister responsible for the administration of the *Police Act 1998*; and
- the procedures, as approved, have been published in the *Gazette*.

The section is amended to provide that an alcotest or a breath analysis may not, in any event, be commenced more than 2 hours of the conduct of the person giving rise to the making of the requirement.

The clause also amends the section to empower a member of the police force to direct a person driving a motor vehicle to stop the vehicle and give other reasonable directions for the purpose of making a requirement that the person submit to an alcotest or a breath analysis.

It also requires the Commissioner of Police to include, in his or her annual report to the Minister under the *Police Act 1998*, the following information in relation to the administration of section 47E during the period of 12 months ending on the preceding 30 June:

- the places and times at which the alcotests and breath analyses were conducted;
- the numbers of drivers required to submit to alcotests and breath analyses, respectively, and the results of those alcotests and breath analyses;
- a report on the operation of procedures approved by the Minister under the section.

The clause also amends section 47E so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty and minimum period of licence disqualification.

Clause 26: Amendment of s. 47FB—Blood tests by nurses where breath analysis taken outside Metropolitan Adelaide

This clause amends section 47FB of the principal Act to update the definition of "registered nurse" for the purposes of the section.

Clause 27: Amendment of s. 47G—Evidence, etc.

This clause removes an evidentiary provision. The removal is consequential on the repeal of section 47DA and the amendments to section 47E. A new evidentiary provision is inserted to assist in proving that the procedures approved under section 47E(2b) have been complied with in relation to a requirement made of a particular person to submit to an alcotest or a breath analysis, or both, on a particular day and at a particular time.

Clause 28: Amendment of s. 47GA—Breath analysis where drinking occurs after driving

The amendment made to section 47GA of the principal Act by this clause is consequential on the amendments made to section 47E.

Clause 29: Amendment of s. 47I—Compulsory blood tests

This clause amends section 47I of the principal Act so that a category 1 first offence must be taken into account by a court convicting a person of a second or subsequent offence against the section in determining the applicable maximum penalty and minimum period of disqualification.

Clause 30: Amendment of s. 47IA—Certain offenders to attend lectures

This clause amends section 47IA of the principal Act to require a court by which a person is convicted or found guilty of an offence against section 47B(1) that is a category 1 first offence to attend a lecture conducted pursuant to the regulations unless proper cause for not doing so is shown.

Clause 31: Amendment of s. 49—Cases where Division applies

This clause amends section 49 of the principal Act so that Division 5A of Part 3 of the Act (the alcohol interlock scheme) applies in relation to category 1 offences where the court orders a disqualification period of 6 months or more.

Clause 32: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices

Currently the maximum penalty for an offence against section 79B of the principal Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence is $2 000 where the owner is a body corporate and the offence in which the vehicle appears to have been involved is a red light offence or $1 250 in any other case. The expiation fee where the owner is a body corporate and the offence in which the vehicle appears to have been involved is a red light offence is an amount equal to the sum of the amount of the expiation fee for such an alleged offence where the owner is a natural person and $300.

This clause amends section 79B so that where the vehicle is involved in a red light offence and a speeding offence arising out of the same incident the maximum penalty is $4 000 where the owner is a body corporate or $2 500 where the owner is a natural person. The clause increases the maximum penalty in other cases to $2 000 where the owner is a body corporate.

The clause also amends the section so that the expiation fee where the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident where the owner is a body corporate is an amount equal to the sum of the amount of the expiation fees for such alleged offences where the owner is a natural person and $600 or where the owner is a natural person the expiation fee is an amount equal to the sum of the amount of the expiation fees fixed by the regulations for such alleged offences.

Currently section 79B provides that a prosecution for an offence against the section can be commenced against a body corporate without the need to give an expiation notice if the prescribed offence in which the vehicle appears to have been involved is a red light offence. The clause amends the section to allow a body corporate to be prosecuted without the need to give an expiation notice regardless of the nature of the prescribed offence in which the vehicle appears to have been involved.

The clause also amends the section to make it clear that there is no bar to the prosecution or expiation of more than one prescribed offence where the offences arise out of the same incident.

The clause inserts a provision preventing the use of photographic detection devices for the purpose of obtaining evidence of the commission of a red light offence and a speeding offence arising out of the same incident except at locations approved by the Minister for Transport from time to time and notified in the *Gazette*.

Amendments are made to the evidentiary provisions of the section so that images produced by use of digital photographic detection devices are admissible in proceedings for offences against the section or prescribed offences.

Clause 33: Amendment of s. 175—Evidence

This clause amends section 175 of the principal Act to provide that a certificate tendered in proceedings certifying that a traffic speed analyser had been tested on a specified day and was shown by the test to be accurate constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent not only on the day it was tested but also on the day following the day of testing or, in the case of a traffic speed analyser that was, at the time of measurement, mounted in a fixed housing, during the period of 6 days immediately following that day.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (CORPORATIONS—FINANCIAL SERVICES REFORM) BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 1170.)

Ms CHAPMAN (Bragg): This is a bill which is ancillary to the national scheme for the regulation of corporations and financial institutions. Briefly, may I place on the record the history of this matter. Since 2001, corporations have been regulated nationally under a scheme which has been made possible by all states referring to the commonwealth parliament certain powers which the states had retained up to that time.

In consequence of those referrals of power by each state, the commonwealth parliament was able to enact the Corporations Act and the Australian Securities and Investment Corporation Act. Subsequently, there has been amendment by the commonwealth parliament—the Financial Services Reform Act 2001.

This act provides for the single licensing, disclosure and conduct framework for all financial service providers (I am pleased to see that) and establishes a consistent and comparable financial product disclosure regime applying to financial investment, financial risk and non-cash payment projects. The act was part of the commonwealth corporate law economic reform program and implements the recommendations of the financial system inquiry.

This amending act has necessitated consequential amendments to a number of the state acts, and most of those amendments contained in this bill ensure the use of comparable terminology in a number of state acts. One significant additional amendment is designed to facilitate ongoing amendments to the national scheme. Such amendments often necessitate consequential amendments to state legislation but, owing to parliamentary constraints, it is not always possible to enact the necessary consequential amendments before commencement of the relevant commonwealth amendments.

This can result in inconsistencies between related state and commonwealth provisions and may even render inoperative state provisions that refer to or rely upon concepts for terminology made redundant by the commonwealth amendments. To address this problem, this bill will empower the Governor to make regulations to amend provisions in state legislation that refer to it and rely upon provisions of the commonwealth or ASIC acts.

To ensure this regulation making power is not used to circumvent the proper parliamentary process, it has been subject to a number of limitations, and they have been appropriately detailed in the first reading speech. Importantly, an amending regulation will automatically expire after 12 months. These limitations will ensure that necessary amendments to state legislation can be made on an interim basis without the need for parliament to enact amending legislation.

A bill will still be necessary in due course to ensure that consequential amendments are given permanent effect. Whilst one would normally have some reservations about utilising the power to amend legislation by regulation, with these limitations imposed on it, in particular the disallowance after 12 months, the position is supported by the opposition, and we support the bill.

Mr GOLDSWORTHY (Kavel): I will make only a brief contribution in view of the fact that the member for Bragg has covered some of the points that I wanted to canvass. As the honourable member stated, this legislation is consequential on the Financial Services Reform Act passed by the federal parliament in 2001. When speaking to some of my federal colleagues, I found that they regard their act as landmark legislation. It covers the financial services sector of our national economy, which apparently makes up some 7 per cent of the Australian economy.

I understand that the Financial Services Reform Act provides for a single harmonised licensing disclosure and conduct framework for all financial service providers and establishes a consistent and comparable financial product disclosure regime applying to financial investment, financial risk and non-cash payment products.

In a previous career, I worked as a banker and a bank manager for over 20 years, and I speak from some personal experience, having worked in the finance industry for those years. At the time, I was aware that some financial advisers—and even some bankers—would not necessarily give absolutely accurate information to prospective clients, particularly those who were putting together a package of products for an investment strategy for people's retirement and long-term investment plans.

The federal legislation which was promulgated last year looked to, I guess, not necessarily tighten control but put in place a scheme whereby people working in the financial services industry would be given uniform training in terms of how they presented and packaged products and the information to be given to prospective clients. Initially, I understand, the committee formed out of the federal parliament looked at having some sort of training regime whereby bank tellers would be required to go through some formal training and get almost tertiary qualifications to advise people on whether they should open a passbook account. They were some are the initial recommendations.

I was a reasonably experienced banker but people who did not have a really intricate knowledge of banking no doubt would regard that sort of regime as being somewhat extreme. I understand that when the federal committee heard some of these recommendations they were soon quashed. They worked through the process and, from what I understand, came to a reasonably amicable position between the industry, the committee and the people who framed up the legislation where we saw the Financial Services Reform Act—

The Hon. M.J. Atkinson: Surely 'framed' is sufficient, rather than 'framed up'.

The DEPUTY SPEAKER: Order! The member for Kavel has the call.

Mr GOLDSWORTHY: Over a period within the banking and financial services industries, regulatory initiatives were put in place whereby some of the financial advisers' work was audited but I think, in general, that might not have been

the case. The legislation that the feds brought in last year was, I think, a step in the right direction. I do not believe that the pendulum has swung too far one way or the other: I think there was a reasonable amount of balance.

There is a second component to this bill and that is, as the member for Bragg stated earlier, that it does give the government the power to amend legislation through regulation. I have some reservations about that component. However, I understand that an amending regulation will automatically expire after 12 months and a bill will still be necessary in due course to ensure that consequential amendments are given permanent effect. I think that is probably a reasonable safeguard to put in place. I support the bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Kavel and the member for Bragg for their attention to detail and for their support of the measure.

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

HOLIDAYS (ADELAIDE CUP AND VOLUNTEERS DAY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 1402.)

The Hon. I.F. EVANS (Davenport): We will not hold up the house for long on this measure. Because the house has such a busy program tonight the opposition will cooperate with the government and put this bill through very quickly. We support the bill, which comes about because of a lot of good work by the member for Mount Gambier. May I also say that the Hon. Angus Redford, in another place, had a strong interest in this issue and raised it within the Liberal Party on a number of occasions, and we are pleased to be able to support the measure.

We also have an amendment to extend the same courtesy to the Port Lincoln area and its racing cup, and we will seek the house's support for that. We see nothing wrong with what the government is proposing. It is a cautious, conservative approach to what is a simple matter. That is what the government wants to do. We are happy to support it. We are happy to support the member for Mount Gambier on this issue. It simply allows the local areas, through their councils, to take a vote to use the Adelaide Cup Volunteers Day public holiday essentially on another day so that a local regional event can be turned into something larger through the relocation of that public holiday. That is the general concept. We support it. I will speak to our amendment now rather than hold up the house much in committee. Our amendment to offer the Eyre Peninsula the same courtesy is a simple amendment, and we look forward to the government and other members' support on that. Again, we congratulate both the member for Mount Gambier and the Hon. Angus Redford in another place for their persistence in this matter.

Mr McEWEN (Mount Gambier): I indicate my full support for this measure. In so doing, I indicate that it is doing no more than on a trial basis empowering a local community to make a decision itself. It does not reflect one way or the other on whether or not a day other than Adelaide Cup and Volunteers Day is a better day or a worse day in terms of public holiday. It simply says that we are prepared to put in place the mechanism to test this to see how it works. The important second aspect is that there is quite often more to issues such as this than meets the eye. That is why the government has said, 'Let's trial it.' I thank the government for indicating that it is prepared to trial it in Mount Gambier.

The only problem I have in supporting the amendment at this time is that we are going beyond the trial straight away. As much as I am sympathetic to the amendment, what I have asked the government and what correspondence from the District Council of Grant, the City of Mount Gambier, the Limestone Coast Regional Development Board and other parties asked for in the first instance was a trial. It could be argued that, to extend this now to a second location, you are moving beyond the trial in the first instance. As much as I am sympathetic to the amendment, all I am saying at this stage is that it goes beyond the understanding that I would ask from the government and beyond the commitment it gave me at this stage, so I am not in a position to support it, although I am sympathetic to it. I understand the government is prepared to reconsider extending the trial. What it learnt from the original trial ought to be part of that consideration. I thank the government for this move.

Mrs PENFOLD (Flinders): Thoroughbred racing is well patronised across South Australia. It makes sense that a region be allowed to choose another day for a holiday rather than the Adelaide Cup Day. A change in the day could assist a great number of people, including families, to enjoy together a region's special event. The event on Eyre Peninsula to which I refer today is the Port Lincoln Racing Cup Carnival held annually in March. The week-long carnival program provides two traditional days of racing currently held on a Tuesday and Thursday, combined with a host of popular non-race day activities, events and functions.

Racing is at Ravendale Park racecourse which was established in 1948 when local racing was relocated to this site. It is a magnificent racecourse with extensive lawned areas and views to the sea. Other businesses have made use of the facilities to stage events such as trade promotions. Not only is it a picturesque location but the racing facilities are also first class, with TAB and bookmaker options for patrons. Country racing is renowned for its crowds, social festivities and exciting thoroughbred racing. The profile and interest in thoroughbred racing in the Port Lincoln region over the years continues to move from strength to strength with increased attendances, increased club membership, strong fields and, of course, the excellent on-course facilities and amenities already mentioned.

The economic threads of the sport can be traced through the region's economy. A recent estimate indicates that Port Lincoln Racing Club generates around $4.9 million into the economy, including 347 full-time, part-time and casual jobs. In 1999, a survey of Port Augusta Racing Club estimated the value of the racing industry to Port Augusta at about $2.5 million per annum. The value to Port Lincoln is considerably higher because of the greater number of race meetings per year, the greater number of trainers based within Port Lincoln and the adjoining areas, and the greater number of horses trained within Port Lincoln and the adjoining areas.

Direct beneficiaries of the racing industry are the trainers, stable hands, jockeys, apprentices, course workers such as starters, bar staff, totalisator staff, veterinarians, feed suppliers, transport operators and more. Indirect beneficiaries include farmers who provide feed to the suppliers, tyre retailers, fuel outlets, hotels, motels, tourist operators and so on.

The Port Lincoln Racing Club provides racing at a metropolitan standard—in fact, many entries are horses that normally race in metropolitan and nearby country meetings. Evidence for the excellence of racing comes from the high percentage of patrons who attend the Port Lincoln Cup Carnival from interstate and intrastate, and even overseas can be included since the world renowned horse racing enthusiast, Robert Sangster, has visited several times. I mentioned that the economic threads of the sport can be traced throughout the region's economy. The Port Lincoln Cup Carnival is a major tourist attraction. The very high occupancy levels experienced throughout the hospitality sector before, during and after the carnival attest to this fact.

The cup carnival attracts record crowds, providing the City of Port Lincoln with considerable and significant revenue. Between 6 000 and 7 000 people attend, of which only 40 per cent are attributed to the local region. This puts the Port Lincoln Racing Club in a unique and difficult situation. The success of the carnival in attracting visitors from outside the region leads to shortages of available accommodation not only in Port Lincoln but throughout the region during the cup carnival week. This is compounded by the restricted number of passengers that the airlines flying into Port Lincoln Airport can handle in one day, even when extra flights are scheduled. These two factors illustrate the difficulty that the Port Lincoln Racing Club has in further developing attendance and the economic impact of the carnival.

The current holiday status for Adelaide Cup Day bears no value or importance for the community of Port Lincoln as a celebration of thoroughbred racing. The transfer of the holiday to the Thursday of the carnival, or perhaps to the Friday to give a long weekend, would have a great impact locally. I understand that in Victoria no public holiday for the Melbourne Cup exists in many regions. Therefore, it is believed that allowing regions in South Australia to vary the Adelaide Cup Day holiday to better suit their own events would have no effect on the Adelaide Cup. The sport of thoroughbred racing would benefit substantially from regions being allowed to proclaim a holiday on the day that their most prestigious race is run. A series of such events across the state would be a significant tourist attraction.

The Port Lincoln Racing Club seeks the reinstatement of amendments to the Holidays Act 1910 to allow it to proceed with an alternate holiday to Adelaide Cup Day with the utmost confidence that it would be an asset to the region. To this end, I support the bill but ask that an amendment be allowed to allow the City of Port Lincoln and other councils on Eyre Peninsula to be able to make application to have Port Lincoln Cup Day as their alternative holiday.

Dr McFETRIDGE (Morphett): I support this bill and the amendment. Members would know that as a veterinarian I have been involved in racehorse practice for many years, and I support the racing industry in every possible way. In a couple of weeks, the whole nation will come to a standstill. It may not be a public holiday, but I guarantee that, come the second Tuesday in November, at 2.40 p.m. everyone's eyes will be glued to the television to watch some magnificent animals run a world famous race. The equine industry returns $8 billion to the Australian economy every year. I believe that approximately 17 000 people work in the South Australian equine industry, and it provides 3 500 full-time jobs—I am not quite sure how many in the racing industry.

However, whether it is the Adelaide Cup holiday, a regional holiday in Mount Gambier or Eyre Peninsula, or the Kangaroo Island Cup—another distinct region—we need to support all these areas to the best of our ability. People go not only to bet on the races but for a great day out. It is a community event: it is not just the punters at the track. The whole economy in country areas is given a real boost when there is a particular celebration, whether it be the Kangaroo Island Cup, the Port Lincoln Cup, the Mount Gambier Cup or the Murray Bridge Cup—we could go on. There are so many communities in South Australia that have racing as an integral part of their communities. As a responsible government, we should be looking at supporting every bit of our society and, in this case, it is the racing community. I wholeheartedly support this bill and the amendment.

Mr VENNING (Schubert): I hate to speak against some of the thoughts of my own colleagues, but I have always had a problem with supporting the principle of a holiday for the Adelaide Cup race day.

Members interjecting:

Mr VENNING: We have called it Volunteers Day, but it is the same thing. It is okay for people living in metropolitan Adelaide, but what about those in the rest of our state?

Ms Chapman interjecting:

Mr VENNING: The shadow minister for education has hit it. We should have a holiday for the Barossa, in particular for the Barossa Music Festival or the Barossa Vintage Festival. I can think of dozens of events.

The Hon. I.F. Evans: The Barossa wine day.

Mr VENNING: That is a great idea. I am sure that, if the shadow minister created a holiday for that, it would give it extra impetus. I have always had a problem with this. I know how important the racing industry is to our state: it employs thousands of people, whether they be trainers, strappers or vets. I have Lindsay Park in my electorate. It is a great industry and important to our state, but I do not believe the whole state should come to a stop for a horse race.

We can consider how many people actually attend the races that day; more importantly, how many people choose not to go? Our state is so structured that, whether it be the Yorke Peninsula—which is a fair way from Adelaide—Mount Gambier—which this bill is all about—or Port Lincoln and Eyre Peninsula, we find that people from further afield do not come to Adelaide because it is a long trip. Whereas I support this bill, because it is giving the people of Mount Gambier the right to create their own holiday on this day—call it the Adelaide Cup holiday, Volunteers Day or whatever you like—it ought to be further amended so that all areas outside Adelaide can create their own public holiday, whether it be for the Kadina show in the electorate of the member for Goyder—

Mr Meier interjecting:

Mr VENNING: The Cornish Festival—absolutely. A four day weekend would be ideal for the Cornish Festival. If we go around the state, particularly servicing the Barossa as I do, where we have festivals regularly, an extra day off would be handy. The bottom line is that, when you create a holiday such as this, if you are a small business person—maybe you own the Nuriootpa office shop—and have to stay open on that day, you have to pay penalty rates. If it is an essential service, who pays the penalty rates? That is the problem. When you create a holiday, those who have to stay open have to pay those rates. I am happy to have a holiday, but it is fair that we adjust the penalty rates. I use this opportunity again to vent

my opposition to the principle of having a holiday for a horse race. I cannot understand why the Adelaide Cup holiday was not combined with the Queen's birthday holiday because, after all, we have so many people in this house who profess to be other than monarchists, so why should we recognise a Queen's birthday for everybody? Why do we not combine the two? Those who are not monarchists may be horse racing fanatics, but we may at least get half the population involved in one or the other.

I voice my opposition to it, but it is a fait accompli; it is a fact of life. We have these volunteers come Adelaide Cup race day, and I support the notion that the people of Mount Gambier, as I would the people of Port Lincoln and Eyre Peninsula, should have their own public holiday when they wish to have it. I do not believe that this is the last we will see of this issue, and I put on notice my interest in changing it further. I support the bill at the moment.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The debate was a little of a mixed bag but, nonetheless, I thank members for their contributions. I also acknowledge the support of the opposition and thank the member for Mount Gambier, in particular, not only for his contribution but also for the good solid work that he has done for a long time. He is correct when he says that this is about empowering local communities. It does not have to be a race day: that point needs to be made, although I am very heartened by some of the comments in support of the racing industry, which I am sure the former shadow Minister for Racing would also be delighted about. However, it does have to be in remote South Australia, so an area such as the Barossa Valley would not qualify under this bill.

Mr Venning: Why not?

The Hon. M.J. WRIGHT: I just told you why: because it has to be some distance from Adelaide. This is about empowering local communities, but it does not have to be on a race day. We should also acknowledge—

Mr Venning interjecting:

The DEPUTY SPEAKER: Order! The member for Schubert should remember that the chair can provide holidays to members who offend against standing orders.

The Hon. M.J. WRIGHT: We should also acknowledge that the former government did some solid work in this area, and a discussion paper that went out drew a range of responses. Undoubtedly, it was the Mount Gambier area that was the strongest, not only in responding to that discussion paper but also in its support of this program. That is why the government has come forward with this proposal and suggested that it be a pilot program. The initiative originated in the lobbying by the Mount Gambier Racing Club and the local community for a public holiday for the club's gold cup meeting in substitution for the Adelaide Cup holiday.

It should be acknowledged that the Mount Gambier Racing Club—and I was delighted to be there this year—has done a fantastic job in making sure that it has gone out with the council and communicated broadly to the community, which is very supportive of this proposal. We think that the expansion can be considered following assessment of the pilot. We believe that we should move forward with a pilot and that an assessment should be made of how well that particular program goes.

Although we do not have any principal objections to the expansion to other areas that are sufficiently remote from Adelaide, we prefer to pilot the concept in the South-East first, on the basis of the responses received to the discussion paper. If I remember correctly, it was a discussion paper from the former government that indicated particularly strong support from the South-East region. The shadow minister might want to speak again, but he was good enough to speak to his amendment during the second reading debate. We will oppose that amendment because we think there is some value in providing that opportunity for a pilot program, so that we can assess how well it works. As I say, there is nothing to stop us coming back and broadening it beyond that experience.

Bill read a second time.

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. I.F. EVANS: I want to get the procedure right. Mr Chairman, if I move my amendment and the committee deals with it, can I then ask questions on clause 7 as it stands?

The CHAIRMAN: The honourable member can do that, yes. He can move his amendment first and then ask questions.

The Hon. I.F. EVANS: I will move the amendment. If I lose the amendment, which I sense might happen, I will ask questions.

The Hon. M.J. Wright: You can still ask questions even if you win the amendment.

The Hon. I.F. EVANS: If I win the amendment, minister, there will be no need to ask any questions and we can have an early night. If I lose the amendment I may have to ask more questions than I needed to. I move:

Page 4, after line 27—Insert new paragraphs as follows:

(c) the area of the City of Port Lincoln; and

(d) if a substitution has been made or is to be made in the area of the City of Port Lincoln, the area of—

(i) the District Council of Ceduna; and
(ii) the District Council of Cleve; and
(iii) the District Council of Elliston; and
(iv) the District Council of Franklin Harbour; and
(v) the District Council of Kimba; and
(vi) the District Council of Le Hunte; and
(vii) the District Council of Lower Eyre Peninsula; and
(viii) the District Council of Streaky Bay; and
(ix) the District Council of Tumby Bay

Essentially, this amendment applies the same provision to the Port Lincoln area as we are granting in the bill to the Mount Gambier area. The minister has indicated that the government intends to oppose the amendment because it wishes to trial the idea in one area only. Of course, everyone in this house knows that, if we give the same opportunity to Port Lincoln, the response in the Port Lincoln area could well be different—and most likely will be different—from the response in the Mount Gambier area because the businesses are different, the economies are different, the local and regional event is different and it will probably be held at a different time of the year.

The minister will need to explain to the committee under what guidelines the success of the pilot in Mount Gambier will be judged so that we can template the success in Mount Gambier across the rest of the state and make some judgment that, because it has worked in Mount Gambier, it will now work in Port Lincoln or other remote areas. The opposition does not accept for one minute that two areas cannot trial a pilot program. It is not a hard decision for the government to make. If you are going to empower the Mount Gambier district to let it make its own decision about a local regional event, why is it that you would not empower Port Lincoln people to make a decision about a local regional event?

We are not talking about sheep stations in this bill. It is a pretty simple amendment, which provides that the Port Lincoln council and the surrounding councils should be able to vote to decide that a local regional event will have a public holiday on a day different from Adelaide Cup/Volunteers Day. It is exactly the same right that we are giving—and we support giving—to the Mount Gambier area. I do not think we are asking the world of the government to let Port Lincoln have the same right as we are giving Mount Gambier. It may well be that it works in Port Lincoln and, for whatever reason, it does not work in Mount Gambier. We simply do not know.

Why would you restrict a pilot program to one area anyway? Why would you not scatter it to a couple more areas, as more of a shotgun measure, to see what effect it has in the local area? The event that the member for Flinders or the local council might be promoting may be a different type of event from that in Mount Gambier. Mount Gambier may choose to do it for its race day. Port Lincoln may choose to do it for the Tunarama. The Barossa, of course, would do it for Ivan Venning's birthday! We should allow the local region to decide. I cannot see the real issue in the government's saying, 'We are going to allow one other area in the state to make that independent decision just as we are allowing Mount Gambier to make that decision.'

So, we are not asking a lot of the government. We are asking for no money; we are simply saying that we think there is a case for Port Lincoln as there is for Mount Gambier. We could have said that we want one for the Riverland, Whyalla, Port Pirie or Jamestown, and we could have even argued for one for the city. The minister says that it has to be in a remote area, but I am not sure who would judge that under the act. Perhaps the minister can explain at some stage what 'remote' means. How far from Adelaide do you have to be before you become remote? Maybe a public holiday for Barossa Under the Stars would not be such a bad concept. Maybe the Victor Harbor art show—one of the bigger art shows in this state—would be a good event for a holiday.

If we wanted to get technical, we could drag this debate out and cause some problems for a considerable period of time tonight. However, I simply put on the record that not to support this amendment would be small-minded of the government. I say to the minister and his adviser that I have dealt with two bills for which this minister has been responsible since this government came into office and I have been treated in the same way in terms of both bills. The minister sets his own standard in this regard. I got a phone call on Friday (before parliament resumed)—the bill having been on the table for six weeks—offering me a briefing. That was all right, and we got a briefing on Monday, which was the earliest that we could get it.

Everyone in this place knows that the Liberal Party has its party room meetings on Tuesdays; that is not a national secret. We have our caucus meetings—as the minister would call them—on Tuesdays, so the earliest I could bring in an amendment was this morning (Wednesday)—and I did that. It would be of no surprise to the minister that, if the opposition was going to move an amendment, he would be notified today during the normal course of business.

The Hon. M.J. Wright: I haven't complained about that.

The Hon. I.F. EVANS: Right. There is then some concern that the government cannot reach a position on the amendment because it has not gone to the government's caucus. A similar thing happened in relation to shop trading hours. You can look at the start of that debate and the comments I made regarding the timing of the briefing. If the standard is going to be that the government will not deal with amendments because they have not gone to caucus because there has not been enough time, that is fine, but that standard should be applied to all bills on both sides of the chamber. Tomorrow, there might be a bill before the House where an amendment was drafted six or eight weeks ago but of which we have only been notified this week, and we might have to call a special caucus meeting—as the minister would call it—to deal with it—and it could be a far more serious matter than whether Port Lincoln should get the chance to decide whether it should get a holiday.

So, I say to the minister that, ultimately, he must set the standard for how his bills are handled. That is fine; I am happy to work through the issue in relation to his bills, but the government should not reject this simple amendment tonight. There is no disadvantage to the government to have a trial at both Port Lincoln and Mount Gambier. What is the disadvantage? There is no disadvantage to the government in allowing that. There is no cost to the government of any significance. It will not detract from the Mount Gambier trial because these two cities are so far apart. All we are saying to the local community is: decide when you want to have your public holiday, put it to your council, and go out and have a decent regional event. What is wrong with that?

I cannot understand why the government is saying to the Port Lincoln community that they will be stuck where they are in relation to their holidays for a further two years while 10 hours' drive away the government is running a trial to see whether it will work in Mount Gambier. The environment, the industries, the people, the events and the councils of these two cities are very different. The reality is that the trial in Mount Gambier would not necessarily have any relationship to a decision that would be made at Port Lincoln. When the minister responds I would like him to explain under what criteria this trial will be judged a success.

Will it be the number of people who attend the event, whether it is a profit or loss or whether the businesses do more or less trade? How will we judge whether it is a success, and in whose mind? Will it be judged by the local council, local business, the local racing club or the minister? In whose mind will it have to be judged a success, and under what criteria? I suspect that the answer to that question is that there will be consultations about whether it is a success.

The fact is that it is such an arbitrary judgment that it will be almost impossible to judge. If they get bad weather on the day, it may not wipe out the whole event, but it will certainly have a dramatic effect on the attendance and success of the day. It is such an arbitrary judgment. On the question of giving Port Lincoln the same right as Mount Gambier—for the sake of that one simple question—you will defeat the amendment and not allow it. I cannot understand why the government is being so small minded about such a small issue. It is important to Port Lincoln, but in the whole scheme of things it is small on the political radar of issues that the government is dealing with. The government is so focused on winning every single point that it cannot come in and say, 'Congratulations to the member for Flinders; we think she has a good idea and we will back the people of Port Lincoln in making the right decision for their area.' Minister, I think you are wrong in defeating this amendment.

The Hon. M.J. WRIGHT: I thank the shadow minister for his contribution. He may well think I am wrong, and he is entitled to think that, but he should not make idle threats about how long he will keep us here over whether we support or oppose the amendment. He can ask as many questions as

he wishes, but that will not change our position on the amendment, and nor does it relate to our caucus.

Whether or not our caucus had the facility would not have mattered, because we have come forward with what we think is a good piece of legislation. When the honourable member spoke earlier when we were going through the bill I explained to him the value of his amendments. I said to him that the reason we have come forward with Mount Gambier is largely as a result of the process. The discussion paper produced by the former government clearly demonstrated that the Mount Gambier region was most overwhelming in its support for this proposal. We did not have the same support from the Port Lincoln region, the Riverland, Port Augusta or Yorke Peninsula, and so we can go on. If you want to pick Port Lincoln, why do you not pick some other country spots around South Australia and throw them into the mix as well? There are many remote race meetings around country South Australia—

The Hon. I.F. Evans interjecting:

The Hon. M.J. WRIGHT: I listened to you in silence. There are many remote race meetings around South Australia where you could throw them in as well. What the government has said both in bringing forward this bill and also in its contribution tonight is that we are willing and happy to look at other areas, but they also have to demonstrate their case—their support for a proposal like this—just as the Mount Gambier region has done. We think there is some value in coming forward with a pilot program.

Part of what you said I actually agree with; part of what you said probably has some merit to it, because who knows how successful this will be? As you suggest, it is not a hugely high order issue that will alter the course of the way the state will function, but we are going into uncharted waters. Mount Gambier has made a very strong, unified case to be given the opportunity, and they believe it will be successful. I think they are right, but we will find out over the next two years. We did not have the same case made by Port Lincoln. We certainly did not have the same strength of consistency throughout the Port Lincoln region as we had in the Mount Gambier region. There are differences in respect of the two regions.

I go back to my earlier point that there are many regions that one could throw into this mix. We just think there is some value in this, because Mount Gambier has been able to demonstrate, as a result of a process that was put in place by the previous government, a very strong case—with broad consultation and the council, the racing community and the broader community being involved—that it will be able to generate support for a particular substitution of a public holiday such as this.

Mount Gambier has been deliberately chosen due to the strength of support in the consultation process. It has been far stronger than any other region around South Australia, including Port Lincoln. It is due to its initial advocacy, we believe, that there is merit in coming forward with this piece of legislation and citing Mount Gambier as a test case, pilot program and trial to see how it works. We do not have any inprinciple objections to the expansion to other areas that are sufficiently remote from Adelaide. However, we believe that there is value in using the Mount Gambier example as a pilot to see how the concept will work. We oppose the amendment.

The committee divided on the amendment:

AYES (19)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.

AYES (cont.)

Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Lomax-Smith, J. D.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. N.
Wright, M. J. (teller)	

PAIR(S)

Kerin, R. G.	Rann, M. D.
Brindal, M. K.	White, P. L.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. I.F. EVANS: During the response from the minister with respect to the amendment, he failed to say upon what criteria the now limited trial at Mount Gambier will be judged. The same argument still applies now that we are dealing with the bill in an unamended form, and that is, now that you will get the trial in Mount Gambier through this house, at least, upon what criteria will the trial be judged, and who will make the judgment? Will it be the minister? Will it be local government? Will it be the local racing industry? Will there be some poll on the day? How will the views of the business community, in both Adelaide and Mount Gambier, be considered? What processes will the government put in place to monitor the effect on the Adelaide Cup—or, indeed, on other regional communities? One would assume that it will draw people to Mount Gambier and take revenue out of other areas of the state. What criteria will the government put in place that we can all see so as to enable us to make a judgment in relation to the success of the trial? What discussions has the minister had with groups such as Business SA concerning the industrial relations matters, and what is the view of Business SA in relation to the industrial matters regarding this issue?

The Hon. M.J. WRIGHT: This is starting a process to see whether the community supports it. There will be some flexibility. We will seek the views of the community. The shadow minister also asked who will judge it, and cited some different examples. Certainly, all the bodies that he mentioned—and perhaps more—will be very much involved in the judgment of something like this. The input of the racing industry will be valuable, to give the government some indication of how they judge it, but so will that of local business; we will want to hear from local business to get its reaction. We will also want to speak to the local community to get a reaction from them and, of course, local government will also be very much involved. So, there will be that requirement with respect to who will make the judgment.

The Hon. I.F. EVANS: The answer does not surprise me, because what it basically says is that the criteria are so loose that the trial will obviously succeed. I do not think there is anyone in this chamber who thinks that it will not succeed. The minister's answer is really confirming that there is not one sensible reason why the amendment could not have got up. But that aside, the minister still has not laid out for us what criteria will be used by the government, by the local council, by business and by the racing industry to judge the success of this measure. The minister has said that all and sundry will be consulted about whether the trial is a success. But on what criteria will it be judged? Will it be the number of people who attend the race meeting compared to other years? Will it be businesses making more money on that day than they would have made on another day?

Will it be the number of people who visit Mount Gambier to celebrate the regional event—and good luck to them if they can get more people there to celebrate a regional event. I am not opposed to the concept. But if the government sets up a trial, if it is going to deny other areas of the state the trial, it should at least let us know the criteria against which it will be judged, so that when Port Lincoln, in two years' time, says to the minister, 'We want the same right as Mount Gambier,' he can say, 'Here are the criteria on which we judged it.' Let us have the criteria now, and Port Lincoln can go away and start working on those criteria and come to the minister, and the same argument will be mounted by Port Lincoln as has been done for Mount Gambier.

The Hon. M.J. WRIGHT: This is, unfortunately, the shadow minister showing his glass jaw. He did not get his amendment up so he wants to ask the same question, and I have already provided the answer to that. I have spoken about the consultation.

We have had this debate already but if Port Lincoln or, for that matter, any other area wants to have something like this, they will have to do what Mount Gambier has done, and that is demonstrate that they have strong community support. I have talked about the process that will be in place. The shadow minister talks about Business SA and, of course, we would welcome their input. If he wants to know what particular guidelines are in place, I have told him the process that we have been talking about all through. Being overly prescriptive will only limit the options, so why would you want to do that? This is something that you do not have to be as clever as a rocket scientist about and you do not have to be overly prescriptive about. A process has been followed as a result of the discussion paper that has gone out and the shadow minister has come forward with an amendment which has been defeated. We have spoken about why we think it is important to give Mount Gambier that opportunity and why we think there is some value in a pilot program as a trial to work with the broad, local community in the South-East to make some determination about its success.

How will that happen? It will happen in a whole range of areas. The shadow minister quotes some examples. Of course, attendance would be a factor, as well as how the business community treats a pilot program such as this. We would certainly be interested in the views of Business SA and their opinion of the impact on business. So all of those things would certainly be a part of the process that would be pursued.

The Hon. I.F. EVANS: The minister will be pleased to know that this will be the last time I will speak on the matter tonight. *Hansard* I think might record that the house probably still does not know by what criteria it is going to be judged. I will put on record now that it would be almost impossible for this trial to fail and we look forward to it being declared a success in two years' time and we look forward to going to Mount Gambier—those of us who can—to enjoy the success of the trial. We will encourage Port Lincoln to go through the same process. They may even seek to have the end of the trial brought forward; in other words, if they can show that they have good public support within the next year, they might ask the minister to revisit the trial and let it expand to Port Lincoln earlier than in two years' time.

My point about Business SA, of course, was not whether they would be consulted about the success of the trial but what they actually think about the bill. Were they consulted about this bill? That was the question. Was Business SA consulted about the bill, not about the trial in two years' time? Because if Business SA had any concerns about the bill, they would have those concerns now and they would no doubt hold true in two years' time. It may well be that they were consulted and it may well be that they supported it. That is fine, as long as they were consulted, but the house would not know whether they were consulted.

So we think the government has been small-minded in relation this issue. We will aggressively pursue this matter in another place to try to achieve some fairness for Port Lincoln. We see no reason why Port Lincoln should not have its own public holiday if that is the wish of the Port Lincoln community, and we think the criteria—which none of us knows, other than everyone is going to be consulted—are so broad that it will be impossible, I would think, for the trial to fail. All you have really done, in my view, is to stifle another regional community from enjoying the benefit that Mount Gamier will get under this particular bill. As I have said before, I think that is an unfortunate approach from the government in what is, in the whole scheme of things, a no cost, relatively simple matter. But, as I say, we will aggressively pursue the matter through another place.

The Hon. M.J. WRIGHT: Unfortunately, the shadow minister misses the point. The trial may well fail because we may never have the trial. What the shadow minister is assuming is that this will happen. We are empowering the local community by providing them with the opportunity for it to happen because, post the legislation, the local community has to come back and demonstrate that the demand is there.

So, there is a bit to happen before this goes ahead. It is my understanding—and we would be happy to check this—that Business SA certainly was given the opportunity as a result of the discussion paper that went out, and I will get further detail for the shadow minister with respect to that. What is very important is that the local chamber of commerce and the local development board support this. So, I think that some of what the shadow minister raises really does not have a lot of substance to it.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That the house do now adjourn.

Mr VENNING (Schubert): Last month was a tumultuous time for the South Australian wine industry, with a mixture of positive and negative events affecting our image as Australia's largest wine grape producing state. It would appear as though this Labor government is deliberately ignoring the wine industry that has been so successful for South Australia.

The impending closure of the National Wine Centre, and the Premier's non-attendance at the opening of the new Jacob's Creek visitor centre the week before, signals a complete snub of the wine industry by this Labor government. I was shocked that no government representative attended the opening of the world-class centre by the federal Minister for Trade, the Hon. Mark Vale, on Friday 27 September at Jacob's Creek at Rowland Flat.

It was wonderful that our opposition leader, the Hon. Rob Kerin, and his wife Kathy were present to accept the accolades of this development for South Australia. I was surprised to note that the Premier found time to attend the opening of the $140 million AMCOR bottle factory on Tuesday the 24th—a project jointly instigated and financially supported by the previous government—but was unable to attend the Jacob's Creek opening.

I was very pleased to attend the magnificent event that included a celebratory dinner at the Richmond Grove Winery on Thursday the 26th, highlighting the fact that South Australia is Australia's largest wine grape producing state, and that the wine industry in South Australia, led by Jacob's Creek, as you would know, sir, has generated over $1.3 billion in export sales.

The Jacob's Creek Centre is a unique $5 million building, which showcases an innovative and environmentally friendly design. When you first see the building, it looks to be a rather unusual design but, when you work it out and it is explained how it works environmentally, it is a brilliant design, because it uses nature to keep it warm in winter and cool in summer. The building is quite futuristic and it certainly blends in very well. It is located at the birthplace of Australian wine—on the bank of the original Jacob's Creek. It is near where the Orlando founder, Johann Gramp, first planted his vines in 1847. It is designed to harmonise with the environment, and it certainly does. The building features natural and recycled materials and it has an alternative energy saving system, as I have said. Water is conserved with rainwater tanks, and the waste water is reused, watering the trees, vines and so on.

It is a wonderful showcase for the wine-producing area with scenic views through the glass windows. Last week, the member for Stuart and I had the pleasure of entertaining the Deputy Speaker of the House of Commons at the centre. I was so proud. It was a beautiful day, and the view of the vines, the wineries, the Barossa Ranges and the beautiful sky from those windows was worth a billion dollars. What a wonderful place it is! I am constantly reminded of what a pleasure it is for me to represent such a wonderful area.

There were many important people in attendance, including the chairman of Orlando Wyndham, Mr Christian Porta, together with the Chairman of the parent company, Pernod Ricard, Mr Patrick Ricard (that was the reason I think the Premier should have been there), and I was very pleased to meet him. Numerous interstate and international business people and media representatives were also present. I sat alongside the main wine writer for the *New York Times*. What an opportunity it was to meet these people from all over the world while showcasing our premier wine region. The government ought to have been there in strength.

I think that the Premier, whom we call 'Media Mike', would have been in his element welcoming the visitors, giving the good news and congratulating Pernod Ricard and Orlando Wyndham, especially when we consider—

Ms Rankine interjecting:

The DEPUTY SPEAKER: Order! The member for Wright is getting a bit agitated.

Ms Rankine: She is very agitated, sir.

The DEPUTY SPEAKER: Order! The member for Wright does not comment on the chair's rulings.

Mr VENNING: Do not worry about it, sir. She is irrelevant. He would have been in his element, especially when the announcement was made about the extra $100 million to be spent in the region. But not a member of the government was in sight—and this on top of the announcement regarding the wine centre. Whether it is intended or not, I do not know, but that is the message that is getting out there and, if members do not believe that, they can ask people. The history of Jacob's Creek reflects over 150 years of the wine—

Ms CICCARELLO: I have a point of order.

The DEPUTY SPEAKER: Order! The member for Norwood.

Ms CICCARELLO: I think the member for Schubert is misleading the house, because in fact I was there representing the Premier.

The DEPUTY SPEAKER: Technically, that is not a point of order, but I think the member has made a point.

Mr VENNING: The member for Norwood came up to me today, but I did not see her at the opening. She might have been there, but she was not noticed by me, and she was not acknowledged either by the Orlando Wyndham people or in the speech by either the minister or the local member. Officially, nobody was present, and do not take it—

Members interjecting:

The DEPUTY SPEAKER: Order! The members for Wright and Torrens will get a warning shortly if they continue to interject.

Mr VENNING: The history of Jacob's Creek reflects over 150 years of winemaking expertise, focusing on quality of product, credibility and, most importantly—particularly in terms of the European market—value for money. It is Australia's most successful wine brand that has been involved in a careful brand building exercise overseas after gaining stature and acceptance in Australia. Over 750 000 glasses of its wine are consumed every day, so they must be doing something right. I drink my share and I know that other members in this place do as well. It is a great drop, particularly now that we have the Jacob's Creek reserve line, which is even better again. The company is certainly doing it right!

The company celebrated its 25th anniversary in 2001, after its humble beginnings with a three year old shiraz cabinet merlot launched in 1976. A total of 5.5 million nine litre cases of Jacob's Creek were exported in 2001, and that is a lot of wine. Jacob's Creek wine is exported to over 60 countries worldwide, and it is the number one bottled wine in markets such as the United Kingdom, New Zealand, Ireland, Scandinavia and Australia.

The idle boast of the company is that it wants to be the most recognised brand in the world. No-one—especially I—can say that this is not achievable, because they have come from about thirtieth to fourth in a couple of years. I certainly believe that, in the next few years, they will creep to third, to second and then to number one, because it is a great product and it is certainly well marketed.

The National Wine Centre has its problems, but together we can solve them. The Labor government is amazed at the problems it has. What can you expect? In opposition, you knocked it all the way; you never supported it; you voted against it; and now in government, rather than trying to help it, you are still knocking it. So what can you expect? There is a solution: there must be a solution. Together as a parliament, we must find it, because it will be extremely embarrassing for us as Australia's premium wine state if we do not. I can tell the house that New South Wales and Victoria will pick this up so quickly and we will lose this magnificent opportunity.

So, I put it to the government: be positive for a change. Get out there and try to fix this problem, because it does not look good. It is a kick in the face for our industry, which has not had any negatives in the last 20 years—not since the vine pull 15 years ago. This is a real negative for our industry, and we must overcome it.

I note that ministers are starting to visit my region in the Barossa, and they are most welcome. Minister Stevens is coming on Friday, and she is most welcome. We will have a good, interesting and, hopefully, worthwhile day.

I do not like being negative. I am not a negative person, but I believe that of all the events the Premier of South Australia should have attended, he should have been at the opening of the Jacob's Creek Visitor Centre.

Motion carried.

At 8.54 p.m. the house adjourned until Thursday 17 October at 10.30 a.m.