HOUSE OF ASSEMBLY

Tuesday 26 November 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 98 and 118.

QUESTIONS, REPLIES

In reply to **Mr BRINDAL** (31 July).

The Hon. J.W. WEATHERILL:

1. This question should be referred to the Minister for Industry, Investment and Trade who is responsible for the Fund's administration.

2. As part of the Improved Policies and Procedures (IPAP) initiative being undertaken by this government, Planning SA and the Local Government Association have agreed to undertake a 'Best Practice' review of key elements of the planning system.

As part of this program, the best practice requirements for council development assessment panels will be reviewed.

This government will investigate reforming the planning system to ensure developers involve local residents in the design phase of proposed developments. Clear criteria will also be formulated to ensure that major development and crown development assessment processes incorporate proper community consultation procedures.

It is important that residents are consulted during the review of policies in the planning strategy, councils' section 30 strategic reviews and the review of policies in the development plans, and that there is an appropriate level of consultation on development applications.

These measures will ensure a better balance is reached between the interests of developers and the broader community.

3. This question comes under the areas of responsibility of the Minister for Transport (Transport SA). This question has been forwarded to the Minister for Transport for a response.

4. The premier has addressed this question as part of his response in his estimates session.

5. Planning SA and the Office of Local Government (OLG) have not merged or redefined any of the output or measures for the 2002-03 budget process.

OFFICE OF THE EMPLOYEE OMBUDSMAN REPORT

The SPEAKER: I lay on the table the report of the Office of the Employee Ombudsman for 2001-02.

LOCAL GOVERNMENT ANNUAL REPORTS

The SPEAKER: Pursuant to section 131 of the Local Government Act, I lay on the table the following annual reports for 2001-02:

City of Prospect,
City of Whyalla,
District Council of Cleve,
District Council of Grant,
District Council of Goyder.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Capital City Committee—Adelaide—Report 2001-2002

By the Minister for Emergency Services (Hon. P.F. Conlon)—

Code Registrar—Report 2001-2002
South Australian Independent Pricing and Access Regulator—Report 2001-2002
Technical Regulator (Electricity)—Report 2001-2002
Technical Regulator (Gas)—Report 2001-2002

By the Attorney-General (Hon. M.J. Atkinson)—

South Australian Multicultural and Ethic Affairs Commission—Report 2001-2002

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

Public and Environmental Health Council—Report 2001-2002
Regulations under the following Act—
Food Act—Food Standards Code

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Radiation and Control Act 1982—Report 2001-2002

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Country Arts SA—Report 2001-2002
State Theatre Company of SA—Report 2001-2002

By the Minister for Transport (Hon. M.J. Wright)—

Regulations under the following Act—
Road Traffic Act—Road Closure

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Industrial Relations Commission, President of and Industrial Relations Court, Senior Judge—Report 2001-2002

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Dried Fruits Board of SA—Report 2001-2002

By the Minister for Local Government (Hon. J.W. Weatherill)—

Local Government Superannuation Board—Report 2001-2002
Outback Areas Community Development Trust—Report 2001-2002

DRUGS

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

Leave granted.

The Hon. M.D. RANN: My government and, I believe, every member of this parliament is committed to reducing the production, manufacture, sale and trafficking of illegal drugs in South Australia. At the Drugs Summit in June—and it was terrific to have so many members of parliament present—we heard, often from those with first-hand experience, of the depth of destruction caused by the use and misuse of drugs.

The government will announce within the next few days its response to the recommendations of the Drugs Summit, following months of work by the Social Inclusion Initiative, headed by Monsignor David Cappo the Vicar-General of the Catholic Church here in South Australia. Members would be aware of a number of measures we are taking, including increased penalties to tackle the illicit drug trade.

All members would be well aware of the connection between outlaw bikie gangs, organised crime and drug manufacture and sales. That is why we intend to change planning laws, to prevent the construction of fortified gang headquarters where illegal activities, including the manufacture of drugs, so often take place, along with other illegal activities that include the manufacture of firearms. We have announced plans to modernise criminal laws—

Members interjecting:

The SPEAKER: Order! The Premier has leave.

The Hon. M.D. RANN: This is important, as I am about to acknowledge the role of a member of the opposition. We have announced plans to modernise criminal laws relating to serious drug offences by introducing new tougher penalties for those involved in the commercial trade of illicit drugs. I want a maximum penalty of up to 25 years gaol for makers of the precursors or ingredients used in the manufacture of amphetamine-style drugs.

We will also protect children by punishing drug dealers much more severely if they supply illicit drugs to children, or use children to help them traffic in drugs. The scum who use children to help them sell drugs will face penalties of up to life imprisonment. That is the deal that we are going to give to those who deal in drugs.

Hydroponics has become the dominant method of growing cannabis in South Australia because it produces better yields and is easier to conceal. Last year, 96 per cent of cannabis plants seized by the South Australian police were hydroponically grown. I can announce today that the government will support amendments to the Controlled Substances Act to remove hydroponically grown cannabis from the cannabis expiation scheme. This is something that the opposition initiated last year, and I want to acknowledge that today—the member for Mawson's involvement.

Regulations were also amended late last year to reduce from three to one the number of cannabis plants that attracted a fine under the expiation scheme. Let us talk about hydroponically grown plants. A single hydroponically grown plant has been estimated to produce about 500 grams of dried cannabis. This has a market value of about $3 000 or $4 000. Hydroponic cultivation allows for three or four crops a year. That is a lot of money and it is a lot of cannabis, and we are talking about what amounts to many factories or laboratories under lights around our state. Cannabis is grown in this way all around South Australia. It is hidden in warehouses, rented homes, bikie headquarters, sheds or caravans, or in spare rooms or basements of private homes. These are valuable crops, placing growers at risk of break and enter or home invasion, and we have seen so much of that over recent years. Because of the nature of the equipment used in hydroponics, and the way it is set up, there is also a high risk of fire, and we have seen that as well.

The government wants to send a stark message to commercial cannabis growers who have been exploiting the limits and loopholes of the expiation scheme. South Australia Police (SAPOL) is working with the insurance industry on ways to raise policy holders' awareness of the possible limits to coverage of house insurance where any loss can be attributed to the illegal cultivation of cannabis. SAPOL is also convening a consultative group with representatives of the hydroponics retail industry and the Department of Primary Industries to look at ways of cutting commercial cannabis production. The legitimate hydroponics industry is keen, of course, to dissociate itself from the cultivation of illegal criminal substances. However, those pretending to be legitimate now have grave cause for concern, and I am sure that we are going to hear them squeal very loudly.

Today, I am releasing the National Competition Policy report which reviews a proposal to license hydroponic equipment retailers. The review, which I referred to during the Drugs Summit, proposed a model where a person convicted in the previous five years of the possession, manufacture, production or sale of a drug of dependence or prohibited substance would be precluded from being involved in the hydroponic equipment industry. In other words, legitimate people involved in legitimate activities have absolutely nothing to fear, but those convicted of drug crimes would deal themselves out of the hydroponics industry.

Certainly, the government is prepared to consider some form of negative licensing scheme like this to provide greater safeguards relating to the hydroponics industry and to give safeguards to those who are legitimately involved in legal activities. We are prepared to consider that negative licensing scheme if the amendments to the expiation scheme that both sides of the house are now committed to support fail to reduce hydroponic commercial production. This, I believe, is another example of bipartisanship on an important issue for South Australians. As Premier, and according to statute, I lay on the table the report of the review panel and the proposal to license hydroponic equipment retailers.

QUESTION TIME

ELECTRICITY, PRICES

The Hon. W.A. MATTHEW (Bright): Does the Minister for Energy agree with energy consultant Dr Robert Booth that it is incumbent upon the Essential Services Commission of South Australia to look further than just the justification of claims by electricity retailer AGL, and that the Essential Services Commission should ensure that electricity price increases are consistent with the concept of economic efficiency and the prevention of misuse of monopoly market power? In its submission to the Essential Services Commission, Dr Booth's Bardak Energy Management Services advised that the guidelines issued in September this year would not meet these criteria and that they were 'altogether too generous and uncritical of AGL and pay too little regard to what an economically efficient player operating under the effectively competitive positions would be able to charge'.

Members interjecting:

The Hon. P.F. CONLON (Minister for Energy): The Deputy Leader of the Opposition says 'Good question'. Of course, it has been out there in the public domain now for some two or three months. It has taken the member for Bright that long to read the report. The views of Robert Booth, I think, were well answered by the Essential Services Commission in its report. The Chair of the Essential Services Commission gave them far more credence than the submissions of the member for Bright, which were shown to be some of the most misguided and embarrassing that any person purporting to know something about electricity had ever made. While the Essential Services Commission has, I think, well and truly answered those submissions of Robert Booth, I would caution the member for Bright against invoking Mr Booth too much, because I would not like for him to have to go and defend himself against all the things that Robert Booth said about this mob when they were privatising electricity.

ACCESS CABS

Mr KOUTSANTONIS (West Torrens): My question is directed to the Minister for Transport. What are the latest changes to the Access Cab arrangements?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for West Torrens for his question and for his ongoing interest in this topic. I am pleased to inform the house that, as from 1 December, the Access Cab industry will

earn a $6 bonus every time they pick up a mobility impaired customer who holds a South Australian Transport Subsidy Scheme voucher within 13 minutes of the customer's booking time. Members would be aware that recently some Access Cab customers have experienced unacceptably long waiting times. The $6 on time bonus will be paid to the Access Cabs central booking service for every SATSS job delivered within 13 minutes of the booked time. Where a job is delivered outside the 13 minutes, but within 30 minutes, the bonus will reduce to $5.50. In either case, $5 will be paid to the driver provided he or she picks up the customer within 30 minutes of the requested time.

This initiative will occur without any changes being paid for by customers, and is designed to ensure that the Central Booking Service (CBS) and drivers work together to provide a better service. Drivers will be rewarded for on-time pick-ups and improved service. However, in order to receive the bonus, drivers will need to meet certain requirements, including that bookings are dispatched through the CBS and that vouchers have a unique booking number. Drivers must also follow CBS instructions to pick up late jobs or risk losing their bonus for the previous 24 hours. The PTB will be conducting audits to check on-time running. Importantly, customers will continue to be able to request their preferred driver or vehicle.

The on-time bonus represents a considered approach to improving the performance of the Access Cabs service, as well as addressing the underlying fraud concerns identified in the Kowalick report. These changes have been made following discussions with all parties: customer groups, drivers and the CBSs. The needs of Access Cab users has been paramount. A complaints hotline will operate from 1 December, following up on complaints, feedback and comments. I have asked for weekly reports from the hotline to be submitted to me. The bonus scheme is a trial and, if successful, can be part of the process to retender the Access Cabs contract in early 2003.

The Yellow Cab group holds the current contract, which has been extended for three months. This extension has been agreed by all CBS providers, who made the point that Christmas and new year is not the time to be changing over. It also enables us to monitor services and to revise contractual performance indicators before the tender next year.

ELECTRICITY, PRICES

The Hon. W.A. MATTHEW (Bright): My question again is directed to the Minister for Energy. Does the minister agree with energy consultant Dr Robert Booth that 'there is no fundamental reason why electricity tariffs in South Australia should be increasing above the inflation rate, let alone by over 10 times that rate in one step'? Bardak Energy Management Services, headed by Dr Robert Booth, submitted this view to the Essential Services Commission in response to Labor's 32 per cent power price increases.

The Hon. P.F. CONLON (Minister for Energy): Again, the member for Bright simply refuses to be candid and tell the truth. It is their price increase: everyone knows it. The rest of the question has been answered. Every submission made by Robert Booth was dealt with appropriately by the Essential Services Commission chair and properly answered. It is not for me to answer but for the Essential Services Commission chair to do so, and he answered them. One of the things that is illustrated today is that members opposite are quoting the chair, but the report of the Essential Services Commission was put out a bit over a month ago. Apparently, it has taken their purported spokesperson that long to read it. Let me say this about the opposition and let me repeat this for them when they want to talk about who has not kept their word: 'We will not privatise ETSA. Full stop. Full stop. Full stop.' Who said that?

RIVERLAND SALINITY

Mr HANNA (Mitchell): Will the Minister for the River Murray tell the house what measures are being taken to tackle salinity in the Riverland area?

The Hon. J.D. HILL (Minister for the River Murray): I spent much of the weekend up in the Riverland looking at projects dealing with salinity issues in relation to the River Murray, and I will go through some of those briefly. To start with, I was mightily impressed by the efforts that have been put in by that community. The local Rotary clubs, irrigation groups, councils and school children—a whole range of local community groups—were involved and were absolutely committed to trying to improve their bit of the Murray River. I put on the record my great commendation for the fabulous work they have done.

Mr Brindal interjecting:

The Hon. J.D. HILL: That is true. I concede what the shadow minister said; it is not something that happened over the past eight months. This is a good commitment over a very long time, and it is a very cooperative and together community. During my tour I inspected the Maize Island Wetland Rehabilitation Project, where the Rotary clubs of Waikerie and Eastwood and the Riverland West Local Action Planning Group are doing extremely good work to improve the flow of water and fish stocks through 50 hectares of wetland and revegetating cleared areas nearby. They have taken an area which was growing maize a long time ago and which was absolutely degraded and are putting it back to a vegetated state, and they have done an absolutely superb job. I went to the launch of the wetland guidelines at Martin's Bend at Berri, which will be a resource for wetland managers along the river. We were grateful for funding from NHT of some $300 000 for that project.

I also observed a demonstration of the Water Watch program in action. I was pleased to meet with the local project officer there, and I know she has been doing excellent work with a range of local schools, including Murray Bridge and Glossop High Schools, which are involved in ongoing monitoring of water quality along the river. I also met with officers and board members of the Central Irrigation Trust and had a close examination of the technology and techniques they are applying. I was pleased to observe the use of the environment department's EGI aerial photography equipment by the trust to monitor the irrigated areas in citrus and grapes and for flood activity. They are really at the leading edge in understanding salinity and the application of current and new technology to managing salinity and water quality in their area, and I commend them for what they are doing. I also visited the Gurra Gurra wetland complex, covering an area of 3 000 hectares. It is one of the 250 wetlands along the Murray in South Australia and is an area that has suffered from salinity with loss of vegetation and reduced aquatic habitats. Once again, NHT has contributed $800 000 and I commend the commonwealth government for that contribution.

The communities along the Murray River and in particular the Riverland area where I was over the weekend and also

down at the more southern part of the river are absolutely committed to trying to get improvements in their patch, and I commend all of them for what they are doing. Yesterday the Premier was able to announce an extra $20 million program, which will contribute to salinity measures, $10 million—

Mr Brindal interjecting:

The Hon. J.D. HILL: —just a minute—$10 million of which will be contributed by the state and $10 million from the commonwealth. That is under the National Action Plan on Salinity and Water Quality. I am not saying this is—

An honourable member interjecting:

The Hon. J.D. HILL: The opposition says that they are bipartisan on this matter, yet when I come into the house to go through some very good projects and praise the community for what they are doing, all they can do is make smart Alec comments across the chamber. If they are genuine in their commitment to the Murray River I suggest they make intelligent contributions rather than the trivial contributions they are currently making. I put on the record my thanks to all the community in the Riverland and the officers of all my departments involved in it. I particularly thank the federal government for its funding and I also thank the member for Chaffey for showing me around on the weekend.

ELECTRICITY, PRICES

The Hon. W.A. MATTHEW (Bright): Does the Minister for Energy agree with Dr Robert Booth, who categorically stated that the estimated capital costs of gas turbine plants on which the commission based its calculations to determine electricity prices were far too high? In his submission to the Essential Services Commission in relation to the commission's calculations, Dr Booth claims:

> The real new-entrant power cost for new plants (and from existing plants) is much lower than the estimates used.

The Hon. P.F. CONLON (Minister for Energy): It is such an illustration of the quality of this opposition that the best it can do is get up one question and then break it up into three parts, so members opposite have something to ask at question time. It must be abundantly obvious that the question about Dr Booth has been asked and answered, and his submissions were answered by the Essential Services Commission—and answered properly. I would say that, if members opposite believe that the report of the Essential Services Commissioner is assailable, perhaps they could do something about it. Perhaps the member for Bright could ask a question and set out for us what is wrong with it.

I do not think the member for Bright would be able to do that, because what was also disclosed in the Essential Services Commission report was that the member for Bright's submissions were that the price increase was not justified because of low prices in the spot market. It was the most idiotic thing, I think, that has ever been said to an intelligent inquiry. What the Essential Services Commissioner showed was that the nature of contracting in the market made the price of electricity with hedging contracts actually inversely proportional to the spot price. So a low spot price means a high contract price. It is all set out. Can I just say that I urge the member for Bright to go away and think of an original question and come up with a proposition that holds water.

SEALS

Mrs GERAGHTY (Torrens): Will the Premier inform the house what action will be taken to protect seals on South Australia's West Coast?

Members interjecting:

The Hon. M.D. RANN (Premier): I try not to respond to interjections, but anyone who knows me, and of course having spent so much of my life in New Zealand, knows that piniipeds are close to my heart. For the benefit of all members, particularly the member for Mawson, seals and sea lions are not the same species. They are actually members—

Mr Brindal: We know that.

The Hon. M.D. RANN: Apparently, the member for Unley did know that.

The SPEAKER: Order! I do not want anyone to get the impression that it is appropriate for walruses, seals or sea lions to get into this debate, other than that the Premier shall comment in his reply.

The Hon. M.D. RANN: Thank you, sir. The Speaker is most correct in saying that walruses, along with seals and sea lions, are in fact piniipeds—members of the same family but members of different species. In Sceale Bay, which many members opposite would know and which is close to Streaky Bay, there is a unique colony of Australian sea lions and New Zealand fur seals—and we welcome them there. It is a particularly flourishing colony—

Mr Brokenshire interjecting:

The SPEAKER: Order! I will help the member for Mawson. He should not be so rude as to speak with his mouth full. If the member for Mawson wants to transgress in that way, he should step outside if he wishes to eat.

The Hon. M.D. RANN: Thank you, sir. I had to feed a seal earlier today, but not the member for Mawson. The fact is that this year 72 pups were born of Australian sea lions on this colony in Sceale Bay. Members would be aware of a proposal for two aquacultural licences for yellowtail kingfish to be located in that area. There were real fears from environmentalists that would result in a threat to the seal colony—and a threat to the seals and sea lions—because of the increase in the number of sharks. Yesterday the government decided, and has today announced, that we will protect that seal colony for all time by making it a conservation park, establishing also an aquatic reserve. Indeed, the proponents of the fishery, the yellowtail kingfish licence, following negotiations with the department and with the active support of the Minister for Environment and Conservation and the Minister for Agriculture, Food and Fisheries, have decided to apply for a licence in another area closer to Ceduna. As I understand it (and the member for Stuart would probably be able to advise me on this matter) that on Goat Island—

Members interjecting:

The Hon. M.D. RANN: —there is another sea lion colony—there are no goats. Anyway, the importance of this colony cannot be overstated, and we have moved to protect it for future generations. I am sure that my 12 year old daughter will be very pleased.

ELECTRICITY, PRICES

The Hon. W.A. MATTHEW (Bright): Will the Minister for Energy agree with the submission from respected energy consultant Dr Robert Booth, who said in relation to Essential Services Commission guidelines that 'in all cases, the guidelines are well in excess of the allowances made in other

states and that because of this very high retail tariff increases are being proposed in South Australia'?

Members interjecting:

The SPEAKER: Order! I note that the member for Bright has no further questions listed in what the opposition would want him to ask, but that does not give him a licence to now play up. He might find himself out of the ball game, if he does.

The Hon. P.F. CONLON (Minister for Energy): What I have learnt from answering the questions of the member for Bright is that my answers appear to leave him better informed but none the wiser. Frankly, I have answered them all, and I leave it at that.

SCHOOLS, TOILETS

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services. What is the government doing to improve hygiene in public schools through the Better Schools program? At least two schools in my electorate are eagerly awaiting information on whether the targeted asset management program will assist them to deal with problems in the schools' toilets.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The government is now targeting our maintenance and capital works funds to school asset management plans in an effort to peg back some of the massive backlog in maintenance work that was left to us by the former government. We have used these plans to identify some of the worst toilet blocks in schools across the state and are providing resources this year to address the problem.

The Hon. M.R.Buckby: You flushed them out, did you?

The Hon. P.L. WHITE: We did indeed flush them out, as the member for Light says. It does not apply only to schools with asset management plans, because not quite all schools have them. We have benchmarked all school toilets across the state, and we picked up—

Members interjecting:

The Hon. P.L. WHITE: If the crude jokes could cease for one moment, I will say that thousands of South Australian students will have access to more hygienic school toilets as a result of the more than $2 million that the state government will spend this financial year to upgrade those facilities to provide more hygienic, safer school toilets for our schoolchildren. More than 50 government schools will have their toilets upgraded this financial year as part of the government's new Better Schools program. These funds will ensure that this very necessary aspect of schooling is more pleasant and hygienic for those students.

The member for Reynell will be pleased to know that a couple of schools in her electorate—I know from memory Reynella South Primary and Pimpala Primary Schools—will have their facilities upgraded, along with a significant number of schools right across the state. The schools were chosen on the basis that their school toilet facilities were well below benchmark standard. This is a significant investment in perhaps a less than elegant aspect of schooling but a very necessary one. Some of those schools will have things done like resurfacing and retiling, right through to total demolition and starting again on some facilities. These toilet blocks have not had attention for more than a decade and this work is urgent. Students, parents and teachers will be pleased with this. For the first time, these projects will be grouped together and completed as blocks of work. The traditional approach in education capital works has been to approve projects and to go to tender separately.

This work will be packaged together and we expect significant savings to government as a result of that—savings that can be ploughed into doing further work on improving school facilities. The groups of schools with below standard toilets are being targeted in this first year of what will be a three year program. This is stage 1 of the comprehensive Better Schools program, in addition to the annual asset funding moneys that schools receive to address maintenance problems. There is a huge backlog of maintenance work in schools to be addressed, which is a legacy of the former Liberal Government.

LOCHIEL PARK

Mr SCALZI (Hartley): My question is directed to the Minister for Government Enterprises. Has the government initiated formal protection listing proceedings for Kaurna heritage items, significant sites and trees on Lochiel Park land? A booklet has been produced by the Campbelltown SPACE group outlining the history of negotiations on Lochiel Park. This booklet reports that on 21 August 2002 the Land Management Corporation contacted DOSAA (Department of State Aboriginal Affairs) requesting an assessment of Lochiel Park for sites of Kaurna cultural and heritage significance. Initially, the wrong site was assessed and the Land Management Corporation received a report stating an absence of significant sites. On 19 November 2002 a subsequent inspection by DOSAA, Kaurna native title and SPACE representatives identified a significant number of trees and sites to be investigated for formal listing.

The Hon. P.F. CONLON (Minister for Government Enterprises): I am not sure that I heard the question clearly; could I hear the actual question again?

Mr SCALZI: As a teacher I was always willing to repeat the question. Has the government initiated formal protection listing proceedings for Kaurna heritage items, significant sites and trees on Lochiel Park land?

The Hon. P.F. CONLON: I am the Minister for Government Enterprises responsible for the Land Management Corporation. My role is to do what we said we would do, namely, have a moratorium on development on the land at Lochiel Park for 12 months while consultation took place.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: The matters he raises—if the member for Mawson could behave just for a moment—would be more properly addressed by the Minister for Aboriginal Affairs, from whom I shall seek an answer.

HIV AWARENESS WEEK

Mr CAICA (Colton): My question is directed to the Minister for Health. What are the aims of the fourth South Australian HIV strategy launched by the minister at the start of HIV Awareness Week, and will the strategy ensure that those affected by HIV receive treatment and support free of discrimination and stigma?

The Hon. L. STEVENS (Minister for Health): I thank my colleague for this very important question during HIV Awareness Week. Although the incidence of HIV in our community remains relatively stable, we certainly must not be complacent. The aim of the fourth South Australian strategy for 2002-05 is to eliminate the transmission of HIV and to improve the quality of life for people living with HIV.

The fourth strategy builds upon the three strategies that preceded it. This will link with the World AIDS Campaign for 2002-03 to focus on stigma, discrimination and human rights. Freedom from discrimination is a basic human right that HIV-affected people all too often miss out on. Over the last 12 months we have seen a slight rise in the incidence of HIV infection in the state, so it is vital that we continue to have a coordinated response to HIV prevention and health promotion strategies.

The HIV strategy will address the ongoing challenge of improving treatment and services for those infected with HIV, as well as preventing further infection in those groups significantly affected by HIV, including gay and homosexually active men, Aboriginal and Torres Strait islander people from areas with high HIV prevalence, people who inject drugs, prisoners and sex workers.

The strategy is characterised by a partnership between government and community-based organisations in the affected communities. The strategy, as I said before, complements and builds on the successes of the previous state strategies and sits well within the theme of World AIDS Campaign 2002-03, stigma and discrimination.

LOCHIEL PARK

Mr SCALZI (Hartley): My question is again directed to the Minister for Government Enterprises. Will the minister advise the house if the moratorium put in place over the development of Lochiel Park will run for the full 12 months from February 2002 to February 2003? A booklet, produced by the Campbelltown SPACE group, points out that although a moratorium on development in Lochiel Park is meant to be in place until February 2003 the Development Assessment Commission has proceeded with approval to create either 148 or 163 allotments.

The Hon. P.F. CONLON (Minister for Government Enterprises): Can I indicate to the member for Hartley something that I would have thought he knew: the planning application to which he refers was instituted under the previous government. It was, in fact, this government that put a moratorium on. If, God forbid, the opposition had won another term, they were going to proceed with the development plan. So, it sits very ill in the mouth of the member for Hartley to now have a concern, in opposition, that he did not have as a government backbencher.

This government put the moratorium on in order to conduct an independent consultation with the community. That consultation is largely concluded; a report will be considered by cabinet very soon; and a decision will be made. That is the long and short of it. We did what we said we would do.

CITIZENS' RIGHTS TO INFORMATION

Mr SNELLING (Playford): My question is directed to the Minister for Administrative Services. What are the details of the government's citizens' rights to information charter which he recently launched?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): Mr Speaker, it gave me great pleasure recently to launch the government's citizens rights to information charter and—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, you wouldn't have heard of one because one does not exist anywhere in Australia. However, we now have one in South Australia. It reflects the fact that every commentator who looks at the question of access to information from government, Mr Speaker, and, no doubt, you recognised this in your compact when you asked those parties who sought to make arrangements with you to honour the spirit and intent of freedom of information legislation.

Everybody who has looked into this question realises that it is fundamentally a question of public sector culture change that makes all the difference to the way in which citizens gain access to information held by executive government. That is what this charter is centrally directed to. It was welcomed by the Ombudsman, and it will sit in every government agency. It has been sent to every member of parliament, and we commend the initiative to their attention so that, rather than guffaw about it, they could get behind it and make it work. More specifically, the charter confirms the government's commitment to inform individuals of their right to access information—

Mr BRINDAL: I rise on a point of order, Mr Speaker. This is a question without notice, and the minister is answering it reading from a document—obviously, it must be a government document—and I ask whether it can be tabled.

The SPEAKER: Does the minister have a government document or is it simply copious notes?

The Hon. J.W. WEATHERILL: They are copious notes, sir.

The SPEAKER: The minister will continue.

The Hon. J.W. WEATHERILL: As you can imagine, sir, I do not have the charter and its details always ready to hand. It is a very important document and, as you would imagine, sir, the charter has some specific clauses, and I seek to refer to my notes to refresh my memory about them. Those clauses include: to inform individuals of their rights to access information, and their rights to review and appeal; to rectify incorrect personal information; to protect (as far as possible) individuals' rights to personal privacy; to treat individuals fairly and courteously; and to give prompt and helpful advice.

Further, the charter clearly states that individuals have the right to access documents and records about themselves and government operations that can be properly made available; commits the government to making information in government documents and records readily accessible; and promises that the government is committed to attaining the highest standards of openness and accountability. It is a ceremonial document that sits in government agencies, but it is important that we continue to restate our commitment to these principles. It is important that those who work in our agencies see these things and realise that we as a government are committed to them—as we expect them to be committed to them. It sits alongside other non-legislative measures that accompany some legislative measures which, unfortunately, those opposite are blocking in the other place and preventing from becoming law. Those other legislative measures include—

Mr BRINDAL: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The member for Unley cannot possibly have another point of order.

Mr BRINDAL: I can, sir. The minister is reflecting on another place, and I believe that is contrary to our standing orders.

The SPEAKER: It would be a good idea if the honourable member could be consistent and did not sometimes reflect on this place, either. I did not pick up in the honourable member's point of order what he was referring to in

relation to the remarks made by the minister. The minister will continue.

The Hon. J.W. WEATHERILL: Two other non-legislative measures that are important to draw to the attention of the house include an auditing function in the Ombudsman of government agencies, an important measure to ensure that government agencies are up to scratch in relation to this matter. The second other matter is that on every government form there will be a clause which mentions and alerts citizens to their rights to seek information from government. In this way, we are committing ourselves in a much more serious fashion than those opposite could have ever imagined to openness and accountability in government.

LOCHIEL PARK

Mr SCALZI (Hartley): Will the Minister for Urban Development and Planning advise the house whether the government will honour its pre-election promise to save 100 per cent of Lochiel Park for open space? During the election campaign, the current Premier promised to save 100 per cent of Lochiel Park as open space. By 24 October this year, only some eight months later, the Development Assessment Commission has proceeded with approval to create either 148 or 163 allotments. On 13 November, both SPACE and Tree Watch lodged an appeal against this decision with the Environment and Development Court.

The SPEAKER: The honourable member's question is out of order. The honourable member well knows that the sub judice rule applies to such matters when they are before the courts and, by his own explanation, he acknowledges that the matter is sub judice.

SMALL BUSINESS

Mr O'BRIEN (Napier): My question is directed to the Minister for Small Business. What is the progress of the series of small business hearings being held across South Australia this year?

The Hon. J.D. LOMAX-SMITH (Minister for Small Business): I thank the member for Napier. I know of his interest in small business and his advocacy on its behalf. I am particularly pleased to say that, since the election, we have been active in fulfilling our promises towards small business. In that regard we would first, of course, mention the work of the previous government, whereby it instituted the Small Business Advocate and the Small Business Advisory Council. However, the issues that have arisen over the past few years require further attention. We particularly gave a commitment that there would be a series of small business hearings around the state whereby the small business minister would go with the Advocate and the Chair of the Small Business Advisory Council and listen to the views and opinions of those who invest their money, time and often their entire property holdings in small business, of which there are 80 000 in this state, 50 000 of which are family concerns, which bring with them a very wide range of particular issues—not just succession, but also management and planning. The employment and economic benefits of small business are such that it is incumbent upon us to listen to the issues that affect those operators.

I have to date visited outside the Adelaide inner metropolitan area—Port Pirie, Noarlunga, Port Lincoln, Mount Barker, Elizabeth, Murray Bridge, Mount Gambier and Renmark—where up to 100 small business operators and owners have come together to express their views about the way in which both federal and state governments operate in relation to their tendering processes, procurement, licensing and application forms and a range of matters. It has been particularly interesting to see that several themes run true throughout each of the hearings, but occasionally there are particular local issues that can be resolved almost immediately with the help of the Small Business Advocate or those members of the administration who attend the meetings with me.

Several issues have arisen that I think some traction can be achieved with, particularly the matter of bank fees, which already has been taken up by me and other state ministers for small business with the ABA (Australian Banking Authority). There is a very strong view that there is a lack of transparency in the fee structures for small business and also an inequity in that small businesses pay an unfair share of the cost of banking compared to larger businesses. Those hearings also have brought to light issues about taxation, trading hours, WorkCover, security (in particular, crime in small business), and a particular angst about the way in which certain bills have been held up during this period in this session of parliament.

We are collating all the issues that have been raised at those hearings and, over the next few weeks, we will find whether there are themes and threads that should be taken up with cabinet, perhaps being addressed by further legislation—

Members interjecting:

The SPEAKER: Order! I am very interested in the minister's answer, and not those seeking to assist her.

The Hon. J.D. LOMAX-SMITH: I would like to thank those organisations which have helped us in our deliberations, particularly the regional development boards and many local governments which have come together for these joint hearings and been very active in advertising their occurrence and supporting their management.

SUB JUDICE RULE

The Hon. M.J. ATKINSON (Attorney-General): Sir, I rise on a point of order. My point of order relates to your refusal of the member for Hartley's question on the grounds of sub judice. I appreciate that, if a criminal trial is going on or criminal charges are pending, the house should always prohibit any question on that matter. But in South Australia we do not have juries with civil trials, and I think it is most unlikely that the Development Assessment Commission would be prejudiced by a question asked in the house about a case. I just ask whether you could go away and look at the sub judice rule and see whether there are some exceptions to it in question time that might enable the member for Hartley to ask his question on another occasion.

The SPEAKER: The Attorney-General raises an interesting point. I took it, from the explanation given by the member for Hartley, that it was not the Development Assessment Commission but the Environment and Resources Development Court, and that there was a matter of civil dispute, the merits of which ought not to be debated in another court. This being another court, I believed that it was inappropriate. However, in response to the Attorney's request, I will give due consideration to it and take appropriate counsel, should that in my opinion be necessary, and get back to the chamber at the earliest possible opportunity with a response.

The Hon. DEAN BROWN: As a further point of order on that matter, Mr Speaker, I would also ask to you look very

carefully at the question which was actually asked by the member for Hartley and which did not, I believe, impact in any way on any matter that would be before the court. It was in relation to a commitment given by the Labor Party before the last election and as to whether that commitment would be upheld. Therefore, it had nothing to do with the matter before the court.

The SPEAKER: The member for Hartley by his own explanation acknowledges that the matter is now vexatious to the parties and that, by whatever measure, considerable costs have been incurred that could be prejudiced by the opinion that might be expressed by any member in this place and, more particularly, by ministers. It was on that basis that I gave the initial ruling. However, I have given the undertaking to the Attorney: I do not believe I need to give it again.

HEALTH REVIEW

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health instruct the Generational Health Review consultants to stop using the review forums to pre-empt the voting intentions of members of parliament for legislation that has not yet been prepared? At a recent forum of the $750 000 Generational Review of Health, Carol Gaston, the senior consultant, said that the members for Fisher, Mount Gambier, Hammond and Chaffey would support legislation to implement the recommendations of the review. There have been no recommendations of the review as yet and no legislative changes even revealed publicly. I also highlight the fact that this may be an issue that you, Mr Speaker, may wish to address personally.

The SPEAKER: I say to the deputy leader that, of course, in so far as any member would, I shall. However, more than that I do not see as necessary. I will not interfere in the process of the minister's being able to answer the question.

The Hon. L. STEVENS (Minister for Health): I am pleased to answer questions about the Generational Health Review. Is it not a pity that the deputy leader himself will not even put in a submission but prefers to dance around the edge sniping, scaremongering, being negative, causing problems, and undermining the confidence of the South Australian community in the health system? Of all people, the deputy leader is the one who should put in a submission because, of course, he is the architect of the system that we are presently reviewing.

In terms of the issue that the deputy leader raised, there is no fait accompli, no legislative plans at present at all. We are waiting for an interim report that will be given to me by Christmas, and then a final report will be brought down in March. I would like to take the opportunity that the deputy leader has presented to me today to say how delighted I was with the AMA's press conference this morning in which they—

Mr Brokenshire interjecting:

The SPEAKER: Order! I warn the member for Mawson. He might like to contemplate in consequence why he will not get a question this week. I find him difficult to see thus forward.

The Hon. L. STEVENS: As I was saying, when I came out of caucus this morning I was delighted to hear and discover that the AMA had—

Ms CHAPMAN: I rise on a point of order, sir. Standing order 128 makes provision for the answers to be relevant and not to be tedious repetition, and I seek a ruling that reference to an AMA quote is not at all relevant to this question.

The SPEAKER: I uphold the point of order on the question of relevance and invite the minister to come back to the substance of the inquiry.

The Hon. L. STEVENS: The question was about the generational review, and I was saying how delighted I was that this morning the AMA called a press conference and indicated its support for that review—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. I understood that you just instructed the minister to come back to the substance of the question asked. I ask you to make sure that the minister in fact carries out your instruction. I want an answer to my question.

The SPEAKER: The minister will come back to the substance of the inquiry. The minister.

The Hon. L. STEVENS: As I was saying, this morning the AMA—

Ms CHAPMAN: I rise on a point of order, sir. I raised the question of standing order 128, and you upheld that point of order.

The SPEAKER: I am waiting for the minister to show the linkage between what the AMA is saying and the inquiry made by the deputy leader.

The Hon. L. STEVENS: As I was trying to say, the main points that the AMA made this morning in supporting the generational review were that change is essential and that the current health system is unsustainable. That is what the generational review is about; that is why it is out consulting; that is why it is going right around South Australia. There is no fait accompli; there is no predetermined answer. That is why we are having a review and why we are inviting the public of South Australia to be part of the solution, and that is the answer to the question.

The Hon. DEAN BROWN: My question to the minister was very simple: I asked her whether she would give an instruction to the generational health review not to pre-empt voting positions of members of parliament. I am still waiting for an answer to that question.

The Hon. L. STEVENS: I have finished my answer, sir.

CONSUMER AND BUSINESS AFFAIRS WEB SITE

Mr RAU (Enfield): I direct my question to the Minister for Consumer Affairs. Has the web site of the Office of Consumer and Business Affairs been redeveloped to improve services to the public?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): I am pleased to advise the house that the official launch of the new web site took place last Friday—

Members interjecting:

The SPEAKER: Order! The honourable member for Unley might also find himself diminished in my vision for the duration of the week, if he persists. The minister.

The Hon. M.J. ATKINSON: The official launch was at the Home Ideas Centre, near the corner of Anzac Highway and South Road. Consumers and people in business can now deal with the Office of Consumer and Business Affairs online if they want to request a form, renew a business name, pay a business name invoice or order or download a publication. As Minister for Multicultural Affairs I am also pleased to advise the house that the new web site contains information for consumers in 11 languages: Arabic, Bosnian, Cambodian, Chinese, Croatian, Persian (also known as Farsi), Polish, Russian, Serbian, Spanish and Vietnamese but, alas, not in the ancient tongue. The new web site features the new

licensing public register, which will help the public to access information about occupational licences and registrations issued by OCBA. Consumers can now find a licensed tradesperson, travel agent or second-hand car dealer in their local area quickly and easily. The public register details the licensee's name, contact details and any disciplinary actions taken against that tradesman.

One terrible incident that the Office of Consumer and Business Affairs is investigating involves a builder who was hired to build a home extension. The builder is not a licensed electrician or electrical worker. Alas, the builder left exposed wires on the outside of the home. It started raining a few days later and the home owner noticed sparks coming off the exposed wires. The home owner called an electrician, who confirmed that the wires were live with a charge of 240 volts. Anyone touching the wires would have suffered a severe electric shock.

Friday's announcement was a timely one, as many South Australians are planning on making some home improvements, such as installing a swimming pool or airconditioner, or erecting a pergola, in the lead-up to summer. The message I would like to reinforce to consumers is that they should not risk unsafe work by hiring someone who does not have an appropriate licence. Unlicensed tradesmen may sometimes charge less for a job, but the ultimate cost is much higher, owing to the need to fix shoddy work.

DEVELOPMENT ASSESSMENT COMMISSION

The Hon. M.R. BUCKBY (Light): Will the Minister for Urban Development and Planning advise the house whether members of the Development Assessment Commission are required to complete a register of interests; and, if not, will he immediately move to have this declaration included as a requirement of membership of the Development Assessment Commission?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): The government recently launched a development plan improvement program, which includes not only the processes of development plans but also the institutional arrangements around the planning system. One of the measures that we will be looking at is the whole question of accountability of both development assessment panels' being exercised (as they are) through councils and the Development Assessment Commission. I did notice the recent reportage in relation to that. I was reported as saying—and it is indeed my position—that that is not presently the case, but it seems like a sensible idea, and I would be more than happy to consider it in that process.

SKY SHOW

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Tourism. Will the government now join the opposition in encouraging corporate sponsorship to make up the funding shortfall created by the decrease in government support for Sky Show? Since its inception in 1984 (some 18 years ago), Sky Show has grown to now be the largest major event held in South Australia. The free music and fireworks show attracts over 350 000 spectators. The previous government provided $215 000 to support this event and used its popularity to highlight the plight of the Murray River. The government has cut this funding to $150 000, and organisers claim that the event may now have to be cancelled unless corporate sponsorship can be sourced to make up the $65 000 shortfall. A spokeswoman for the Premier has said that the government was disappointed that corporate sponsorship could not—

The SPEAKER: Order! The honourable member is now straying into the domain of debate.

Mr HAMILTON-SMITH: Well, I am reporting the facts, sir.

The SPEAKER: The honourable member may be stating what he believes to be fact, but they are of a pejorative nature intended to place inflection on the meaning of the question. That is entirely inappropriate. Explanations are for the purpose of enabling the listener, more particularly the minister, to understand the substance of the question, not to engage in an elaboration of a point of view.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): It is, of course, a pity that the honourable member believes that this event was one of that suite of seriously important tourism activities run by Australian Major Events. I realise that he was not the Minister for Tourism for very long, but this is not in the domain of Australian Major Events. It is not classified as a major event and it is not part of the tourism portfolio; therefore, it is not part of my responsibility.

SCHOOLS, BUILDING WORKS

The SPEAKER:I call the member for MacKillop.

An honourable member interjecting:

Mr WILLIAMS (MacKillop): Thank you, Attorney. Does the Minister for Education and Children's Services believe that a school governing council should be made responsible for a significant cost overrun incurred for a project at a school when the procurement of the work was handled by DAIS building and maintenance services? Recently, the Tintinara Area School governing council had a verandah placed on the western side of a school building. A lack of clear instructions from DAIS building services officers led to a situation whereby the contractor from Murray Bridge arrived at the site with the wrong material and had to return to Murray Bridge to collect the right materials for the job. The cost of this additional trip between Murray Bridge and Tintinara, the time consumed during this unnecessary trip and the cost of the unwanted materials led to a significant cost overrun for the project which has now been billed to the school governing council.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am not familiar with the detail of the instance to which the honourable member referred. However, I will quiz my department about it. With regard to the general point of costs of the project and project management, for a considerable amount of time—even before my coming to office—I have been concerned about the proportion of project cost in project management. Everybody expects—

An honourable member interjecting:

The Hon. P.L. WHITE: If you could stop screeching for one moment please, member for Bragg, I will answer the question. Everybody expects that work will be done in a timely fashion and that we are able to extract the most building work for the money available. Obviously, construction and project management costs eat into the budget allocation of any individual major project. This is a matter that the Minister for Administrative Services and I have talked about, and it is our joint aim that we both receive best value for money for government and for schools, that work is done in a timely way, to budget, and that the taxpayer and the school community gets value for money. That is the

guiding principle. I am very closely looking at our capital program with regard to the ways in which it has operated in the past and what changes we will be making to make it more effective in the future. I thank the honourable member for raising his concern. I am not aware of the specific matter, but I will follow it up. Please be assured that the capital program and its administration is something that is clearly on my mind, and my intention is to receive better value for money in a more cost effective, timely manner to please the school communities of South Australia.

WATER SUPPLY, ERNABELLA

The Hon. J.D. HILL (Minister for Environment and Conservation): I lay on the table a ministerial statement made by my colleague the Hon. Terry Roberts in another place in relation to water supply to the Ernabella community in the Anangu Pitjantjatjara lands.

GRIEVANCE DEBATE

SKYSHOW

Mr HAMILTON-SMITH (Waite): Well it is official: we have sitting opposite the most boring government in Australia—boring, boring, boring! We had two stunning announcements last week. First, we had the sudden shock announcement that Music House was to be wound up. To top it off, the government came out last week and announced that it would also scuttle Skyshow. Skyshow—in case the government has not noticed—is one of the most popular major events in the state. The Minister for Tourism is under the illusion or delusion that it is a major event or that the opposition thinks it is run by AME. Well, we do not, Minister for Tourism. Your Premier and Deputy Premier are not here, but since you are in cabinet we thought you might have some knowledge of it. We have established that you know nothing about it, nor does anyone else on the front bench.

For members opposite who may not realise, 350 000 families, young people, go to listen to this music and light extravaganza. It is free! The main beneficiaries of this event are young people and poor families who may not be able to afford to go to one of the big ticket expensive major events held during the year, and that particularly follow Skyshow. I refer to such events as the Tour Down Under and the Clipsal 500. Even with the football a family can spend $100 or more by the time four or five of them go, buy lunch, get themselves there and get themselves home. Here is something that delivers to families for free. What does Labor have to say about it? 'We will slice the funding.' How much did the Liberal government provide? It provided $215 000. How much is Labor prepared to provide? Only $150 000, no doubt with the implication being that next year it will be even less or zero. Is not that great news for families of the west, families of the north—the 350 000 families—who are accustomed to converging every year to see Skyshow?

The message from Labor, from slasher Foley over there, is that: 'We don't care about Skyshow, we are happy to see it scuttled.' Well, it looks like you are going to be successful, because the organisers have now confirmed that it looks highly likely that the event will be scrapped. Not only have you cut the money but also you have not lifted a finger to help the organisers increase corporate sponsorship. I have been advised—and I invite the government to correct me if I am wrong—that not a single phone call has been made, not a single offer of assistance has been proffered, not a single action has been taken by anyone opposite to help rectify the damage wrought by the Premier and Treasurer in slashing $65 000 off sponsorship for Skyshow.

The government seems to think that certain things are very important. We will have flash film festivals—and we are not opposed to that; we think it will be good. We will have annual WOMADs—and we are not opposed to that, either. We will have a lot of other pet projects, but when it comes to Skyshow 350 000 young South Australians and South Australian families are told to 'shove off, make your own arrangements, do something else when you might otherwise have been at Skyshow'. It is a pathetic example of leadership and it is decisively boring. It is an uninspired slash in funding. For $65 000 you have upset the plans of a whole stack of kids and young families—many from your electorates, and we will not let you forget it.

In case you have not noticed, the *Advertiser*, the *Sunday Mail*, SAFM and other media outlets have picked up on it. First, you whack live music—you do not care about it, as is obvious. Secondly, Skyshow is axed. It is time the government—backbenchers and frontbenchers—woke up to the fact that the Treasurer will get you into trouble. In 2006 there will be another election and, if you are not careful, you will be seen as a do nothing government that has been nothing but a killjoy. Your actions on Skyshow are a classic example. I say to the Premier and Treasurer, get off your bench, get out there, ring up the organisers of Skyshow and ask them what you can do to help gather corporate sponsorship. Rob Kerin and I will do that. We have already offered to assist. We will ring whatever corporate sponsors are required to be rung on behalf of the organisers and we will help them raise the money to help make up for the mess the Premier and Deputy Premier have wrought on the Skyshow event. It is simply not good enough: 350 000 young South Australians expect and should receive better.

Ms THOMPSON (Reynell): What an amazing flight of fantasy for the member for Waite! I will speak about something where the previous Liberal government took money away from young people—young people attending Southern Futures and Southern Vocational College. They do not find money to assist the community and the Education Department to develop long-term programs and commitments to these young people to get a vocational education policy, but he raves on about Skyshow. What an amazing set of priorities! I am very pleased to be able to talk about what has been achieved in the Southern Futures and Southern Vocational College programs, despite the barriers erected for them by the previous Liberal government. I am confident that our new government will be addressing the future of these two extraordinarily important programs.

Southern Futures was established several years ago under the name of Partnerships 2000, but developed a much more progressive name and commitment in Southern Futures. It is a true partnership between schools and the community and is chaired by a very eminent person in the south and in South Australia, Mr Max Baldock. His commitment and dedication to seeing that Southern Futures works has been really instrumental in providing relevant vocational education to many young people in the south. I thought it was worthwhile

for the parliament to have some idea of the types of programs and partnerships delivered by Southern Futures and Southern Vocational College.

Southern Futures actually involves primary schools. The south is one of the few areas where there is a real commitment to commencing vocational education in the primary school areas to assist children to see the relevance of their education to their future. At the celebration and thank you event held on 13 November, there was recognition of a number of community partners. The business and industry area included recognition of the South Adelaide Football Club, Bunnings, Christies Beach Children's Centre, the Adelaide Convention Centre, the Lonsdale Hotel, the Reynell Business and Tourism Association and Sola Optical, all of whom have worked with schools to develop relevant vocational education.

To get some idea of the breadth of areas in which vocational education is provided to the young people of the south, I will go through some of those areas: automotive, business administration, small business management, community services, doorways to construction, electrotechnology, engineering, hospitality, IT, Novell, retail, outdoor recreation, multi-media and music. Many are very different vocational pathways than we might have imaged being available 20 or even 10 years ago. There have been some short courses, particularly targeted at young people who face great challenges in obtaining an education within the traditional notion of it. There were short courses on hair and beauty, hospitality, horticulture and pre-vocational engineering.

It is also important that we recognise some of the community people who enable Southern Futures to thrive. Here I would like to mention particularly the volunteers at the Southern Futures shop front. These include Esther Whitman, Robyn McCleary and Anthea Oxford. These people give of their time and skills to assist young people develop retail skills, which are vital to so many of the business skills that underpin our community. There was also the Onkaparinga TAFE as a business partnership and as a community partner the Adelaide Central Mission, Noarlunga Health Village, the Beach Road project, Mission Australia, and two community members who were involved in an important project—the indigenous medicinal garden—Deb Hoepfner and Ricky Poole. The staff of the Southern Vocational College are able to do what they do because of these community partnerships and they and the community deserve the security of funding denied to them by the previous government.

PIRSA SHEEP INDUSTRIES DEVELOPMENT CENTRE

Mr VENNING (Schubert): Today, Mr Speaker, I want to raise a concern about the funding of the PIRSA Sheep Industries Development Centre, which is to be slashed by the Rann Labor government. You, sir, would have a fair bit of assimilation and knowledge of this subject. I am appalled that the funding for several key rural projects has been axed by the South Australian Labor government since it has come to office, as this will impact negatively on primary producers. With technology continuing to advance, it is crucial for primary producers to be kept up to date with improved farming practices; and this is the role that PIRSA plays.

For the past three years the PIRSA Sheep Industries Development Centre at the University of Adelaide's Roseworthy campus has provided vital information for South Australian sheep, meat and wool producers. The current funding for the centre includes a three year state government grant of $180 000 per annum, and this funds the core position at the centre. This funding expires in December and, at this stage, will not be renewed.

Added to these core funds are funds from outside bodies, with $92 000 sourced, on top of this, in 2001, allowing for 1.5 staff. We now need a strong financial base to attract further sponsorship. National bodies such as Meat and Livestock Australia and Australian Wool Innovation certainly cannot fund a state-run body but can contribute, as an add-on function, for specific projects. We need to have a core funding base which allows the centre to be competitive when bidding for outside work. I understand that the centre can run for a few months on its existing funding, but then everything will have to cease.

Services provided at the centre include the Sheep Industries Development Centre (SIDC), which is responsive to growing needs and provides information and advice. There is a specific mechanism to disseminate technical information to producers in a fast and efficient manner.

The centre has coordinated, for producers, a number of important educational workshops, seminars and field days throughout South Australia about diseases, breeding technologies, wool marketing, etc. More than 6 500 South Australian producers receive a quarterly SIDC newsletter, funded through a wool tax and, each year, more than 500 producers deal directly with SIDC staff.

The peak bodies that SIDC deal with include any organisation associated with sheep production. Some examples are the South Australian Stud Merino Sheepbreeders Association; Woolmark; Australian Wool Innovation; Meat and Livestock Australia; Lambplan; the Farmers Federation; and SARDI. The impact of the funding cut will be very negative.

It is frustrating and annoying that funding has been cut when the centre has achieved so much in such a short space of time and on a shoestring budget. I hazard to guess the cost of reprinting all the stationary from PIRSA to the Department of Agriculture and Foods and Fisheries. This money would be better spent providing services on the ground for the farmers and not just on reprinting letterheads for the sake of it.

If we want our farmers to be more efficient we need a smarter focus (which SIDC offers) providing innovative ideas and practical application. The result is that the more cost efficient producers are, the more income is generated, and this in turn contributes to the state economy, with obvious positive financial spin-offs. The more viable producers are, the more rural communities thrive. As you, Mr Speaker, would know, this is meant to be a key focus for this new Labor government via the Office of Regional Affairs.

I note comments made on the weekend in the Riverland, where the government held its country cabinet. Certainly, the funding cuts do not send the same message. Mr Speaker, I know that the centre's manager, Cheryl Pope, and other associated people, such as the South Australian Stud Merino Sheepbreeders Association President Mr Tom Hanson, are not going to give up and will fight to retain funding and continue to try to source hard to find alternative funding.

The reality is that, this being a drought year, difficulty will certainly be experienced in attracting money for the SIDC. One can only hope that the Labor government will see fit to reinstate the funding for a service which provides unique opportunities for South Australian sheep producers who want

to maintain and improve their farming techniques and remain competitive nationally and internationally.

SCHOOLS, FINDON HIGH

Mr CAICA (Colton): Some time ago—I believe in July this year—I spoke about the Kidman Park Primary School in my electorate, and what an outstanding school it is. In particular, in that report to parliament I focused on some of the difficulties being experienced by that school with respect to its multiple severe disabilities unit and that, as a primary unit, it was catering for in excess of 15 children, many of whom ought to have properly been placed in a secondary multiple disabilities unit.

Unfortunately at that time, and still today, one does not exist. However, I was heartened by discussions that have occurred at Findon High School—again, a school within my electorate, where I have sat on many school council meetings—and the attitude of that school in relation to the possible establishment at the school of a secondary unit for severe multiple disability students.

I was heartened by the attitude of the parents as to the possible placement of that unit at the school and that not only the school council but also the parents and students were quite willing to embrace such a unit being placed there. It is no secret that costs will be involved in establishing such a unit at the Findon High School, and I know that will be considered by the relevant department when the project is submitted to it for its consideration.

I also know that it will take into account that the establishment of a secondary unit for students with severe multiple disabilities is not a great imposition on the students who are currently at Kidman Park Primary School as the distance between the two schools and the connections that would exist between the secondary unit at Findon High School and the primary unit at Kidman Park would work in favour of the placement of such a unit at the school.

As to the Findon High School, like all schools within my electorate, and indeed schools within South Australia, one of the important planks that underpin the administration of this school is the governing council, or the school council. I would like to pay a tribute to the Findon High School council and the efforts that they have put in not only in highlighting the advantages that would accrue to the school with respect to the establishment of a secondary unit for children with severe multiple disabilities but also the work that the council undertakes with respect to all aspects of the operations of that school.

I would particularly like to highlight one member of the school council, Mr Rob George, who has, for 28 years, been involved in some capacity or other with the operations of the school, whether as the parent of a student, a teacher or, indeed, a member of that school council. Twenty eight years in anyone's book is an outstanding contribution to make to a school council. Mr George will be retiring this year, and I would like to put on the record the thanks of the community for his efforts over many years.

Recently at the Findon High School a new principal, Mr Dennis Vause, was appointed. With him comes vast experience in the area of school management, and I know that the school will benefit from his role as its principal. The school itself is suffering a little (as is the case with a lot of schools in some areas) with respect to numbers, and I know that the school is taking an active role in encouraging and promoting itself to ensure that, whilst it might not get back to the heady days of the early 1970s, when there were 1 500 students (or thereabouts) at Findon High School, it will be able to attract other students into the public education system where we know the children will receive a very good standard of education.

I think there are advantages with schools being the size of Findon High School with respect to the ratio of students to teachers and, whilst there may be some problems with respect to the broad curriculum that can be offered, I know that Findon High School is exploring, along with other schools in the area, ways by which their students will be able to access a broader curriculum through an arrangement with other schools in the area.

So, I highlight again that with respect to Findon High School I hope things go well in regard to the consideration by the department for the secondary unit for children with severe multiple disabilities. I know that it will be an advantage to that school and to the western suburbs.

LOCHIEL PARK

Mr SCALZI (Hartley): Today, I wish to give credit to the Supporters Protecting Areas of Community Environment (SPACE) group of Campbelltown for its production of a booklet about Lochiel Park. The booklet has been distributed to all members, and I am sure that they are aware of it. It is a good booklet that outlines the decisions that have been made. After reading the booklet, one could reflect on this government's attitude to keeping promises it clearly made during the last week of the election campaign. I also pay tribute to the Hon. Nick Xenophon MLC, who chaired the public meeting held on 4 February, and I take the opportunity here to wish him a speedy recovery from his illness. I know that many South Australians wish him well and look forward to his return to parliament. The Hons Bob Such, Andrew Evans and Sandra Kanck have all contributed to the debate on Lochiel Park.

I particularly want to bring to the attention of this house an email sent to Ms June Jenkins dated 8 February 2002. I commend June Jenkins and Margaret Sewell of SPACE and also all the volunteers from Tree Watch for the work they have done in producing this booklet. The email reads:

> Dear Ms Jenkins,
>
> Thank you for the copy of the resolution passed at the public meeting which took place on 4 February 2002. The resolution made clear the community's wish to maintain 100% of Lochiel Park as open space meeting and reinforces Labor's strategy to save land at Lochiel Park for community use.
>
> The Liberals have made their position clear; if they are returned to government the Lochiel Park site will be developed for private housing, with some house blocks as small as 210 square metres. If the Liberals are re-elected to government and Hartley remains a Liberal seat, they will claim they have a mandate to do so. Quentin Black has negotiated with myself and Kevin Foley that if a Labor government is elected this Saturday:
>
> - we will place a one year moratorium over the Land Management Corporation's plan to develop Lochiel Park immediately halting housing development;
> - in that time, Mr Black will chair a thorough community consultation process with local residents, community groups, council and key stakeholders to decide how the space can be best preserved and used for the benefit of everyone in the community;
> - we intend to save 100% of Lochiel Park for community facilities and open space, not a private housing development as the Liberals have proposed;
> - Mr Black will work with local open space, community and sporting groups to plan how 100% of Lochiel Park can be revitalised, so that the whole community can benefit.

I have also committed a Labor government to a comprehensive plan to promote open space throughout Adelaide and protect our parklands.
Yours sincerely,
Mike Rann
State Labor Leader

Well, the government could start by being an open government and then proceed to open space. It is clear that that commitment to the constituents of Hartley and to the wider South Australian community has not been honoured, and I believe that tells us a lot about this government. The only commitment given by this government was that it will consult and bring down a report. However, the commitment is clearly stated in this letter, which was sent to all interested groups prior to the election. It must be remembered that, according to SPACE, more than 340 people attended that meeting. At that meeting, I spoke openly and did not make promises I could not keep—and I took a lot of flack that evening. I put the former government's position clearly, and I did not deviate from that position. However, the Labor Party (the then opposition) and the then leader of the opposition (now Premier) made a commitment that Lochiel Park would be 100 per cent open space: no ifs and no buts. When is this government going to deliver on that commitment?

GIRLS' CLOTHING RANGE

Mr SNELLING (Playford): I rise to express my concern not only as a member of parliament but also as a father of two young girls about a new range of clothing which is marketed under the label 'mary-kateandashley' and which is being targeted at girls under the age of 10. The range includes a range of padded bras and G-strings, as reported in the *Advertiser* this morning. I can only speculate about the state of mind of someone who would develop such items for children. I am unimpressed by the decision of Target discount retail stores to market this brand of clothing, and my wife and I will be reconsidering whether we continue to shop at Target.

Children are particularly susceptible to peer pressure and manipulative advertising. The pressure on young girls to conform to a certain body image is enormous. Last week, the New South Wales Minister for Women told the parliament in that state that surveys show that 70 per cent of young girls in high school wanted to be thinner; a large number had used extreme diets, including the use of diuretics and laxatives, in the month prior to the survey; and 16 per cent of girls aged 11 to 15 had indulged in purging or restrictive eating regimes.

There has been much speculation about the increasingly younger age at which girls attain sexual maturity. This can be a problem, because a sexually mature 12 or 13 year old—or even younger—may not have the cognitive development to deal with this sexual maturity. There has been much speculation, in the coverage of this issue, about the possible causes, ranging from the use of hormones to stimulate growth in chickens to background pollution in the environment. However, the most likely cause seems to be the early exposure of children to relatively sexually explicit images in advertising, television, films and so on.

The marketing of sexually provocative underwear for children will only worsen this problem and will put greater pressure on girls to conform to a certain body image. I do not think that it is possible to ban the sale of this style of clothing to children, but one would not have thought that normal standards of decency would make such a ban necessary. Perhaps the Minister for Consumer Affairs would care to examine this matter. However, until then it seems that it is left up to us parents to exercise control over the purchase of clothing for children and to ensure that such clothing is appropriate to their age, and I urge all parents to do so.

HOLIDAYS (ADELAIDE CUP AND VOLUNTEERS DAY) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

(Continued from 18 November. Page 1818.)

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

That the Legislative Council's amendment be agreed to.

The government accepts the amendment that has come back from the Legislative Council, which looks to extend the provision that came from the government bill in respect of the substitution of the Adelaide Cup public holiday. The opposition has highlighted that it would like to have the West Coast included and, obviously, that provision was initially defeated in the House of Assembly. I made a number of points at that time about why the government did not support the opposition's amendment, so I will not dwell on that matter again and will speak only briefly.

However, before I do so, I would like to say that, with respect to the significance of this matter for the regions, we do not necessarily need to go into a conference to try to sort it out. The government, in a truly bipartisan fashion, is prepared to accept what has come back from the Legislative Council. As the opposition—

Mr Williams: No choice.

The Hon. M.J. WRIGHT: We do have a choice, actually. As the opposition—

Mr Williams: No, you don't—

The Hon. M.J. WRIGHT: Yes, we do. The member has been here long enough—

The ACTING CHAIRPERSON (Mr Snelling): Order!

The Hon. M.J. WRIGHT: —to know that we do have a choice, and I am telling members what that choice is. We could oppose the amendment that has come back from the Legislative Council, and that would force this—

Ms Chapman: And be embarrassed.

The Hon. M.J. WRIGHT: Not necessarily so. That would force—

Ms Chapman: Well, then, do it!

The Hon. M.J. WRIGHT: The member knows that this is a government of true bipartisanship—

Members interjecting:

The Hon. M.J. WRIGHT: No, the new member (not the old member) for Bragg knows full well that this is a government of true bipartisanship, and I appreciate her candour and honesty. She has a long way to go in this place. We do not need to spend a lot of time on this matter. The government came forward with its bill as a result of the good work that was done by the former government. Whilst it did not do a lot in its last period of government about which I could be constructively optimistic, the former minister for workplace services, the Hon. Robert Lawson (I think) put out a discussion paper titled 'Regional public holidays for South Australia'. As a result of that discussion paper, the government introduced its legislation, and the opposition has moved an amendment.

Interestingly, as a result of the former government's discussion paper, with respect to the various council areas that have been drawn to the attention of the house by the opposition, it is worth noting that the support of the District Council of Ceduna was provided. There was no response from the District Council of Cleve. The District Council of Elliston did not support the proposal, which the government initially came forward with and which was extended to the West Coast by the opposition. There was no response from the District Councils of Franklin Harbour, Kimba and Le Hunte. The District Council of Lower Eyre Peninsula did not support it, whereas the District Council of Streaky Bay did. There was no response from the District Council of Tumby Bay.

So, interestingly, of the range of councils that have been highlighted by the opposition, two out of that list that has been brought forward as a result of the opposition's amendment supported the amendment, as a result of the former government's discussion paper. Two did not support it, and a number did not even respond.

The Hon. I.F. Evans: So, two didn't and two did.

The Hon. M.J. WRIGHT: Two didn't, two did.

The Hon. I.F. Evans: It's even.

The Hon. M.J. WRIGHT: It's even.

The Hon. I.F. Evans: There is no conclusive argument against it.

The Hon. M.J. WRIGHT: There is no conclusive argument, necessarily, against it. I am sorry that the shadow minister was not here previously, but, hopefully, he will now be aware that the government is accepting the amendment that has been moved by the opposition in a spirit of true bipartisanship as only this government can demonstrate. But we live in the hope that this will have some influence on the opposition: that it, too, will be inclusive. The opposition knows that this government is strong on consultation, and I am sure that the member for Davenport, as the head spokesperson on this topic, would have consulted with all these councils, and that they may have changed their mind, because I know that he can mount a very heavy argument. I know that the honourable member can mount a very strong case.

To save the time of the house, it is important for me to say that we, as a government, introduced a bill that reflected the discussion paper put forward by the previous government. The opposition has moved its amendment to broaden it to include the West Coast, and we are happy to accept that amendment, because we think it is important that this legislation proceeds. As the opposition would be aware, we are very keen for this matter to move forward. I look forward to the speedy passage of this bill through the parliament.

The Hon. I.F. EVANS: I am grateful for the government's backdown on this issue. I know that the minister stands up and talks about bipartisanship. I can only say to the minister that it is a pity he did not have this bipartisan attitude to the issue when we moved the amendment to his bill only three or four weeks ago. I distinctly remember the debate and, from memory, the minister accused me of having a glass jaw at the time. I suggested to him that he might want to count, because he would get rolled in the upper house, but he would not listen.

So, all we have done is waste three or four weeks of the parliament's time in relation to this issue. The minister had the opportunity to accept the amendments before the chamber when they were here in their original form. They have gone to the upper house, been knocked off, and they have come back here; and then, suddenly, the government is bipartisan. It thinks, 'Now that we have lost the debate in the upper house, let us adopt a bipartisan attitude'! This is becoming a bit of a habit with this government.

I remember the debate on the poker machines legislation, when the opposition moved in this chamber to put certain moneys aside for the sport and recreation fund, the live music fund and the community fund, and the government knocked them off. The government said, 'We will not have a bar of it.' It went upstairs, the government was knocked off, it came back down to this chamber and, all of a sudden, the Treasurer stands up and says, 'We are now bipartisan. We will accept this amendment.' Every time the government gets knocked off, it suddenly becomes bipartisan. They come back in this chamber and try to make big fellows of themselves. They will probably do a similar thing with respect to another report that we are to debate in about an hour's time, where the government will come in and say, 'We have been knocked off, and now we have accepted some other amendments in relation to another issue.' I say to the member for Flinders: well done; she stuck to her guns and won the amendment on behalf of her constituency—and so she should have. There was absolutely—

The Hon. M.J. Wright: Funny they haven't raised it.

The Hon. I.F. EVANS: The minister says it's funny they haven't raised it. They may have raised it with the member for Flinders, for all the minister knows. It is not unusual at all for local government to deal with their local member. I cannot for the life of me see why the minister was so intransigent—

The Hon. M.J. Wright: Local government voted against it. Port Lincoln council voted against it.

The Hon. I.F. EVANS: Hang on a minute: the Minister for Local Government voted against it. It was only two minutes ago that he was telling us it was a two-all draw with six undecideds, I think was the end result; a bit like a caucus meeting. I put to the minister that I accept the government's vote. I know that he does not want to go to a conference on this important matter. I congratulate the member for Flinders on sticking to her guns in relation to the amendment to provide a public holiday, if the local area so decides, in relation to the event. I think it is a good amendment and I am pleased that the government has finally come to its senses, although I cannot understand why the minister did not have the bipartisan view when it was here in its original form.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Legislative Council informed the house that it had appointed the Hon. J.M. Gazzola to the Legislative Review Committee in place of the Hon. C. Zollo, resigned.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation): I bring up the interim report, together with minutes of proceedings and evidence, of the select committee.

Report received.

The Hon. J.D. HILL: I move:

That the bringing up of the final report of the select committee be made an order of the day for 17 February 2003.

Motion carried.

The Hon. J.D. HILL: I move:

That the interim report of the select committee be noted.

In July the government introduced the Crown Lands (Miscellaneous) Amendment Bill 2002. This bill included two new perpetual lease measures: a new minimum annual rent of $300 and a proposed minimum amount to freehold properties of $6 000. As a consequence of community concerns about these measures, a select committee was established to examine the amendment bill. The select committee engaged in spirited discussion about a range of issues, and I am pleased to inform the parliament that as a result of this discussion the committee has produced a unanimously supported final report.

I would like to express my appreciation to the chairman and members of the select committee for their earnest and diligent consideration of the bill. I would also like to express my appreciation to the officers of the crown land section of my Department of Environment and Heritage for the considerable efforts they put in to helping us finalise these matters. Considerable creativity and initiative were shown in proposing and debating options for resolution of the many complex issues surrounding perpetual leases. In particular, I commend the member for Fisher for initially moving referral of the bill to a select committee and subsequently for his balanced chairing of the committee. I would also like to commend the members of the committee for the spirit of cooperation and bipartisanship displayed during deliberations.

The select committee has proposed an accelerated freeholding program as an alternative to the proposal originally contained within the bill. This freeholding alternative will meet most of the aims of the bill by providing lessees with choice. It also provides disincentives for the retention of perpetual lease tenure. The proposed new freehold conditions include:

- A freehold purchase price for each perpetual lease of $2 000 or 20 times the rent, whichever is the greater, will be offered for an application period of six months only.
- An application fee as currently prescribed by regulations will apply.
- Lessees of residential properties smaller than one hectare will be offered a lower freehold purchase price of $1 500 or 20 times the rent, whichever is the greater.
- Lessees with multiple leases will be offered the option of including up to four leases in one application for one freehold purchase price. This applies only if they are adjoining and they have the same registered interest. A sliding scale will apply where more than four leases can be included in one application.
- Provision for hardship will be made in the form of time payment for lessees who hold a commonwealth-issued health card.
- The government is conscious of the impact of drought conditions in regional areas, as was the committee, and an extended settlement period of 12 months will be provided to affected lessees.
- A service fee in addition to existing rent will be introduced at the expiration of the freehold application period as an incentive for lessees to apply for freehold and also as a penalty for those who choose not to freehold.
- The Crown Lands (Miscellaneous) Amendment Bill 2002 will be amended—and I believe those amendments have been or are about to be tabled—to provide the power to impose a service fee, reviewable by regulation.
- As a further incentive to freehold, consent to transfer perpetual leases will be withheld once the application period commences. Lessees seeking to sell their leases will be advised to freehold first.

Implementation of the accelerated freeholding proposal will be a substantial project. It is expected that as many as 12 000 of the existing 15 000 perpetual leases within the state will be converted in the process, which will take as long as three years to complete. A project team of up to 40 staff, combining the resources of Crown Lands SA and the Lands Titles Office, will be required.

I have tabled amendments to the Crown Lands (Miscellaneous) Bill 2002 today to implement the recommendations of the select committee and to simplify the process of converting perpetual leases to freehold title. Letters will go out to all perpetual leaseholders in the near future outlining full details of the new bill. In addition, a communication plan has been developed to ensure that the public is kept informed of this process. A telephone advice line will be introduced to further assist inquiries, and a complete information package will be provided to members of parliament. Application forms and detailed kits will be sent out to lessees early in the new year. The select committee has recommended that a separate committee be established to consider the options regarding freeholding miscellaneous leases and perpetual leases in the range lands and transitional zones. Lessees in those areas will be notified of their options once that committee has reported.

Once again I acknowledge the spirit of collaboration adopted by all members of the select committee in providing practical options for the resolution of the issues associated with perpetual leases. To make it absolutely clear, I advise the house that the government has considered this report and has adopted the recommendations, so it is government policy as well as the policy of the select committee. If the amendments have not been tabled, they will be tabled today. It is the intention of the government not to proceed with those amendments until the new year, so that will give all members and the public a chance to consider them in an appropriate time frame. I imagine that what will happen is that today or the next day all members of the committee will speak to the report, so I think it would be appropriate if time were given for them to do that. I thank the house for giving me the opportunity to do this out of turn, and once again I commend this package to the house.

The Hon. I.F. EVANS: secured the adjournment of the debate

CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

EDUCATION (CHARGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 1890.)

Ms CHAPMAN (Bragg): In opening on this bill I must say that it is a stunning and classic example of the priority of this government. I recall that the election campaign of January and February 2002 was that education and health would be the priorities for this government. When I was asked to be shadow minister for education perhaps I was under some misunderstanding that I would be deluged with the amount of work that might need to be undertaken in this

house, given the stated priority of the government and confirmed in the pledge card issued by the Premier during the election campaign. It is not so, I have found. Apart from the compulsory education bill, now an act, in June, this is the only other education subject matter that has come before this house, and we are now nearly 10 months into the government of the day. Nevertheless, it is before us, and one would have to ask why.

I ask that question particularly in light of the fact that the government is seeking to deal with this bill within six days of its being introduced in the house. I ask myself what is the urgency for this to occur. I am becoming quite familiar with the process in this place, which seems to be that government order in respect of the seven day rule is honoured more in the breach than in the observance, and this bill is no exception. So, I was a bit puzzled why this bill had to be dealt with so urgently and in breach of that requirement, but I suppose the elapse of time which this bill is seeking to extend expires on 1 December 2002 and, whilst it is only 27 November, no doubt some work will need to be done.

There is a lack of attention to education matters in this house. For example, I need think only of the very extensive amount of work that was done over several years by the education select committee in relation to the review of the whole Education Act, of which committee I understand the minister was a member over many months of work, yet nothing has even seen the light of day in this parliament. As I have indicated, we are now 10 months into this government and 11 months into the life of this parliament, and this is all we have. What we have is a bill that the government would have us believe is necessary to extend the expiration time by one year to 1 December 2003, which extension they claim is to 'allow time for a comprehensive investigation as to the most appropriate mechanism for levying of materials and services charges in SA public schools.'

I suggest that is nothing but a furphy for what has really happened. This government has had nine months in which to undertake a review and deal with this issue; there have been plenty of other reviews. This is an area in education which is supposed to be a priority of this government, yet here we have a situation where the parliament is being asked to consider an aspect of legislation because of the inaction of this government in relation to its professed high priority of education.

I suggest that the handling of the issue surrounding School Card in 2002, in the time the government has been responsible for this area, has been a debacle (which I will detail shortly), and it does not surprise me that the parliament is being called upon, using its time and energy, to deal with this matter at this late stage without any substantive action being taken by the government. Hiding behind this is the fact that a review is under way in relation to the school management program, that is, Partnerships 21. A review has been undertaken by Professor Cox and a report was provided in August which the minister sat on but which is now out for further consultation. We have another year and another announcement. We have another year in which to look at that before there is another transition period. I thought 2002 was the transition period, but it now seems that 2003 is also necessary for this government. It will two years before the government will deliver anything to this state and the children of South Australia.

I ask the question: why is it then necessary for there to be some delay in undertaking a comprehensive investigation, in association with school management, in relation to the most appropriate mechanism to be used? I suggest that there is no obvious link unless the minister were to have an option which in some way will abolish the materials and services charges in schools. That is a possibility. I suppose I am reading from her own statement that 'a comprehensive investigation into the most appropriate mechanism' means that it will stay and that a mechanism will be determined, as distinct from its abolition altogether—but we do not know that.

We know this is an area which is independent of school management and which ought to have been properly before the house. A comprehensive investigation ought to have been undertaken. We ought to have before us the most appropriate mechanism, as devised by the government, for our consideration. We should not waste the time of this parliament and the people of South Australia and leave schools, parents and children in limbo for another year.

Let me outline the history of the materials and services charge. I want to do so because, I suggest, it highlights that there is absolutely no connection or basis whatsoever for joining this in some way and enveloping it with a school management review. The Department of Education and Children's Services (as it is now known) provides money for salaries for teaching and ancillary staff, utilities (water, energy, communications), buildings and grants to cover the day-to-day operational costs and materials which teachers must have in order to teach, and to support services for the provision of primary and secondary education to students in South Australia. Most schools request parents to pay a school charge so that additional materials and services can be provided.

As the minister said in her second reading explanation, prior to the 1960s it was normal practice for parents to provide textbooks, stationery and other materials for students attending public schools. Schools then began to purchase their own textbooks, stationery and other materials, with the cost of this service being recovered through a school charge. The bulk purchasing power (the appropriate phrase used by the minister) has the effect, therefore, of being able to pass on a reduced cost to parents, in particular the sales tax exemption and the operation of textbook hiring schemes.

Obviously, that process had considerable merit. It meant that schools could operate on the basis of being able to utilise the benefits of putting in a large bulk order and passing on that saving to parents or guardians in their school communities. The voluntary book loan scheme evolved so that parents through the school councils could elect to supplement resources provided by the department to purchase additional materials, equipment and services. It was another meritorious development.

While the Education Act and regulations did not give them the specific power to do so, a number of schools used the services of debt collectors and the small claims court (usually unsuccessfully) for a number of years. In order to clarify the position as it applied to all public schools, in September 1994 the then Minister for Education wrote to schools advising them of changes to policy, as follows:

> A number of schools have written to me seeking strategies to assist with the collection of school fees. Existing guidelines are being amended to allow schools to use debt collection agencies where all previous avenues and strategies have been used and exhausted, and where it is considered reasonable that the parent has the capacity to pay. Court action however will not be allowed.

This policy was initially successful. However, following a challenge to the new policy, a legal opinion which was sought stated that the minister cannot charge fees for the provision

of primary and secondary education; the provision of education is considered to consist of buildings, teaching and ancillary staff, and materials with which teachers must teach. A charge can be made for materials and services if their provision is not an essential aspect of the provision of education. The minister probably has the power to contract with a parent or guardian for the provision of these materials and services; and there is a power in the Education Act to make a regulation enabling either a school council or the minister, or both, to provide at a cost materials and services to parents on behalf of students.

Given that opinion, regulation 229A of the education regulations was promulgated on 17 April 1997, allowing charges for materials and services provided to students to be recovered in relation to the 1997 school year. Regulation 229A was subsequently disallowed on 25 July 1997, following debate in this parliament. Regulation 107A was made on 28 May 1998 in relation to the 1998 school year. The maximum charge was adjusted to $154 per primary student and $205 per secondary student. Regulation 107A was subsequently disallowed on 26 August 1998.

Then we come to 1999. Regulation 107A was promulgated for a second time on 25 March 1999 in relation to the 1999 school year. The maximum charge was adjusted to $161 per primary student and $215 per secondary student. Regulation 107A was subsequently disallowed on 4 August 1999. Regulation 107A was made on 4 May 2000 in relation to the 2000 school year. The maximum charge was held at $161 per primary student and $215 per secondary student, and regulation 107A was subsequently disallowed on 12 July 2000.

School councils were able to enforce the collection of charges made while the regulations were in force. It is lucky; that is all I can say. In this bizarre process of attempting to protect the interests of schools and, indeed, parents so that all knew what was happening, for four years we had this process of regulation—apparently based on the legal opinion obtained—and disallowance by this parliament.

The situation developed to the extent that in December 2000 the Education (Councils and Charges) Amendment Bill was passed by this parliament. That bill gives powers to schools to legally enforce materials and services charges. It is also important to note that, also in December 2000, the Chief Executive issued the following directions to all principals:

1. The compulsory materials and services charge cannot be made for the essential costs for delivery of the educational programs such as teachers' salaries, buildings and facilities (and that is also covered in the act).

2. The maximum level that can be charged by schools for 2001 (compulsory materials and services charges) is $161 for primary students and $215 for secondary students.

3. The compulsory materials and services charge must only include GST free supplies.

4. The compulsory materials and services charge must be fixed by the Principal and approved by the school council/governing council.

5. All parents/caregivers and adult students must be issued with a written notice in the format prescribed, which comprises the EDSAS tax invoice and an attached schedule of charges completed by the Principal, approved by resolution of the school council/governing council and by the chairperson. (The bill, which was later to become part of the Education Act, detailed the liability of both parents and adult children in certain circumstances, and that was an important essential direction to flow from that.)

6. The Principal may, on application by a parent on financial hardship or other grounds, allow the payment of the charge by instalments (the last instalment must be paid before the end of term 3). Principals may also waive or defer payment of the whole or part of the charge.

7. A student cannot be refused materials or services by reason of the non-payment of the compulsory materials and services charge (again, a support of the legislative provision to protect that).

8. School Card applicants using the income assessment form should be treated as School Card holders until the department advises otherwise. (It is interesting there to note the reference to the department's advising, and I highlight that. I will refer to that matter shortly. However, the important part of this direction was to ensure that, once the parent had made the application, they would be treated as though that application had been successful until there had been a determination.)

9. For School Card holders, any amount above the School Card grant is a voluntary contribution—that is, deemed to be voluntary.

10. Non-P21 schools can seek the difference between the School Card grant and the compulsory materials and services charge as a voluntary contribution from parents. For P21 schools this 'gap' cannot (under the direction) be requested from parents as it is already funded through the disadvantaged student grant. (This was also an important direction, because it was there to ensure that there was some protection to those schools that had not embraced and become part of the Partnerships 21 program. Excellent as it was, understandably at that time a number of schools were not members. Indeed, I might say that it has been an ever-diminishing pool since then. Nevertheless, it was a significant number at that time. Even if it was only a small number, they needed to have appropriate protection, and this direction provided that.)

11. A copy of the signed schedule of school charges and associated working papers, including the compulsory materials and services charge and the school council approved voluntary contribution, must be kept for audit purposes. (So, there was a deliberate, particular and specific obligation on the school to keep those records.) The maximum amount subject to compulsory collection was $161 for primary students and $215 for secondary students. There was also the opportunity for a voluntary levy. It is important to note that, notwithstanding that that was a maximum, many schools charge less than the maximum amount, subject to compulsory collection. As at 2001, some 76 per cent of the schools were charging less than the maximum amount, subject to compulsory collection; 20 per cent of schools were charging the maximum amount subject to compulsory collection, plus a voluntary levy of up to $100.

At that time South Australia was a leader in tidying up this issue to ensure that there would be a clear and absolute set of rules upon which schools could plan and budget and in relation to which parents had a clear understanding of their obligation and could plan and budget. At that time many of the other states were maintaining the operation of fees, levies or charges to cover similar types of expenses but it was largely on a voluntary basis, except for Northern Territory at that time (and I am not aware of whether that has changed) which did not impose that obligation. The Education Act was quite silent on compulsory school fees. It may have had

something to do with the level of funding such that it was able to adequately meet the needs of the children within the Northern Territory.

That is the position as it developed. The Education Act is very clear in section 106A that the school councils, with their approval, provided certain procedures have been undertaken and notices given, were able to enforce and recover a clear amount of income that they could rely upon as part of their complete budget from which they had to operate all the services of their school. At the time, the parliament also made it clear that, whilst it was going to fix a maximum charge for primary and secondary students—that is, a differential amount—it would also make provision for a CPI adjustment on an annual basis during the lifetime of these clauses. Furthermore, there would be a clause to the effect that this provision would come to a close as at 5 December 2002. However, it was not just a simple closure. A clear process as set out in the act would ensure that there would be a review prior to the expiry period, that that review would be undertaken, that an appropriate written report would be provided to both houses of parliament and that there would be time to ensure appropriate consultation and consideration to review the report in relation to the parliamentary select committee on what was then described as DETE funded schools.

In the second reading explanation, the minister identifies this as an obligation incumbent upon the former minister. I suggest that this responsibility is imposed on whoever is in the minister's position responsible for education, and that includes her. Nevertheless, in her remarks to this parliament the minister outlined why it was necessary to extend this period, namely, because the select committee chaired by the Hon. Bob Such was under way, and that the interruption of its work by the election earlier this year had the effect of not allowing this work to be completed. Therefore, there is no report and there could be no consideration by this parliament. As a result, this whole situation would have to be adjourned by extending the sunset clause in relation to the fee charging provisions.

We have seen the government come to office, and the Minister for Education has done nothing to restore what has been imposed upon her as an obligation under the act to complete the exercise of the select committee's inquiry, whether that meant reconvening that committee or calling on the parliament to set up another one to take into account the considerable work done by that committee. This government has had nine months to complete this exercise and has done absolutely nothing, notwithstanding its commitment to education and health supposedly being a priority.

I highlight what has now happened with the materials charge in 2002 and the debacle that has followed in respect of School Card applications. The minister has set about making provision for a new form of checking procedure to come into operation so that when parents enrol their children and attend at school, usually at the end of January or early February at the commencement of the academic year, they have an opportunity to complete the form as prescribed and of which notice is given to seek some respite from the obligation to meet this payment at the beginning of the academic year. They are given the opportunity and protection, until their application is dealt with, to be treated as though they were; in other words, they do not have to pay up and be given a refund but are immune from the expectation or obligation to pay within that time.

The usual process has been that that would be received, a declaration made with that application and an assessment done as to whether or not they qualified. Usually within a few months some clear direction is then given as to whether they qualify. Appeal processes are available, but there was a capacity in those circumstances for the schools to receive their applicants, which are fairly significant in South Australia. Something like one-third of parents or guardians of South Australian children in public schools have the benefit and protection of School Card with regard to the obligation to pay therefor.

Under the previous arrangement, they would lodge their application, be successful or otherwise, and the school would have a good idea on what amount they could budget and was usually able to make an assessment of the likelihood of those within the application range who could reasonably expect to be approved and qualify, while others were rejected. To some degree the schools, the principal and the governing council would have a pretty good idea of the amount of money they would be recovering—in relation to a proportion of which they might expect a delay or difficulty receiving but for which they would expect ultimate recovery. They had the umbrella of protection of the act to take debt recovery proceedings if necessary. More often than not that was either not required or, if required, rarely exercised.

Nevertheless, that capacity on the part of the school council to authorise that recovery process was a very important one in ensuring that there be some compliance by those who were obliged to pay. That is how it operated: it was relatively straightforward, a simple process and one that worked. The government decided, with or without work being done on this (even during the course of the preceding government), to change the rules about the checking process. That new process relied upon Centrelink—an agency of the federal government—to provide the checking process. Apparently there was some problem with the computers in Centrelink and, instead of checking that all this was operational and working, this government decided that it would proceed with that process and introduce the new program which, if it worked, might be a very good one. However, it clearly did not work and became a disaster, because, with the haste with which it was introduced without checking, it resulted in two very significant outcomes: first, that a very much larger number of the pool of applicants was rejected. That number in the pool was much larger than that which was originally expected to apply and as was estimated by the schools themselves.

Sometimes, in schools such as the Adelaide High School some 100 students, as reported in the media, were exposed to this difficulty and it produced a larger pool. The direct effect is that, because of the act and the umbrella of protection, those rejected came under some obligation to pay. But, because the whole process had taken many months to filter out at the end of the line, I raised an issue in September this year. Further, other relevant parties in the education community, in particular persons such as Mr Graeden Horsell (who represents state schools), principal associations, Ms Leonie Trimper (of the Primary Principals Association and who has been keen to support a number of government initiatives in relation to the minister's announcement), raised the concern arising from this process. This was a disgrace and a debacle and had the direct effect of schools remaining uncertain as to what effect it would have on the following year's budget because they would be short of funds. They would be not just a few dollars short but tens of thousands of dollars short.

The other arm of that aspect is that, because it came so late in the year, one might expect that it would raise some difficulty, particularly for schools that were attempting to recover from families where their last remaining child at school was actually leaving school at the end of that year. What possible hope would they have of tracking down that family and getting them to honour the commitment to make the payment as late as November 2002? It was a twofold problem in that, first, the aspect of the large number had a direct financial consequence on a reduced amount of money available to the school and, secondly, it had a very significant imposition on the schools, and this had the consequence of their not really being able to collect.

That is just one example when a school child is leaving the school community, and the family may even move to another district. What of those who are leaving school not because they have completed their education but because their parents are moving interstate, or moving to another area, and those children are seeking to continue their education elsewhere? What hope then has the local school of having that recovery?

The second disastrous outcome which I highlight, as I did in September—and, again, other organisations were able to come forward as it dribbled through and we saw more and more schools caught by this disastrous situation—is that there was an expectation by the minister and her department that it would be the schools that would convey the unhappy news to the applicants who were unsuccessful. There are two aspects to this: one is that I do not know of any schools—and I have visited many, particularly in the last six months, to refresh my own knowledge as to the current circumstances—that have come to me and said, 'We have a surplus supply of SSOs and teachers. We have people sitting around twiddling their thumbs with nothing to do, so we don't really mind this idea of extra people being cut off the list because we have plenty of people who can sit here and ring them up, track them down, tell them the bad news, listen to them for half an hour about their financial predicament and the impecunious state in which they and their family find themselves. We can accommodate that—no problem!'

Not one of them presented to me that this was something that they welcomed or were capable of undertaking, even in a voluntary capacity. Secondly, even if this were to be imposed on the staff, who are heavily engaged in their other duties—and teachers, I might say, ought to have the opportunity of remaining in teaching and not have to undertake these other sorts of tasks—and, even if it were to fall to the SSOs, members of the governing council, or other volunteers who might come to the fore to help, why should they, when there is an existing ministerial direction (to which I have already referred), be under the obligation of having to convey this bad news? I suggest that there was no reason whatsoever for them to be undertaking this obligation. It was unfair and entirely inappropriate that they should be called upon to do so, when it was made quite clear that this was a departmental obligation. In particular, when I referred to School Card applicants using the form, those applicants had certain treatment until the department advised otherwise. It should not be SSOs, volunteers, parents, teachers or even the principal who should be advising them of that: it should be the department.

It was a cruel twist to impose this obligation on the schools at this time of the year, when they may be preparing their students to undertake final examinations on completion of their academic work, dealing with placements and supporting vocational training, or undertaking other transitional activity which is very important at the end of the year.

As to the financial imposition, how audacious to present to these people in October-November, as we move into the Christmas period, a bill of $161 or $215, or any multiple thereof depending on the number of children they have, placing an obligation on those people to pay. They may even have in their household students who are undertaking final year examinations for their SASE certificate, and they are advised of this bitter blow.

Bearing in mind that February 2003 is only several months away now, if the people who have an obligation to pay and do so have been rejected this year, there may be a good chance that they will be rejected next year; so they will have to find this money all over again. As a result of this complete botch of the process, the minister, earlier this month, announced that she would assure schools that they would be funded on either the 2001 School Card approval number or the 2002 eligibles, whichever was the higher. That is a reasonable option to be offered, albeit very late in coming. It is an option that will obviously be welcomed by schools, but it is one that should never have had to be called upon or offered, because it indicates the stunning embarrassment of a process that went completely awry and caused distress and concern to school councils, governing boards, principals, teaching staff, students and parents.

It is an absolute disgrace that it should have even got to that stage and that we should have had to experience what I call the School Card scandal of 2002. However, it has happened. The minister has attempted to mop it up and, in all that time, she has presented a bill to the parliament that now asks us to approve a further delay which will have the direct effect of keeping the school fees capped. That, in itself, may be appropriate. It may be that, on further consideration, there is no justification for schools to increase that amount. My guess—and I think it is a reasonable guess—is that a number of schools will present an argument to suggest that there is scope for an increase to provide the necessary materials and services for the education of the children in their schools in the services they have offered. Alternatively, they cut the services: that is the only other option.

We now have a situation where, as I say, some reprieve has been given. We are now asked to hold that off for another year. I have had only a very short time in which to consult on this issue with relevant organisations, but this bill is now rushed into the house (in breach of the rules relating to such action) and has to be dealt with as a matter of urgent business. In telephoning around to ascertain the concerns raised by other organisations in the education community, it seems very clear to me that the government did not have the decency to ensure that this information reached the wider field of the relevant community organisations and schools; nor did the government even undertake a consultation process.

So, even if there was some inadvertence or slackness that created the need to deal with this whole issue quickly, at the very least one would have expected that the government would undertake that level of consultation. I ask the minister, in her response, to detail to this house the number of organisations that received a copy of the bill, including her second reading explanation, as well as an invitation for comment or consideration. I hasten to suggest that it would be a very short list.

Finally, because of this action—or lack of action—in giving this important issue the attention it deserves, I ask that the government, and particularly the minister, give an

undertaking to all schools that they will not be worse off in 2003 as a result of this extension of the sunset clause.

I accept that there will be one qualification and one qualification only: that is, that they would not be worse off financially if, of course, there has been a reduction in the number of enrolments. Quite obviously, that should incur an appropriate reduction in what is anticipated will be the global income (not just the global budget, as it has been referred to); that is, the total income of schools so that those schools know that, notwithstanding the mess from 2002, they will be able to properly plan for 2003 with confidence and the assurance that they will still be able to provide the services to the schoolchildren in public schools in South Australia notwithstanding the poor way they have been treated throughout 2002.

I call upon the minister representing the government on this matter to give that undertaking, and I do so on the basis that I accept that the minister is someone who is committed to education in South Australia. It is a shame that her cabinet colleagues obviously have not seen this as a priority. Nevertheless, the minister herself does, and she has made her position clear on a number of occasions. I do not doubt for one moment that she, too, would be concerned that schools have that reassurance for 2003; accordingly, I ask her to give it.

The Hon. R.B. SUCH (Fisher): Earlier today, I had the privilege of attending Reynella East High School, where Prince Edward was part of the celebration of the Duke of Edinburgh Awards, and I had the privilege of meeting him. I know that members in this place would be surprised, but I have now come back to earth and will be addressing the issue of school fees. However, it was a great occasion and it was pleasing to see that Activ8 (which is a renaming of the non-military type cadets scheme that I promoted many years ago) has taken off, particularly in the Reynella East High School and in other schools. The Reynella East High School is actively involved in surf lifesaving, and it has helped in many ways in that school. I pay a tribute to the teachers and students involved in that program and its connection with the Duke of Edinburgh scheme.

This bill is very short in content, but it is a very big issue, as demonstrated by the contribution of the member for Bragg. The situation in relation to fees and charges in state schools is unsatisfactory, and it has been for quite a while. Nothing will be gained by pointing the finger at who is responsible or who has done—or not done—what. The reality is that the situation has not been good for quite a while, and it still has not been addressed satisfactorily. What is before us today is really just a holding measure until this issue can be addressed, one would hope, in a much more satisfactory manner.

The dilemma for schools in my electorate, as it is elsewhere, is that they are in a no-win situation. School councils spend a lot of time chasing people who refuse to pay anything or who refuse to pay the so-called 'voluntary' component of the fees and charges. The legislation that was before this parliament two years ago actually made the situation worse by emphasising an artificial dichotomy in its use of the term 'voluntary', and it has caused a lot of pain and angst. For example, one high school in my electorate has just drawn up its budget for next year, and it shows that next year the parent contribution will be down by $36 340, because a lot of parents take the word 'voluntary' to mean exactly that and do not pay.

We also have people who, for ideological reasons, will not pay anything towards state school education, believing that they have already paid their taxes. We have had people quote from the United Nations' Charter on the Rights of the Child (somewhat inaccurately, I think) and suggesting that there should be no fees or charges associated with state education. The emphasis on the so-called 'voluntary' component has complicated an already unsatisfactory situation. We are now going to have another year of purgatory until this matter is sorted out. As I have said, it was not sorted out many years ago when it should have been.

The fees allowed for secondary and primary ($215 and $165 respectively) are grossly inadequate in terms of a modern school trying to function properly. Those amounts are just not realistic, and therefore some consideration should be given to them, because they are arbitrary and largely inappropriate. I believe that the community—and that means the government, ultimately—needs to bite the bullet on this issue. As I have indicated, school councils are spending a lot of time chasing bad debts and 'almost bad debts', that is, people who are reluctant payers. The amount of time and pain inflicted on school councillors and the staff of schools in chasing fees is ridiculous and counterproductive, and is not what school councillors are elected for.

Consideration should now be given—and it would need to be phased in—to possibly abolishing fees and charges in state schools. I am told that the cost would be somewhere between $20 million and $30 million. That is not a lot of money in a budget of over $7 billion. I accept that it would have to happen over time, but currently about 40 per cent of students get School Card, which means not paying for fees and charges.

Mr Brindal: Do you find that an extraordinarily high number?

The Hon. R.B. SUCH: I am told that is the figure. The minister probably knows exactly. However, I am told that close to 40 per cent qualify for School Card. By the time you take into account that the government is paying for School Card, and the time spent on debt collection, bad payers, slow payers, and all the other hassles that go with it, you have to ask whether it is worth persisting with the current arrangement. So that is one option.

Another one could be to let school councils set their fees, I guess within fairly generous limits. That system would naturally tend to favour the more affluent areas, but that is the reality of life. For instance, a school in the eastern suburbs is more likely to get extra money from parents than a school in some of the areas to the north and to the south, and possibly to the west. If a school council wants to charge a particular amount, I do not see a great problem, provided the money is spent for the benefit of children attending the school, and obviously, that is what it is meant to be spent for.

Sadly, here we are with a major problem still not fixed. I am pleased that the minister has given a commitment that it will be sorted out during 2003 ready for 2004. I will not be very tolerant if the situation is not fixed prior to 2004. We have had pain and suffering year in, year out as a result of not having a coherent, reasonable, enforceable policy in our state school system. As I have said, either we come up with a fair and equitable system that allows school councils to charge fees within certain limits or we have to abolish fees and charges totally, or we somehow simplify and get rid of the artificial distinction between 'voluntary' and 'compulsory' that currently afflicts the fees and charges regime in our state schools.

I do not want to take up further time of the house. I want to see this matter resolved. This bill does not resolve it. It puts the handbrake on for another year. I am assured by the minister that this issue will get priority and will be resolved properly so that, by 2004, school councillors, staff and schoolchildren will be able to focus on learning rather than on fees and charges.

Mr BRINDAL (Unley): I have listened with interest to the contribution of my friend the member for Fisher, as I did to the contribution by the member for Bragg. The member for Bragg and I were just discussing that we find the suggestions made by the member for Fisher out of the left side of the brain, or something. That is not unusual for the member for Fisher; he is capable of thinking divergently.

The Hon. R.B. Such: Assuming there is a brain!

Mr BRINDAL: I am absolutely sure that there is a brain. There would be few people, apart from the members for Fisher and Bragg and me, who understand the issues of education—and, of course, most people on this side of the house, but it is not a characteristic of the government, unfortunately. If I understand the member for Fisher correctly, he is suggesting that we return to the concept of 'free' as free, secular and compulsory education. That is a reasonably novel suggestion since, as he points out, almost since the 1960s there has been increasing pressure on schools and school fees. I am not sure how much it would cost. Perhaps the minister can tell us. I suspect that there are 200 000 students in South Australia. How many students are there?

The Hon. P.L. White: There are 175 000 public school students.

Mr BRINDAL: If each of those 175 000 were to have their $161 minimum fee abolished, it would be a fair impost on the government, and I would be very interested to see whether this minister is prepared to take up the suggestion. I would not dare ask the shadow minister whether she thought that, in government, we could afford to take up the suggestion.

One of the things that I would say to the member for Fisher in defence of this government (and all previous governments since the 1960s) is that, fortunately, or unfortunately, depending on which way you look at it—because there are those of the old school who would suggest that schools should not be about much except very basic things, but most of the educators would say that, since the 1960s, with the advent of all sorts of increased opportunities in schools, from very serious music schools with instrumentation teachers and things such as that, to a whole range of outdoor education activities, and moving from when the member for Fisher was at Goodwood Tech. they would have had nothing much more than basic workshops and a bit of lawn that was called the oval, a couple of cricket nets with the wire around them—

The Hon. R.B. Such interjecting:

Mr BRINDAL: See, the member for Fisher did not even have lawn at Goodwood Tech. when he was there. The point I make is that, when both he and I were at school, the facilities were much more basic and, therefore, the call on the government dollar was much less. When one looks at the fact that, since the 1960s, every single ill that society has had that teachers and education have been effectively asked to redress, one will see that the pressures on teachers in terms of their requirements as educators, social workers and almost as ancillary police have markedly increased, as has the need for facilities. I wonder whether the member for Fisher's idea is practical and could be afforded, even if we wanted to do so.

Having said that, along with my colleague the member for Bragg, I find the bill currently before the house absolutely remarkable. If anything, I am a little more passionate than she, because I had to sit here as a member of a government that, year after year, simply had to watch those same people opposite who now come here and argue for an extension of this sunset clause; they were the very people who forced this legislation in the first place. For four years the government wanted to do what is reasonable and right—and what must be reasonable and right, because they simply want to extend it—and for four years the very people who now ask us to extend this legislation were the people who disallowed the regulations not once but, as my colleague said, four years in a row, to the point where we had to come in here and, with the active participation of a number of Independents, get a bill through this house to stop the absolute mayhem that was then being caused by opposition members. According to them, this was everything that was wrong with education. The whole concept was wrong. They did not want a bar of it and, every time they could, they disallowed the regulations. Then, with the help of Independents, we passed a bill—the bill that my colleague referred to as an amendment entitled the Education (Councils and Charges) Amendment Act, which obviously became part of the Education Act.

That bill was passed because this house and the government of the day, being the legitimate government of the day, in concert with the Independent members who helped to pass it, concurred on the fact that it needed to have a sunset clause that would be a measure to run its course and to finish about now, with the idea that, if we formed a government this time, we would come back here and tell this house what it was that we would plan to do. We are not the government, but it does not matter which party is in government. One parliament succeeds another, one government succeeds another, and the minister who sits on the bench is, in fact, the duly elected minister of this government. It is her duty to come in here now and say what the policy of this government would be in this respect, because the last parliament clearly expressed a will, and that was that this run out now.

I know from what the member for Bragg has said and the second reading explanation that the argument was that because there was an interruption of the work of the select committee chaired by the member for Fisher and, because there was therefore no report, there was no consideration by this parliament. But, as I understand it, under this act there is no obligation on a select committee, and there is not an obligation for a select committee to report. There is, in fact, not an obligation even for parliament to consider other than that which the minister wants the parliament to consider. The select committees of this place can do what they like. The executive government of this state comes in here and accounts to the parliament for its actions and asks the parliament for endorsement of its legislative program, of its policy. And, no matter what the select committee said or did not say, no matter what this parliament did or did not eventually decide, the only person who can really come in here and tell this parliament what is the policy of this government is not a select committee; it is the minister. So, the minister cannot sit there and say, 'The select committee did not report, so I cannot come in here and report,' unless this is a new form of government, in which government by the parliament will take precedence of executive government. If it is, I am sure that the members for Bragg, Mawson,

Morialta and MacKillop would like to know, as would I. If we are to be part of the decision making process and be given the right to set policy, we will go out at tea time and work up a few policies of our own to bring in here and put before the government, if it is so bereft of ideas.

The fact is that, if you are a minister and you take the extra money, it does not matter how many people you consult, it does not matter what you do, it does not matter how many times you do it—and the member for Mawson can back me up on this. No matter what you do, the decision comes to your desk, as minister, and you must make the decision and bear the responsibility for the decision. What this act that we are—

Mr Brokenshire: Everything over $1 000 goes to this minister.

Mr BRINDAL: I understand that. I understand that she is very careful with the department's money. It is a pity that her TAFE institutes—they are not hers any more, so I will not mention the TAFE institutes—

Mr Brokenshire interjecting:

Mr BRINDAL: That might be true. The member for Mawson said that they would like to get things to happen. I think that her colleague, the minister responsible for TAFE, would like a lot of things not to have happened in some of her institutes, in fact—perhaps too much has happened; too much has gone the way of all flesh.

The fact is that it is for the minister to come in here and make a policy. But she does not. She comes in here, after four years of obstruction, after then getting a bill through, and says, 'Now that we are in government, everything is different.' It is constantly amazing to me how, it does not matter which side of the benches you sit on in this place, the minister of the day seems to argue the same thing. It is almost as if it does not matter whether or not any of us are here: the eternal public service goes on.

Mr Brokenshire: The same basis, actually.

Mr BRINDAL: Yes. When they were on this side, it was all wrong. Now that they are sitting on that side, it is all right. I simply do not understand. The fact is that either the member for Fisher is right and she should bite the bullet and say, 'All children from here on will receive a free, secular and compulsory education,' or we are going to have these fees or we are not—not in 12 months' time. I am absolutely against this although I am tempted to vote for it, because in 12 months' time you, minister, will still have to come back and present a policy, and what will please me is that you will be 12 months closer to the next election.

The Hon. P.L. White: So, are you voting for it or against it?

Mr BRINDAL: I do not want to vote for it, minister. You ask me a direct question: I do not want to vote for it.

The Hon. P.L. White: Are you going to?

Mr BRINDAL: I certainly will not be calling 'yes'. I guarantee you that I will not be calling 'yes'. Whether I will be calling 'no' is a different matter, but I will not be calling 'yes'.

The Hon. P.L. White interjecting:

Mr BRINDAL: If you want to see how I vote, you call 'divide'. That is up to you, minister, not up to me.

Mr Williams: She has to call 'no' before she can call 'divide'.

Mr BRINDAL: The member for MacKillop gets it right: the minister has to call 'no' before she can call 'divide,' and I am not going to tell her how I am going to vote. So, there is your problem: call 'no' if you like and I will support you. The fact is that in 12 months' time the minister will still have to make a decision: that is irrefutable. In the meantime—and this is what upsets me, and I am sure it upsets the member for Bragg—as a member of a governing council, a member of Glenunga High School Council, I am aware of the real dilemma increasingly facing our schools. In fairness, minister, I do not think that another extension will fix it.

Increasingly, those schools are faced with a dilemma with more and more parents realising that the only amount that is legally enforceable is the compulsory component. Many parents are just saying, 'We don't care if the fee is $280: we'll pay $250 because that's all we can be legally required to pay.' Every one of the members in this house (because we are all associated with school councils, and some of us actually participate) has yet to see a governing council that is irresponsible in the setting of its budget or the use of its money. They are very responsible in the way they apportion their money and what they want to do for the benefit of the young people in their school community. Invariably, they would like the government of the day—whether our government or yours, minister—actually to give them a larger base grant, but you are probably constrained by your Treasurer as we were, and your Treasurer is not going to give you any more money to give schools.

Mr Brokenshire interjecting:

The Hon. P.L. White: And they've already received that.

Mr BRINDAL: I should not respond to interjections, but before you, sir, rule me out of order for doing so the minister tells me that Utopia is coming: that they have already been given a few bucketloads more money by this Treasurer and he is about to deliver truckloads more.

Ms Chapman: Salaries and toilets.

Mr BRINDAL: Salaries and toilets.

Mr Scalzi: It's flush with funds!

Mr BRINDAL: Actually, in 13 years today was the first time that I heard this house seriously discussing the toilet facilities of schools, so it was a new high point in debate. The fact is that—

The Hon. P.L. White: Was that a compliment?

Mr BRINDAL: You work it out. The fact is that no school council wastes money. All school councils try to do the best they can with the dollars available. They take whatever money the government gives them in terms of base grants and other grants and use it wisely, then they work out how much they need to collect from the school community, from their students and their families, in order to achieve a level of income that will allow the school to operate in the best interests of those students and that school community. Having set those fees, increasingly what they have to do is calculate in the bad debt. They have to work out the amount of money they actually need to run the school, then they have to work out the amount of money they need to ask for.

They have to calculate very carefully how many parents in the community are good payers, and they can tell you down to a percentage. Most schools can tell you that about 60 or 70 per cent of their parents will cough up the full fees and 40 per cent will not. Having done that, they work out their budget. And guess what happens? What has happened this year in at least one school is that the number of people they expected to pay was under-calculated. They are now facing a budget shortfall because they underestimated the number of bad payers, the number of people who simply did not pay the full fee. Now they are in some slight financial difficulties because of it.

So, next year they up the fee a bit again to make up for their under-calculation this year; they look at the trend line that says that fewer parents will be paying the full fee next year, so they up the fee a bit more for that and, in the end, you actually have some parents in our system who are paying more than their fair share because they are, through no fault of the school council and no fault of their own, and certainly no fault of any of the students, subsidising other students in this school. I do not mind the fact that parents are expected to contribute, but here is a government—and I have heard you speak on this, sir—that is about equity. Equity is important to this government. How are social justice and equity a reality when some people are being squeezed for more money than their fair share to pay for people who simply do not want to?

Your government, sir, and ours both had quite clearly a policy of allowing that section of our community, which the member for Fisher estimates at 40 per cent, that cannot afford to pay school fees to apply to the government of the day and get School Card. It is not as if we are talking about the battlers, about people that your government, sir, adjudges as needing free education. They are getting it from your government. What we are talking about is some people after that whom your government clearly said do not need free education but who simply refuse to pay more than they are legally required to pay and thus use the people who will pay what the school needs to subsidise their children.

That is not what I call equity. It is not what I call fair, and, if that is the sort of society we have in this state, I think there is something wrong. I am not blaming the minister or her government for that. What I am saying is that in asking us for this extension she is allowing that inequitable situation to be perpetuated for a year. She is putting more burden on school councils. She is giving them an unfair responsibility and she is setting parent against parent, family against family because she cannot make a policy. And that is her responsibility.

She should be in here: she should have a policy; and she should do what she said Labor could do before the election, not come in virtually 12 months after she has been elected and say 'It's all too hard: give us another 12 months.' If the minister cannot govern, then the minister should resign. She should put someone like you there, sir, who might be capable of making a decision.

The ACTING SPEAKER (Mr Hanna): Order! There is no need for that remark. Carry on, member for Unley.

Mr BRINDAL: I will reframe it: she should resign in favour of someone who would be capable of making those policy decisions wisely, in a timely fashion, and well. If you find that that applies to you, sir, that is your business, and I will not refer to you. I am appalled that, after four years of saying how evil this was, of repeatedly disallowing, of making sure that limits were put on the very bill that we brought in to make sure this system could come in, the minister now comes in and says, 'We need a 12 month extension because I'm not capable of sorting it out.' If anything shows the incompetence of this government, the fact that it is destined to be a one-term government because it simply cannot make decisions, it is this bill. This bill stands as a disgrace to this party. I am surprised that the member for Giles can sit there and not join in this debate in a way that actually takes her people to task.

The ACTING SPEAKER: Order! There is no need to be provocative. Have you finished your remarks?

Mr BRINDAL: Yes, sir.

Mr WILLIAMS (MacKillop): I will not take too much of the time of the house, but I will not miss the opportunity of expressing my amazement that we are even debating this issue. Without going through the full history as the shadow minister did, may I just say that 12 months ago the person who is now the minister responsible for education was serving on a committee of this house with several other members and me. Now the minister, who has been in this role for some nine months now, uses as one of the excuses for this piece of legislation the fact that that committee never reported, because the Forty-Ninth Parliament was prorogued and we had the election and change of government. If the minister's problem in adopting a policy position is the fact that she has not had the benefit of the select committee concluding on the evidence presented to it, why has she not reinstated that select committee? Why has she not used the opportunity that she has had over nine months to reinstate that select committee? She had very full praise for that select committee; in fact, if my memory serves me correctly, she moved to set up a select committee herself, when she was in opposition. If she was so supportive of that process, why has she not done so over the past nine months? More importantly, why has she not done something about this issue? Why has she not taken some of our time over the last nine months to do something about this issue?

There are two distinct issues with regard to this bill. One is the fees—the materials, services and charges themselves—and the other is the sunset clause. I remind the minister of the sorts of things she said when we discussed this matter on Tuesday 14 November 2000. The minister said:

> Secondly, in relation to the other matter which forms a large portion of this bill (the school fees issue). . . members should not be swayed by the vacuous arguments that we should risk passing inadequate legislation in order to satisfy some fictitious urgency.

That is what the minister said two years ago on this matter: 'in order to satisfy some fictitious urgency'. That is where the minister has found herself some two years later: with the necessity to satisfy some urgency, because she has allowed herself to be put in a position where the sunset clause will make her actually make a decision. That is something the minister has been enable and unwilling to do. She has been enable and unwilling to make a decision on something about which, when in opposition as shadow spokesperson on this policy area, she had plenty to say. As the previous speaker, the member for Unley, said, according to the shadow minister in the previous parliament, everything we did and every policy position we took in education we wrong and we were destroying the education system in South Australia, yet she has the audacity to come in here now and present the house with this bill, which says we will have more of the same, thank you. That is what this is about—we will have more of the same.

When this bill that went through parliament in the year 2000 came back from the other place, the sunset clause had been inserted in the other place, and this is what the then shadow minister, the now minister, said at that time:

> The opposition does not support this amendment. . . With this amendment, for the next two years schools will have to suffer the mess that the government has created for them in terms of school fees.

Now the minister is saying, 'That was not a mess after all; we want more of the same. In fact, we want it for at least another 12 months because, in nine months, although I said two years ago it was a mess I have not been able to come up with something better.' She went on to say at that time:

This clause is nothing but a. . . see-through attempt by some Independents to enable them to go out and say, 'We made the bill better.' Well, they have not: they have made it worse.

What has been the minister's reaction? In mine months she has done absolutely nothing but, at the eleventh hour, only a matter of days before these clauses of the act are sunsetted and disappear from the act, she has come in here and said we will have more of the same. So, we have had no select committee, which the minister thought was a good idea at the time; we have had no policy development; in fact, we have had nothing at all from this minister. The only thing this minister has done in her portfolio area is stop capital works right across the state, particularly in rural and regional areas.

An honourable member interjecting:

Mr WILLIAMS: She claims that she has put more money into education but, as has been pointed out via interjection, that money has gone into salary increases to teachers, and that included bringing forward those salary increases by six months from the negotiated position, which was agreed to two years prior to that, and also increasing maternity leave benefits; and she has put a bit of capital works money into improving some toilets. That is all this minister has done for education in nine months. It is an absolute disgrace that we are even considering this bill. It is total hypocrisy of this minister that in the time she has had carriage of this portfolio area she has not been able to bring something a bit more substantial to the parliament, considering everything she has said in the past.

Mr BROKENSHIRE (Mawson): As a rule I would not be speaking on a bill such as this; I would leave it to the capability of the shadow minister, and we have all seen the capabilities of this shadow minister for education in really starting to grill the government and get on the public record the inequities occurring in education and the completely broken promises in education. Over the next 3½ years one of the great things we will have serious fun with in this place on behalf of the community is exposing the smoke and mirrors this government is about when it comes to education. Education has not gone forward in the past nine months; in fact, it has gone backwards.

The minister might like to come with me into my electorate or let me know when she is in the electorate, as was our practice when we were in government. It is interesting that very few ministers in this government stick to base protocols and decency in advising their local member when they will be coming into their electorate, because on most accounts it would be appreciated if that was done. It was always a practice in this house until this government. I commend the Hon. Paul Holloway for that, because he is at least one minister who has the decency to ring up the local member's office and say, 'I will be paying a visit in your electorate.'

The reason I wish to speak about this is that every member of parliament in this house—not just the Labor members—has a real, genuine and bona fide interest in education, and we understand the importance of it. We have seen a complete rewrite of the history books in every aspect since the government has been in power, the key one being the economy. We know that in 1993-94 South Australia was bankrupted thanks to a Labor government, and we know how good the budget is right now. Yet again we see a rewrite about education, but where is the minister delivering for the community? As my colleagues have pointed out, you have had nine months to get this together. It is not as if it is a new issue. I sat in this house for many years and saw the opposition and now Labor government deliberately go out and make life difficult for schools, principals, chairs of school councils and the volunteers who work in the schools. Most importantly, they went out and made it very difficult for students, simply because they wanted to push a political point. But it all changes once they get into office and they now realise the importance of school fees.

School fees have been around for ever and a day. My family was not exactly wealthy, and I can remember taking my school fees up to the school every year so I could get my pencils, paper, books and so forth. It has happened for decades, if not since the inception of school, yet for four years this current minister deliberately undermined the basic principle of paying a small contribution to the public education of a child and, together with the education union, argued that it should be free. If they firmly believed that, they have had nine months in which to make it free.

Ms Breuer: Eight months!

Mr BROKENSHIRE: The honourable member is admitting it is eight months: I will give them a month. The government is now admitting—and it is on the public record—that it has had eight months in which to make this free—and it has not done so; and I suggest that it will not make it free because they do not have the $20 million or $30 million it would cost, as the member for Fisher said. I will be surprised, when the government brings a report into this house, if they say that school fees will be free. One would have a better chance of being right on that than winning any sort of lottery. I do not believe they will be in a position to do it.

Members of the government ought to put their money where their mouth is for a change. People have been anxious and spent long hours considering what has happened with budgets in the past few years. Front page stories in the *Sunday Mail* were deliberately generated by this government when in opposition, particularly inciting people in the northern suburbs not to pay their school fees. As a result, people started to capitalise on the situation. They said, 'If the law provides that we don't have to put in that money, we won't put it in.' What annoyed me was that it was not the battler, who just missed out on School Card, who adopted that attitude.

When one talks about social justice and social inclusion, the Liberal Party really had it. The fact is that, on average, 33 per cent of students attending public schools were getting School Card. At some schools in my electorate—which were still repairing the damage from the previous Labor government—over 50 per cent of students were getting School Card. It was true, bona fide justice and social inclusion. However, as a result of the messages that the minister and the Labor Party were sending through the media, families that could afford to pay would not pay. But the battling family, who just missed out on School Card, had to make a contribution each term. I admire those people and say to them, 'Well done!' I acknowledge that those people in my electorate who could afford to pay and who were not paying were depriving their children and other children of opportunities—and that happened every year over the past few years.

I sat at school council meetings and saw the budgets. Good things, which were going to occur for all students, had to be cut and were not able to be delivered; for example, extra computer planning programs, including additional wiring and cabling, to capitalise on the work the former government did with IT in schools (which provided one computer for every five students) had to be cut. Playground equipment for young

children in schools had to be cut—all because this government played political games.

What does the government do after eight months? It brings in a bill at the 11th hour. It urgently needs to extend this because it wants clarity before the beginning of the new school year. It is appalling. When one sees this sort of bill coming into the parliament, it suggests there is no management. I wish the media would pick up on this issue, because this is one of many examples in the last eight months of an inept government. Either it is policy on the run, or it is driven by the media as the story of the day; or, if it is too hard, it is reviewed and put on hold. The government should not call up a select committee, which is already in place, and ask it to finish its job. The government has procrastinated and stalled, panicked at the last minute, and now brought in a bill to hold up the matter. That is why I am speaking on this issue. I think it is time this government started to get serious about making decisions. Members will be here again at the end of next year doing exactly the same thing.

I want to talk about another aspect of school fees. A lady was almost in tears in my office the other day. This lady is a classic example of so many people in my electorate who work very hard for their schools with very little recognition. I congratulate not only the schools in the electorate of Mawson (which I am proud to represent) but also the southern cluster of schools, and the chairs of those schools who were angry at the Labor Party's undermining of the strong position they had on the collection of school fees. Every time a regulation was turned over, each school lost thousands of dollars. They would ask, 'Robert, what's going on?' and I would say, 'I can't help the politics of this. I believe they either need to get into their own schools (which clearly they are not) to see the damage they are doing, or they are prepared to wear the damage on the basis it might help them with political mileage.' Many hundreds of parents on school councils in Mawson will never forget what members of the Labor Party did to undermine the opportunity of delivering a proper budget to their schools and children because they played politics.

The lady about whom I speak is still on the school council. She had an unfortunate family circumstance (which I will not go into) and she had to fill out a fairly detailed form. It is not the sort of form one could fill out while having a meal at night. She filled out the form and received confirmation that she would be accepted for School Card. She is not on a high income, so she did the budgeting for her family. Lo and behold, in September this year, she received a phone call—nothing in writing, I might add—from the SSO at the local school, who told her that her School Card application had been rejected. This was well over nine months, I believe, from when she was advised. The department did not even directly contact this person. They gave a list of people to an SSO—who is already overworked, underpaid and under pressure—and told her to ring these people. Someone else should have done that, perhaps someone from the minister's office, to see how they would have coped with the situation, because that lady was abused—and one can understand why. Things are not easy for a lot of families when they are trying to create opportunities for their families, pay off mortgages, buy cars, and so on.

That is the sort of disgraceful management we have seen, and I really feel for the SSO. That lady has been an SSO for a long time and, if she were not as strong, I do not think she would have been able to cope with that work. That is another classic example of lack of management in this department. I urge the minister to sort out this issue over the school holidays so that, from the beginning of next year, she can come in here with a firm policy. Minister, I do not believe that you need more than—

The ACTING SPEAKER (Mr Hanna): Order! The member will refer to the minister in the third person, not the second person.

Mr BROKENSHIRE: Thank you, sir. I do not believe the minister needs another 12 months in relation to the sunset clause. The government ought to have a policy. If it does not have a policy, it ought to call the select committee to sit over the Christmas period and get it to report ready for February, so it can come out with a clear decision, once and for all, on what it will do. Will it do away with school fees altogether and find $20 million or $30 million? Well, if it is going to do that, let us know in February next year so it is clear. If it is going to stick to something that has been around through successive governments, then it should tell the people of South Australia why it will stick to it. The people of South Australia want to know.

The games are over when it comes to this sort of thing. People's lives are affected by this, not only financially but also mentally. This situation puts pressure on families, because School Card is a big issue to a family on a tight budget. Yet this government that says it is for the people does not seem to know that. Once I have checked with a few constituents, I will give their names to members of the government so they can talk with them about the pressure they have been under during the past few years, as a result of the political games that the minister and the Labor Party have played with this issue. Families have had to budget and look after their student children. Some people have had to pay who could not necessarily afford to pay, and others did not pay because members of the Labor Party effectively said that it was all right not to pay. A few people are now distraught because six months or nine months after being told they had School Card they are getting a phone call from the local school telling them they have to pay up. I think it is appalling.

I am pleased that I have had a chance in a democratic state to put on the public record my absolute disgust with this bill. I support the shadow minister in her endeavours to try to get some clear direction as soon as possible. I ask the minister to put on the public record why she has procrastinated and stalled, and explain why this government, after playing games for so long, is now bringing in a bill which provides for a sunset clause for another 12 months. This government does not have any real idea of what it wants to do in relation to this important issue.

Mr SCALZI (Hartley): I will not hold up the house for too long. The member for Bragg has clearly stated our position and our concerns on this matter. We know that government members have difficulty in this area, because philosophically for years it has been saying that they do not believe in having any school fees. Indeed, we had a select committee look at that matter. However, they are now asking us to continue the previous government's position. In a way the sun never sets with this government, because we still have the sunset clause. This is an important area of education. We have to address this.

I would like to commend the school councils, as I know of the hard work school councils in my area do in a voluntary capacity to deal with this often sensitive issue of school fees. We know that many people have difficulty paying the school fees and that we have the safety net with the School Card. We

also know that this year there have been problems with School Card that have not been resolved, and I have made representation to the minister about those. In a way it is like giving the student the textbook after the exam has been taken and saying, 'We will resolve it at the end of the year.' That is not good enough.

I know that this government in opposition made a lot of the priorities of education, health and the environment, and all those areas that impact on implementing its social justice policies. However, it seems that it has been busy in other areas. I do not reflect on the minister, as I know that in cabinet she would fight hard for education. I have no doubt about that, because she has appreciated a state education and has done well in a state system. I know she genuinely cares about that area. But in terms of the government as a whole what priority has it given to education? Here we are at the time of school assemblies and the graduations dealing with School Card. One week before this clause expires we are here debating to extend it for another year.

There is a big difference between the rhetoric of this government and the implementation of programs that will address the problems that members opposite identified in opposition. They identified that there were problems with School Card and with school fees, and they had difficulties with the fact that some could not afford it. But here we are at this point. I accept that this is a minister of only eight months, but given that education was such a high priority it should have been addressed much earlier. It should have been at the top of the agenda, but it was not.

Maybe members opposite have had other issues. I know that they have had to deal with balancing factional interests and with making sure that we have stable government. I know that they have had to talk to the members for Hammond and Mount Gambier, and other members. I also know that they have to secure their position. However, I thought education was a top priority. Members opposite are asking us to give them support to carry on with the program we set out. We accept that, and we accept the difficulties, because obviously education is not free from the other considerations the government has to deal with.

The government says it supports state education, but obviously there are other issues. We have seen that this week. We have had to pass bills with regard to increasing ministries, and so on. They have taken priority. What is on top of the agenda for this government, still in its first year? It is: how can we maintain power? It is not even how they can give cheaper power to consumers, in terms of electricity, because they have broken that promise, too. That is still current, and it will be over Christmas when people have to start budgeting for higher electricity prices.

Ms Ciccarello: Whose fault is it, Joe?

Mr SCALZI: You can rely on history only for so long. If you bring in history, member for Norwood, you have to go right to the beginning, otherwise you will not get the full story. We know that you cannot bank on Labor, can you? We will not go into that. But the broken promises about education as a priority are evident. You have come here in the last days to get the opposition to support you to carry on with the sunset clause. This is the reality. If it was a top priority, there would be no need for that. You would have recalled the select committee, got on with it and said, 'Social justice, this problem of school fees is a top priority for the Labor government.' That is what you have been saying.

The ACTING SPEAKER: Order! I remind the member for Hartley to address his remarks through the chair and not to use the second person pronoun unnecessarily.

Mr SCALZI: I accept your ruling, Mr Acting Speaker, because I know that you really care about this issue. I have heard you speak about education in this place on numerous occasions. There is no question that the Acting Speaker has education as a top priority, as does, as I said, the minister, and there are other members. However, for the government as a whole—and it makes decisions as a whole—it seems that this education priority has slipped through the net. That is a real concern. What has happened to the pledge on education? This should have been dealt with. As recently as last week I have had people come to my office who did not know whether they were going to get assistance with School Card.

All these education problems should have been dealt with. That is what members opposite were elected for. That is what they went to the public with: we are going to have health and education; we will invest in our children and for the future. Here we are with this bill: 'Opposition, could you please support this so that we can carry on with the policy you implemented before the election.' That is what members opposite are asking us. This is such a brave government, but it has to ask us.

We can understand that it has to be dealt with. We understand that our school councils have had difficulties in implementing the programs. We understand that, but please, give education a priority. Do not just talk about it. As we found out today, environment and open space is a priority, yet we find inconsistency.

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

Mr SCALZI: As I was saying, I can understand the government's rationale in having the sunset clause, which will enable it to have CPI increases for the year 2003 (which will be a transition year) and will be in line with the state's global budget for schools, adjusted for enrolments, variation, inflation and extra education resources announced in the 2002-03 budget. It is a pity that the government has not been able to deal with this problem, since education and health were its top priority. It has had other considerations to take into account. I will not go over the fact that it has had to have extra ministers and is balancing factional ambitions and its back bench, but it is a pity it introduced this bill less than seven days before the due date to put in this clause to allow it to continue.

Education should be a priority of any government, particularly a government which while in opposition made such a point of education. Instead, here we are debating this bill and the government is asking the opposition to support a measure to allow it to continue with the transitional period, which it criticised in the first place. With those few comments, I must say that it is time the government took education as a priority not only in theory but also in practice and had it on the agenda. The minister would like that, as education is one of the most important areas of our community. Without dealing with education, we will not address the needs that are so important in creating a climate for increased employment and economic growth in future.

I could go on, but we have another bill on transport to debate tonight and we will be here for a long time. We should make sure we do not have problems with School Card, as many members and I have experienced in our electorate this

year. We should not have these problems towards the end of the year.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank all members for their many contributions to this debate. I thank them for their support of this bill, albeit that all were complaining about supporting it. The arguments for this bill were canvassed in my second reading explanation, so I will not repeat those here. This is essentially a status quo measure while we conduct a thorough investigation into a number of matters and, as I have told the parliament and stated publicly on previous occasions, those matters are: levels and manner of parental contributions; School Card payments; effectiveness of financial aspects associated with collection and application of charges; and financial accountability arrangements for schools to ensure that funds are spent on current student needs.

At the end of last month I made public the review undertaken by retired Professor Ian Cox into the Partnerships 21 scheme. It has been mentioned in this debate that the previous parliament's select committee into DETE-funded schools never reported. The reason for that, as we all know, was that before the committee could report the election campaign intervened and parliament was prorogued; so that committee never did report. However, information given and submissions made to that committee did not go to waste because the review that was conducted by Professor Ian Cox into the Partnerships 21 scheme, which encompassed comment on funding of government schools, had access to those submissions.

Many members opposite, in referring to a particular clause in this bill, have said that that select committee did not report and that the information should have been used. It has been used. That information was taken into consideration by the members of the review committee, and the result of that reporting can be found in the Partnerships 21 review report, which is publicly available on the internet and upon which public comment has been invited. As I have indicated to the house previously, changes resulting from that report will be considered over the next six months as we prepare for the 2004 school year. The 2003 school year, as I have also stated publicly, is to be a transitional year in terms of a full consideration of what has come out of that review and, with it, a full investigation into the matters that I have just enumerated to the house, to deal with the level and mechanism of parental contribution to government school funding.

Most of the arguments are known and have been put forward in second reading speeches. However, there are a few things that I need to correct. The shadow minister has now had many months in her portfolio. While I would be hesitant to do this to a new shadow minister, given that she has now had experience in the portfolio and did choose, in her comments, to somewhat lead with her chin, I feel that I should take this opportunity to correct the record. The shadow minister opened her speech by saying that it was a mark of the lack of priority given to education that this was only the second bill on education to come before this house since Labor took office some eight or so months ago.

It is a pity that the shadow minister did not do her homework. The fact is that, in the four years that he was minister, the former education minister brought in only two changes to the Education Act. In fact, during the term of the previous Liberal government's administration (that is, since 1993), the Education Act has been amended only four times. So, for it to come into the house twice in eight months, given that comparison, on the shadow minister's reckoning, is a pretty good record. I guess it would serve as a lesson to all members of this house that, if you are going to take a pot shot at the other side, you had better do your homework to make sure that you are not setting yourself up to look rather silly.

The next point raised by the shadow minister was that it is an indictment that the Education Act had not been reviewed. She pointed to the fact that much work in reviewing the legislation had been done by the previous Liberal government. She should have been aware that that work has been done since 1998 and that, even though the former minister started that process that year, he never at any time over those four years introduced a bill into the house for a new education act. To take a pot shot at the new government again shows that the shadow minister should have done her homework and that she has again got it slightly wrong.

While this bill relates to a materials and services charge and not to the School Card, several comments have been made about the School Card system and how it operated this year. As I have said publicly, schools have not been well served by the School Card system for a great number of years. In reflecting honestly on this, the shadow minister would have to acknowledge that that is the case. The shadow minister, however, put out a press release headed, 'School Card—Parents Miss Out Again' in which she states that this was a new system this year which was based on new criteria using ABS statistics and based on the income and qualifications of parents by postcode. That is incorrect: it was not based on new criteria at all.

In fact, the criteria for the 2002 School Card system are exactly the same as for the 2001 School Card system. The only difference is a verification and validation process. The shadow minister said, 'What a mess that was.' She referred constantly (and obviously briefed her colleagues) to its being an invention and a mistake of the Labor government. She is wrong on that count, too. In fact, the system for this year was obviously put in place by the previous government, because every year School Card instructions are given to schools at the end of the previous year. In fact, the instructions for the 2002 School Card scheme were sent to schools on 5 March 2001. Information was given in those instructions—and I cannot bring them to hand at the moment. However, it is clear that the member's claim that this was a system put in place by the Labor government is not correct. In fact, by the time Labor came to office the majority of parents had already paid the 2002 school fee.

The School Card system (which has not operated as one might have hoped, and which certainly has not operated as it is hoped it will operate in future years) had at its core the problem that, when it was put in place in November last year and schools were advised that things had been set up, they had not in fact been set up, and the necessary computer systems were not set up until midway through this year; hence the problem. The Chief Executive knows that it is incumbent on him to ensure that the same problems do not occur next year.

Members opposite have said many times that schools have been disadvantaged financially by what has happened. That is not correct. As the shadow minister herself admitted, once I learnt that there was a potential problem I immediately took steps to ensure that no school was disadvantaged, and schools recognise and, I think, appreciate that fact. The shadow minister obviously obtains her information from the newspapers. But, clearly, while the system has not operated at all

optimally for many years, the challenge now is to make sure that next year it operates in a better way.

One thing that was mentioned by members opposite that is clearly incorrect and needs to be corrected is that parents have been asked to pay money to schools for school fees where they initially thought that they were eligible for School Card but were subsequently advised that they were not. The validation process put in place is similar to that which occurs for a tax return. Parents or caregivers sign a statutory declaration saying that their income level is within a certain limit. That information is then checked with Centrelink, and those who are found not to have income levels within that limit are either rejected or queried if no tax return was lodged. Schools were provided with letters (which were signed by the Chief Executive of the department) to send to unsuccessful School Card applicants, and they clearly state:

> You will not be required to pay the compulsory component of the 2002 materials and services charge.

So, parents or caregivers of students deemed to be ineligible who may have thought that they were eligible, having signed the statutory declaration that their income was within the declared limits, have been advised that they are not required to pay the compulsory component of the charge. The reason why the department did not send those letters directly dates back to schools' reluctance over many years to supply the department with those names and addresses, so the next best thing to do was what the department did, that is, provide the letters, signed by the chief executive, that the school could forward to parents. So, they should be clear, and those schools are not disadvantaged by differences that they may or may not have expected.

An issue raised by the member for Fisher related to the numbers of students covered by School Card. The honourable member talked about a 40 per cent figure: that is not quite right. Approximately one-third of all students are covered by School Card. However, in the public school system, that figure is closer to 37 per cent.

I commend the bill to the house. It is essentially a continuation of the current system for another year while the review into this matter is conducted. The member for Fisher has just asked me for a figure. Currently, the total income from the compulsory component of school fees in public schools is approximately $21 million. In addition to that, through fundraising schools raise parental contributions to the school, but I do not have the figures on me for that. In fact, one of the issues being taken up with schools is the quality of the information that the department holds on the arrangements that schools have about the costs to which they attribute school fees.

The financial accountability of schools, as well as the financial systems in place to collect and administer school fees, is an issue that has already been identified as one that needs attention from my department. Essentially, this is a status quo bill while we conduct this investigation. It has two subclauses: the first simply relates to conditions of two years ago that have consequently expired and the second is a simple substitution of 2003 for 2002 to allow the measure to continue for this additional year. I commend the bill to all members.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Ms CHAPMAN: I have three questions, all of which I canvassed when seeking some indication from the minister as to her commitment, but, sadly, not one of them has been addressed. The first question I asked was that the minister identify the name of any organisation in the educational community—if any were—that was provided with a copy of the bill that is before the house or her second reading explanation prior to the debate today?

The Hon. P.L. WHITE: Yes; on 19 November I made a ministerial statement to the house outlining that the government wished to proceed in the manner reflected by this bill; that is, to have 2003 as a transition year during which time we would conduct a review. That was communicated by telephone to the president of the South Australian Secondary Principals Association. In fact, the president previously had contacted the office to advocate that that mechanism remain in place for 2003. The primary principals association, through its president (who, I note, I think that same day, appeared on commercial radio—and I am sure the shadow minister has a copy of that transcript) indicated that it would be pleased if the issue of the charging of school fees were resolved once and for all, and that it be resolved in the context of the total question of government funding to government schools.

The South Australian organisation representing school council organisations was also contacted. I am not sure whether it was its president, Graeden Horsell, or its executive officer who was contacted, but certainly the leadership of that organisation was contacted as well with that information. This just triggers a point that has been raised and is a subject to be investigated in the list of things that I outlined to parliament on 19 November, that is, how the compulsory charge level came into being. I am advised that that was decided in a fairly arbitrary way by the former government. I raise that now, because I forgot to mention it earlier, in response to one of the honourable member's second reading contributions.

Ms CHAPMAN: As a supplementary question: in answer to my question, no organisation received a copy of the bill and second reading explanation? None of those organisations which you referred to had telephone communication in respect of the ministerial statement; no organisation you have listed to date received the bill and second reading explanation?

The Hon. P.L. WHITE: The bill is one line long. The crux of it provides striking out '2002' from subsection (2) and substituting '2003'. I really did not think it was necessary to distribute that one line. The information regarding the bill was certainly indicated to those bodies I mentioned.

Ms CHAPMAN: So, the answer to my question is that no-one received the bill and second reading explanation. Is that correct?

The CHAIRMAN: Order! The member for Bragg should wait for a call from the chair.

The Hon. P.L. WHITE: I would have to ask what the honourable member is trying to point out. The bill is two sentences long, and the crux of it changes one number to another number. That can be communicated by telephone, and it was.

Ms CHAPMAN: I seek clarification, because the minister's answer to the first question—

The CHAIRMAN: I will count this as the third question.

Ms CHAPMAN: I seek your ruling on that, sir, because I have identified two supplementaries, and if you treat this as the second question—

The CHAIRMAN: We do not normally have supplementaries, but the chair is in a very happy mood and will tolerate a bit of flexibility, so you may put your questions.

Ms CHAPMAN: I will leave that issue as unanswered.

Mr Meier: If it's unanswered that's not good enough.

Ms CHAPMAN: Clearly not. It's all right; a copy will go out to all the organisations. I ask the minister: will you undertake that, other than for a reduction in enrolments and the consequences of that, no school will be worse off financially during 2003 than it was in 2002?

The Hon. P.L. WHITE: I do not know how many times I have to stand in this parliament and repeat that exact same thing; I have said it many times. I have said it at least three times; I have said it in answer to you, in answer to the member for Kavel and in ministerial statements. Next year's funding to schools will be on the same basis as it was for 2002, adjusted for enrolments, as the honourable member pointed out, and adjusted for inflationary factors, such as the recent 4.5 per cent teachers' pay increase to come in this next period and other inflationary factors, as is the norm, and, on top of that, those elements of funding allocated in this year's state budget that are to be distributed through the global budget or its equivalent into school bank accounts.

Unless schools drop enrolments—and we always adjust for that—they will get the inflated 2002 allocation, plus any other funding entitlement to which we have announced the school would be entitled. They are areas such as the extra junior primary teachers, the extra SSO hours that were awarded for the administrative SSO load in the enterprise agreement and, on top of that, SSO hours going into primary schools where extra junior primary teachers have been allocated, and something else that I am just forgetting. That accounts for the extra funding that was announced during the July 2002 state budget. In answer to the honourable member's question, yet again, the 2003 budget allocations to schools will be the 2002 budget allocation adjusted for inflation and enrolments plus, as add-ons, anything that individual schools are entitled to that were additional allocations in the 2002 state budget.

Ms CHAPMAN: I have another supplementary question because I asked during my speech for this question to be answered, and the minister has not answered it again. Perhaps she did not take notes. I have heard that answer.

The CHAIRMAN: I point out for the benefit of the member for Bragg that under our standing orders a minister's answer is the minister's answer and neither the chair nor any member can compel a minister to answer in a particular way. If they are unhappy with the answer, that is the way it is.

Ms CHAPMAN: I am not unhappy with the answer. In fairness, the minister said that she had answered this question on a number of occasions and then proceeded to detail an answer that she had given to an entirely different question as to what was worse off. I outlined in my speech that I was seeking no worse a situation in respect of the School Card income; hence I asked that question again. I did not ask it in respect of the general overall income. If she had listened to my speech and noted it at the time she might have picked that up. In fairness to the minister, I ask that that aspect be identified.

The Hon. P.L. WHITE: Schools will receive the income to which they are entitled. Schools can request school fees of parents. For those parents who qualify for a School Card allocation, that money is paid directly to the school. The school gets the money, theoretically, either from the parent or from the government, if that particular student happens to be a School Card student. When we came to office, the previous government had in place a scheme whereby there were two different sets of rules, one for Partnerships 21 schools and one for non-Partnerships 21 schools.

For each School Card student, Partnerships 21 schools received the government's School Card contribution, which is set at a level of $110 for primary school students and $170 for high school students. In addition, they got the difference between that amount and the cap on compulsory charges, which is $161 for primary school students or $215 for high school students. That was the set of rules for Partnerships 21 schools. On the other hand, non—

Ms Chapman: Just answer the question; otherwise we'll be here all night.

The Hon. P.L. WHITE: Can I answer the question, please? The other set of rules for non-Partnerships 21 schools was that the government, again, paid the School Card contribution of $110 or $170, whichever was applicable, but they did not receive the top-up to the cap on the compulsory charge. One of the first things I did when I became minister was to even out that system and provide that top-up to all schools, whether they be Partnerships 21 schools or non-Partnerships 21 schools. That was a significant cost to government but it was a fair thing and it was supported roundly not only by those non-Partnerships 21 schools that missed out previously but by the whole system, Partnerships 21 schools as well, because it was pretty hard to find anyone who thought that was a fair system. That is what happened with School Card. Whatever is the eligibility for School Card in our schools, the government will pay it. If parents are entitled to that concession (if the honourable member wants to call it a concession) paid directly to the school not the parents, then the government will pay it. If they are entitled, the government will pay it. I cannot be clearer than that.

Ms CHAPMAN: Will the minister ensure that schools will be able to increase their payments by CPI in 2003, which is provided for in the act but which the minister could instruct the director not to permit in any one school or all the schools and which applied in the 2002 year as a result of a ministerial direction from a previous minister? Will the minister ensure they have that opportunity to increase by CPI?

The Hon. P.L. WHITE: The intention is not to pass on CPI in this school year but, rather, to maintain the cap as it has been in the 2002 school year; in fact, as has been maintained by the previous minister for the last four years.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

In committee.

(Continued from 20 November. Page 1901.)

Clauses 2 and 3 passed.

New clause 3A.

The Hon. M.R. BUCKBY: I move:

Page 3, after line 9—Insert new clause as follows:

Minister to report on operation of Act

3A The Minister must, within 12 sitting days after the second anniversary of the commencement of section 1, cause a report on the operation of the amendments contained in this act to be laid before both houses of parliament.

The reason for moving this amendment is that there are some fairly substantial reforms in this bill, for instance, random breath testing and the proposed commencement of demerit points on expiated speed offences, as well as demerit points on speed camera-red light offences and red light offences. They are significant changes to the act. I believe that it would be very worthwhile for the parliament to get a report on the impact of these amendments proposed by the government. We can then assess whether or not the amendments that are passed have worked or whether further action is to be taken to try to arrest the road toll or to bring it back by 10 per cent of what is required.

The Hon. M.J. WRIGHT: Of course, this is the first stage of the government's commitment to improve South Australia's road safety performance. We have already foreshadowed that there will be other issues; for example, drugs in driving is under consideration, as well as a range of other matters. We would certainly be giving a very public commitment that, provided this legislation passes both houses of parliament, there will be constant and ongoing reviews of the effectiveness of these road safety interventions. It will not require legislation of this sort, which may be unnecessary and somewhat awkward to do by legislation.

However, it will be much more practical to do this on a very regular basis so that we are taking the public with us on this important issue. I appreciate that the shadow minister has picked up some of this tenor because for this package to be successful—and it is a package, this is stage 1 and there will be other stages to it—we must take the public with us. We must win not only the debate but also the minds and the hearts of the public. To do that we will have to be very open and accountable about the effectiveness of the legislation and about the ongoing work that is being achieved as a result.

I am sure that, if this is to be a successful piece of legislation, the government, and I as minister, will have to be fully open and accountable with the public about the performance of this legislation. I am certainly very willing to give a commitment that there will be an ongoing delivery of the effectiveness of these road safety interventions. I am sure that having regular contact with the community will prove to be very valuable.

New clause negatived.

Clauses 4 to 6 passed.

Clause 7.

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

Page 4, lines 9 to 11—Leave out all the words in these lines and insert:

(b) by inserting at the end of the definition of 'photograph' in subsection (1)', and 'photographic' has a corresponding meaning;';

(c) by inserting after the definition of 'photograph' in subsection (1) the following definition:

This amendment is purely technical. It has been requested by parliamentary counsel because a definition of 'photograph' has already been inserted in the Motor Vehicles Act as a result of a bill that recently passed through both houses. That bill was a mixture, and I think that the shadow minister may well recall it. Bipartisan support was provided, and we appreciated that. That bill passed through both houses of parliament not that many weeks ago, and this amendment was recommended by parliamentary counsel as a result of what was included in that earlier legislation. The amendment is purely technical.

Amendment carried; clause as amended passed.

New clause 7A.

The Hon. M.R. BUCKBY: I move:

Page 4, after line 13—Insert new clause as follows:

Substitution of section 74

7A. Section 74 of the principal act is repealed and the following section is substituted:

Duty to hold licence or learner's permit

74. (1) Subject to this act, a person who—

(a) drives a motor vehicle of a particular class on a road; and

(b) is not authorised to drive a motor vehicle of that class on a road but has previously been so authorised under this act or the law of another state or a territory of the commonwealth,

is guilty of an offence.

Maximum penalty: $1 250.

(2) Subject to this act, a person who—

(a) drives a motor vehicle of a particular class on a road; and

(b) is not and has never been authorised, under this act or the law of another state or a territory of the commonwealth, to drive a motor vehicle of that class on a road,

is guilty of an offence.

Maximum penalty: for a first offence—$2 500.

For a subsequent offence—$5 000 or imprisonment for one year.

(3) For the purposes of this section, a person is authorised to drive a motor vehicle of a particular class on a road if—

(a) the person holds a licence under this act that authorises the holder to drive a motor vehicle of that class; or

(b) the person—

(i) holds a licence under this act; and

(ii) has the minimum driving experience required by the regulations for the grant of a licence that would authorise the driving of a motor vehicle of that class; or

(c) the person holds a learner's permit.

(4) When the holder of a licence under this act drives a motor vehicle on a road as authorised under subsection (3)(b), the obligations imposed by section 75A on the holders of learner's permits and qualified passengers for learner drivers apply to the holder of the licence and any accompanying passenger with such modifications and exclusions as are prescribed by the regulations.

(5) Where a court convicts a person of an offence against subsection (2) that is a subsequent offence, the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than three years, as the court thinks fit;

(b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

(6) In determining whether an offence is a first or subsequent offence for the purposes of subsection (2), any previous offence against this section or section 91(5) for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the period of three years immediately preceding the date on which the offence under consideration was committed.

This amendment was passed by the Legislative Council in October 2001 and addresses the issue of unlicensed drivers on our roads. One only had to look at the report in the *Advertiser* just this week to see an estimate of the number of unlicensed drivers currently on our roads. Of course, if those drivers are involved in an accident, the poor person with whom they happen to collide is probably left holding the baby, so to speak, because the unlicensed driver would be more than likely uninsured. As a result of that, the consequences on the person crashed into are likely to be fairly dire. This came about as the result of an accident when a young

girl tragically lost her life when a car driven by an unlicensed driver was involved in a crash. In that case, the understanding was that the driver had never held a licence, so it is not as though the licence had lapsed. It was a matter of his never having bothered to hold a licence.

Available statistics indicate that some 2 per cent of fatal crashes involve an unlicensed driver. The fact that a person is unlicensed reflects a complete disregard for the road rules and also for the general principles of our community. We all accept that you need skills at a certain level to drive a car on the road, and to achieve those skills you have to sit for a licence. Those people who do not do that have not been tested and as a result of that pose something of a danger on the road.

The amendment itself divides the unlicensed drivers into two groups. Proposed new subsection (1) provides for a person who has inadvertently forgotten to renew their licence; for example, they might have been overseas when their licence lapsed. Such a person would still be guilty of an offence, with a penalty of $1 250. Proposed new subsection (2) identifies a person who has never bothered to get an L licence, a P licence or an unrestricted licence as belonging to a separate category and as being a greater danger and as showing a greater level of irresponsibility on the road. Therefore, the maximum penalty for a first offence is double that for the other person who has inadvertently forgotten to renew their licence, as well as imposing the possibility of imprisonment for one year, or $5 000 for a subsequent offence. The intent of this measure is to discourage people from not holding a licence. Given the penalties imposed here, there is, then, incentive for all those who wish to drive on the road to hold a licence.

The Hon. M.J. WRIGHT: I thank the shadow minister for his comments. This measure is not without some merit. Transport SA, the Courts Administration Authority and SA Police are doing some work on this. It is an important issue, and we need to address it as an issue. We identified some of this on day one when, on behalf of the government, I announced the package and said that there would be a second phase in regard to education and training. So, I have already foreshadowed that we would need to look at some of these things to which the shadow minister has drawn our attention. However, as I say, his proposal is not without some merit, so I am prepared to give some consideration to this matter between the houses. I want to get some advice from the Attorney and the Minister for Police, for obvious reasons. This is a complex issue, and I am certainly not committing to it at this stage. We oppose it at this stage, but I will undertake to do some work and perhaps between the houses I can have further discussion with the shadow minister about it.

New clause negatived.

Clause 8 passed.

Clause 9.

The Hon. M.R. BUCKBY: The learners permit test is to be expanded to include questions on road safety. Will the number of questions be increased or will you just take out a few of the questions to accommodate some road safety questions?

The Hon. M.J. WRIGHT: Transport SA is preparing a list of suitable topics for questions in the proposed new theory test. It is looking at the best practices that operate interstate because I think we can learn from what exists in other states. The framework of the new test is to be prescribed in regulations which are yet to be finalised. However, the initial expectation is that the number of questions will be increased to accommodate the additional material to be examined. So, the road safety component which we want to make part of the test will probably increase the number of questions.

Clause passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. M.R. BUCKBY: I move:

Page 5—
Line 21—Leave out paragraph (a).
Line 25—Leave out paragraph (d) and insert:
(d) by striking out paragraph (a) of subsection (2) and substituting the following paragraph:
(a) in the case of an applicant who is under the age of 19 years—
(i) until he or she turns 19; or
(ii) until two years have elapsed,
or whichever occurs later;;

The government's amendment is to increase the age for obtaining an unrestricted licence to 20. The opposition does not support this amendment. If someone obtains a provisional licence at the age of 16½—which is quite possible—at the age of 19 that person will have held their licence for 2½ years, which I believe gives them sufficient experience to be able to handle a car on the road safely. The government's amendment is to increase the age for obtaining an unrestricted licence from 19 to 20, so this person would have held a provisional licence for 3½ years rather than 2½ years.

I propose that a person should hold a provisional licence for a minimum of two years. If, for instance, I am aged 17½ when I gain my provisional licence, I would have to hold that licence until I was 19½ or, if I was 23 when I gained my provisional licence, I would have to hold that licence until I was 25. So, there would be a minimum of two years for holding a provisional licence as opposed to the government's proposal to nominally increase the age at which one can obtain an unrestricted licence from 19 to 20.

The Hon. M.J. WRIGHT: The government is fairly strident in its opposition to this because we believe it is important to have the double message. I appreciate the shadow minister supporting the minimum of two years, but we think it is important to have that minimum age of 20 years. Why do we do it? Because young people are over represented in crashes and fatalities. As I said during my second reading speech, statistics do not lie. Unfortunately, we know that young people are over represented and we need to do something about it. Crash rates presently rise at 19 years when people go into a full driving licence. We think it will make a difference.

Every other state in Australia, except for Western Australia, has 20 years or above as its limit. It is only South Australia and Western Australia that is 19 years. The Northern Territory is lower again, but using the territory as a comparison in any barometer in talking about road safety is unrealistic because, on every measurement it is way at the bottom and we are not far behind it in some categories. We see this as important and it is logical that prolonging the provisional phase to age 20 may keep the crash rate declining instead of rising. A lack of driving experience is a factor in crashes and we argue that maturity is also relevant. There is real value in this amendment, so the government strongly supports its position.

I also understand that the RAA is supportive of a minimum age of 20 years as well. It does not necessarily support all of what we have come forth with and maybe as we work our way through this bill the shadow minister will draw that

to my attention and that is fair enough, but I understand the RAA supports a minimum of 20 years.

Amendments negatived; clause passed.

Clause 13.

The Hon. M.R. BUCKBY: I move:

Page 6, lines 7 to 21—Leave out paragraphs (a) and (b).

This amendment gets a little tricky because it comes before new section 81C, which the government is introducing to allow for loss of licence for those drivers who register between .05 and .079 blood alcohol content. We have to deal with this section of the bill before we get into new section 81C. It is probably apt that if this amendment is lost it will have repercussions for new section 81C. It is here that I will raise the issue of the automatic loss of licence for point .05 to .079 blood alcohol concentration.

The research that has been undertaken both here and overseas shows that, while at .05 there is a greater risk—about three times greater risk—of having an accident than there is at zero blood alcohol concentration, it is not until you get to about .09 or .1 that the curve becomes almost exponential. If we go back in history, we recall that South Australia adopted the .05 level because the federal government of the day told us that, unless we did, we would not get funds: it is as simple as that. Prior to that, the level had been .08 and, as I have said, the research indicates that above that level is where there is significant impairment in the ability of a driver to negotiate the road; or it increases the risk substantially. It is, in fact, at around .15 that the risk becomes far greater. So, the original reason for going to .05 was not necessarily to reduce the blood alcohol level in people driving on the road or that there was some good safety reason for it: it was to receive commonwealth money.

Mr Koutsantonis interjecting:

The Hon. M.R. BUCKBY: No. Well, that was the reason, and the minister will recognise that as well. We went to .05 and I am not arguing against that. We have it, as does every other state. But what we are against is that, on the first offence particularly, you would lose your licence for three months. That is, I think, a significant problem. For instance, it could be .051 and, if I am out in the country and I lose my licence for three months and have no other means of transport to get either to my job or to the nearest town, or whatever, then what is the impact of that? I would suggest it is pretty harsh in terms of being slightly over the limit and involving an effect which is seen by research not to be a dramatic one. There is an effect, but not a dramatic effect. In putting forward this amendment, the opposition supports .05 as the blood alcohol limit but does not support a loss of licence for somebody who registers between .05 and .079 in blood alcohol concentration.

The Hon. M.J. WRIGHT: Of all the debate on the various issues that were raised by the opposition, this was the one that surprised me the most. I do not know whether it is a divided house over there in respect of this, but I suspect it is because it is with everything else. It is overwhelmingly known that alcohol is one of the major reasons for the road safety crisis that we have in South Australia and, for that matter, in Australia. What cannot be argued is that between .05 and .079 there is a direct relationship between the blood alcohol content and how safe it is to drive. The shadow minister talks about the exponential graph. I think that is largely irrelevant because this is not a debate as to whether it is more dangerous at .05 compared to .15. This is a debate about whether it is dangerous at .05 and .079.

What was introduced some time ago as a result of something imposed by a federal government is, I think, totally irrelevant now, because time has moved on dramatically, and we know that we are missing the beat when it comes to road safety in South Australia. Why are we missing the beat? We are missing the beat because we are 10 per cent behind the national average. Why are we behind the national average? Well, on barometers like this, we are either at the bottom by ourselves, or equal at the bottom when compared to other states around Australia.

So, on the one hand, the opposition talks about the need for drug testing, and that is a relevant point. That will certainly be addressed in phase 2, as we identified from day 1. But, on the other hand, they say with .05 and .079 we cannot support the mandatory loss of licence. We know that the issuing of an expiation notice only is not enough to change people's behaviour. This applies not only to the 0.05 and 0.079 category but also to other areas of the bill.

We have to send a message to the community that we are serious about drink driving, and the only way to demonstrate that is by making sure that the message is loud and clear by introducing mandatory loss of licence. I do not want to stand here and be too emotional and dramatic about this, but do we want to be here in six months' time with evidence before us that people have lost their life on the roads because of drivers under the influence—repeat offenders—in the 0.05 to 0.079 category? The answer is simple: everyone would say, 'No, we do not want to be there.' If we do not want to be there, we have to do something about it. We have to be serious about this issue. If we want to be soft about it, we will continue with what is currently in place and, as a result, the number of people apprehended in that category will not decrease.

We also know from the data from proven national and international research (and I have shared this with the opposition) that by introducing mandatory loss of licence not only do you reduce the number of people in the 0.05 to 0.079 category but also you reduce those in the higher categories. So, it is brought down at every level as a result of bringing forward a piece of legislation of this type.

This is a very important and long overdue reform in South Australia. If you look at almost every other state around Australia—Queensland, mandatory loss of licence for three months; New South Wales, three months for first offence; Western Australia, nil; Victoria, six months; and Tasmania, three to 12 months—and compare this state with them (as I have said, it is no good comparing this state with the Northern Territory and, to be fair, the ACT is two to six months) apart from Western Australia, we stand out like a beacon, and for the wrong reason: we are soft on this issue. Expiation notices by themselves do not deter drivers. If you want to be serious about this issue, there has to be mandatory loss of licence. If you want to reduce the number of families involved in crashes, if you want to reduce the number of deaths or reduce the number of young kids killed on the roads, you will support this clause.

The committee divided on the amendment:

AYES (17)

Brokenshire, R. L.	Buckby, M. R. (teller)
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.

AYES (cont.)

Williams, M. R.	

NOES (17)

Bedford, F. E.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. t.)	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Koutsantonis, A.	Lomax-Smith, J. D.
O'Brien, M. F.	Rankine, J. M.
Rau, J. R.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
Wright, M. J.(teller)	

PAIR(S)

Brindal, M. K.	Atkinson, M. J.
Brown, D.C.	Foley, K. O.
Gunn, G. M.	Key, S. W.
Hall, J. L.	Rann, M. D.
Hamilton-Smith, M. L. J.	White, P.L.
McFetridge, D.	Snelling, J. J.

The CHAIRMAN: Order! The chair has a casting vote because the vote is tied; there are 17 ayes and 17 noes. I will cast my vote for the noes, on the basis that I believe this measure is required, although I do believe that there should be provision for people who lose their licence to be able to drive to and from work under special circumstances. As I have not put that amendment, I cannot really pontificate on that issue. I rule that this be carried in the negative.

Amendment thus negatived; clause passed.

Clause 14.

The Hon. M.R. BUCKBY: I wish to change the amendment to leave out paragraph (b). This is consequential upon the previous amendment.

The CHAIRMAN: Does that mean that you are not proceeding with it?

The Hon. M.R. BUCKBY: Yes.

Clause passed.

Clause 15.

The Hon. M.R. BUCKBY: This is the clause that sets out the provisions for a loss of licence for anyone who registers over 0.05 in blood alcohol concentration. In the case of a first offence, it says here, it is a loss of licence for three months; a second offence, six months; and subsequent offence, 12 months. Given our vote on the earlier amendment to clause 13, we do not support this, and there are reasons for this. As I said earlier in the debate, if I am in the country and I lose my licence because I registered a BAC of 0.051, in most cases there are no public transport alternatives for me to use, and a loss of licence on a first offence would mean that I would suffer severely because of the fact that I was over a particular limit.

The RAA has indicated that it is against this amendment to the act and that it believes that the research does not support it. Given your comments on the earlier clause 13, sir, where the committee had a tied vote and you had the casting vote, I wonder whether you are prepared to move an amendment or whether I should move an amendment at this stage that someone who, in the case of a first offence, loses their licence for three months has the ability to appeal against that loss of licence for reasons that they need their car to get to work, that there is no public transport available or for extenuating circumstances.

Perhaps a question to the minister with this one is: I do not see it, but within the act is it possible that, if someone loses their licence for a first offence in this situation, they can appeal to the court to have an exemption to that loss of licence because of extenuating circumstances, because they require their car for travel to work or for other reasons of lack of public transport?

The Hon. M.J. WRIGHT: I thank the shadow minister for his question, and if I do not precisely answer it please ask it again. However, I think I pick up the tenor of what he is saying. The drink drive provisions of the Road Traffic Act allows a court to reduce a period of licence disqualification if the offence is considered trifling. Drink driving offenders are entitled to apply to participate in the alcohol interlock scheme once they have served at least half of their period of suspension. The more precise answer is that the act does not allow for an appeal on the basis of being able to go to work. That is the way in which it currently applies.

The Hon. M.R. BUCKBY: Then I would foreshadow that, between the two houses, we would move an amendment to the effect that, if there are extenuating circumstances, for example, travelling to work, that a court can take into account the fact that a person who loses their licence because of this particular amendment needs their car to go to work, and therefore does not suffer unduly. I would seek the minister's assurance that he will take that into account and, hopefully, support an amendment in the upper house.

The Hon. M.J. WRIGHT: I am happy to take that on board. I am happy to explore that with the honourable member between the houses. We can certainly do some work on that.

The CHAIRMAN: If the chair can take the liberty on that point. What I had in mind was that you could use the car for work related purposes only to and from work, and that there be some specific provision enabling you to do that but not to use the car for private purposes. Whether that be by way of some special identification on the windscreen, I do not know, but I leave it for the minister to consider.

The Hon. M.J. WRIGHT: Yes, I appreciate that point and I am sure that the shadow minister is expressing similar sentiments. It is not necessarily plain sailing, so we will have to work on that between the houses.

Mr McEWEN: I thank the minister for the observations that he has made. I support his initiative in terms of .05, as long as there is a limited opportunity for someone on the first offence only, in that first three months only, to have some limited access to a vehicle, particularly in the country, where there is no alternative in terms of employment. I do not think that, in any way, we want to send other than the strongest possible message about drink driving, but equally that first mistake could be enormously expensive to someone and it could cost them their employment and everything else. That is what we are on about. I also acknowledge the comments you made in the previous vote, Mr Chairman, for that same reason, and I share your thoughts on that. I thank the minister for taking up that point.

Mr VENNING: I cannot let this opportunity go without saying, as I said in my second reading contribution, how opposed I am to losing your licence for 0.05. I join the member for Mount Gambier in saying that we certainly appreciated the olive branch put out by the minister in relation to those who lose their licence should this come in; that is, they be given special treatment and consideration, particularly in relation to getting to work. As a country member of parliament I ask: how does a person who lives more than 100 kilometres from Adelaide live without a driver's licence? It is extremely difficult. I believe that the

current law with loss of licence at .08 and a fine at .05 is adequate and I think it meets the bill.

Being the member whose electorate includes the Barossa Valley, I think it would be very unwise of me to support this measure. I remind members that .05 is two standard glasses of red wine for some people. That is not a big deal, and I would not think too many people would say they were drunk with two glasses of red wine, but that is what the law will say if we pass this. I hope we will divide on this matter on principle because, as the minister said in his second reading speech, you can go back to .01 if you wish and the results will be there; the graph is consistent all the way down to zero. We have to pick a level that people would say is reasonable and fair without being a total killjoy, but remembering that we really have to be responsible on our roads.

There is nothing worse than drunk driving and seeing loss of life because of drunk driving, but to impose a licence suspension at .05 would probably give us some of the strictest drink driving laws in Australia. Being the wine state, we should be promoting the responsible use of alcohol and not using this sledgehammer to come out and say, 'You will not, or we will take your licence away and treat you all the same.' It is okay for a city person; you can catch a cab, bus or train or you can get a friend who lives down the road to drive you but, if you live at Tarcowie, Orroroo or Peterborough, how will you get about? Country people in this instance pay a much higher price, and I oppose .05 being the point on the scale at which you lose your licence. I hope the government will give in on this and, if we cannot win it here, I hope we can do it between the houses.

Mr KOUTSANTONIS: I understand what members are saying. The member for Schubert is absolutely right: country people do pay a higher price; you just have to look at the death toll to see that. Country people do pay a higher price in terms of loss of life and carnage, because of the speeds at which they travel over long distances. The member for Schubert's comments are the most irresponsible I have heard in this place for a long time. To say that we are the wine state and should encourage the responsible use of alcohol and then on the other hand say that drink driving is not to be condoned at all, and then to say that .08 is okay, and at .05 we will give you a second chance—these statements just do not gel.

The honourable member says that it is not as bad for city people who lose their licence, because they can take a bus or tram. Talk to someone living in Elizabeth who works in the southern suburbs; tell that to someone who lives in the western suburbs who has to travel vast distances to Elizabeth or the southern suburbs. I do not see the logic in the argument of members opposite. I do not see how one life is more precious than another, or how one job is more precious than another just because of where you live. I do not comprehend what the honourable member is saying. If we are to give people second chances for drink driving, what about driving while disqualified? What about driving at a dangerous speed?

An honourable member interjecting:

Mr KOUTSANTONIS: That is breaking the law; that is different. Which road offence is worse than another? Driving while disqualified gets a further disqualification of your licence; driving dangerously gets an instant disqualification of your licence. Are we saying that people driving above the speed limit who live in the country should have a better chance of getting their licence back just to go backwards and forwards to work and someone who gets caught drink driving over a certain alcohol limit should gets a second chance?

One of the other points I want to make in all this is that if we have a rule it should be for all South Australians; we should not say that some South Australians are more equal than others. All South Australians have equal rights. In conclusion I will just say that, from my time on the road transport safety committee in the last parliament, the statistics we were shown indicated that there is certainly an exaggerated level of carnage on long weekends but that most accidents occur travelling to and from work.

Mr Goldsworthy: What has that got to do with it?

Mr KOUTSANTONIS: Because you are asking for exemptions going to and from work.

Mr McEwen interjecting:

Mr KOUTSANTONIS: The member opposite asks what that has got to do with it. If you are caught driving home from work and you have exceeded the limit, the penalty is that you lose your licence but you may get an exemption to drive backwards and forwards to work again. The idea is that you do not drink and drive while you go to and from work. Some members are being a bit hypocritical about this. I understand that the minister has been given some leeway with this measure by the party, but there should be one rule for all South Australians, not just a few.

Mrs MAYWALD: I appreciate that the minister has taken on board the suggestion that we need to be able to get one point back on a first offence, and on a first offence only. It is quite clear in the community that people metabolise alcohol differently. There may be an instance where, although someone is responsible, they find themselves over the limit. They might have felt that they were doing the right thing and it might jeopardise their life, family and career. They will know at that point that they have made a serious error of judgment and the court may determine to give them back a point, and I think that is only a fair and equitable expectation within the community.

The compromise that the minister is suggesting is a good one. From the statistics that I have seen, there is very little difference in the accident rate between .05 and .08. It rises substantially beyond .08 and .1, at which point it goes really high. I do not know that we will reduce the road toll by this measure but we will certainly raise the awareness of the community of the perils of drink driving. I support the minister and the opposition in putting forward the suggestion that there be a compromise position and that we look at bringing in the .05 to .08 provisions, but with the ability to get back one point if the case can be argued on a first offence only. If you do it the second time, it is your own fault. But first time round, it may not necessarily be a deliberate attempt to break the law. It may just be an error of judgment, and we need to be flexible there. I commend the minister for accepting the compromise and I commend the opposition for putting it forward.

The committee divided on the clause:

AYES (19)

Bedford, F. E.	Breuer, L. R.
Caica, P.	Conlon, P. F.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Stevens, L.	Thompson, M. G.
Weatherill, J. N.	White, P. L.
Wright, M. J. (teller)	

NOES (15)

Brokenshire, R. L.	Buckby, M. R. (teller)
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Foley, K. O.	Brindal, M. K.
Key, S. W.	Brown, D. C.
Rann, M. D.	Gunn, G. M.
Atkinson, M. J.	Hall, J. L.
Snelling, J. J.	Hamilton-Smith, M. L. J.
Ciccarello, V.	McFetridge, D.

Majority of 4 for the Ayes.

Clause thus passed.

New clause 15A.

The Hon. M.R. BUCKBY: I move:

Page 8, after line 22—Insert new clause as follows:

Amendment of s.96—Duty to produce licence.

15A. Section 96 of the principal act is amended by striking out subsection (1) and substituting the following subsections:

(1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence—

(a) must produce the licence forthwith to the member of the police force who made the request; or

(b) must—

(i) provide the member of the police force who made the request with a specimen of his or her signature;and

(ii) within seven days after the making of the request, produce the licence at a police station conveniently located for the driver, specified by the member of the police force at the time of making the request.

Maximum penalty: $250.

(1a) The Commissioner of Police must ensure that a specimen signature provided to a member of the police force under this section is destroyed when the signature is no longer reasonably required for the purpose of investigating whether an offence has been committed under this act.

This amendment is all about the duty of a driver to produce a driver's licence. Currently, if a member of the public is apprehended by a police officer and asked to produce their licence, that driver has 48 hours in which to produce the licence to a designated police station. We move this amendment because a somewhat devious person could give false information to the police officer and a licence could be produced at the police station that does not correspond with the person who was pulled up on the side of the road. The amendment proposes to extend the time for producing a licence to seven days so that a person has a greater length of time in which to produce their licence.

However, when a person is apprehended on the side of the road and asked by a policeman to produce their licence and they do not have it, they would sign a document to say that they will produce their licence within seven days to an agreed police station. That document is then forwarded to that police station. When the person produces their licence their signature can then be compared to the signature that appears on the licence. The police can then be assured that the person who was apprehended and asked to produce their licence is the same person who produces the licence at the police station.

I believe that this is a very sensible amendment because it does give a person a little extra time in which to produce their licence. Subclause (1a) of the amendment provides:

The Commissioner of Police must ensure that a specimen signature provided to a member of the police force under this section is destroyed when the signature is no longer reasonably required for the purpose of investigating whether an offence has been committed. . .

I believe that this amendment has good merit and ensures that there is a level of honesty greater than that which exists at the moment in terms of the production of a driver's licence to a police station.

The Hon. M.J. WRIGHT: I thank the shadow minister for his amendment and comments. The honourable member makes the case that this amendment will make it easier for the police, but that is not my advice. In fact, my advice is that the police do not support this provision in that it will be administratively burdensome. We will consider the role of licence carriage in respect of road safety in future phases but not necessarily in phase 2. I appreciate that the shadow minister moves this amendment and argues a case for it, but it is not backed by evidence provided to us. Certainly, advice from SA Police is that the police do not believe it will achieve what the shadow minister is arguing.

Mr McEWEN: As the bill moves between the houses, would the minister be prepared to look at a slightly longer time line within which to allow someone to produce their licence, even if there are more restrictions? I do not mind its being very strict so that there can be no way that this can be rorted, but there could be difficulties with the very limited time line that is allowed.

The CHAIRMAN: It is impossible to hear the member for Mount Gambier because of the member for Goyder and his backside, and we have the member for West Torrens and his backside, and it is not a pretty sight.

Mr McEWEN: I am not asking the minister to consider the detail of this amendment because I think there are a number of other ways that this can be done, and I take his point about that, but the intention behind this amendment is that we want this to be more restrictive than it is now. We would like it to be tougher so that there can be no possible rorting, but equally we would like just a little more time within which a licence must be produced. Certainly, there are times when a turnaround of 48 hours can be difficult for someone who has travelled a considerable distance. Equally, I think that, as it stands at the moment, someone could misrepresent the person within that 48-hour period. I think there is the opportunity to have another look at it. If the minister is prepared to do that as the bill moves between the houses, I think that we can get on with it.

The Hon. M.J. WRIGHT: The member is asking whether we can look at extending that period which currently is 48 hours. I cannot see why we cannot look at that. That does not alter what I said in respect of the shadow minister's amendment.

New clause negatived.

Clause 16 passed.

Clause 17.

The Hon. M.R. BUCKBY: I move:

Page 8, after line 34—Insert new paragraph as follows:

(aa) by inserting after subsection (1a) the following subsection:

(1b) Demerit points are not incurred on conviction or expiation of an offence against section 79B(2) of the Road Traffic Act 1961 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 speeding offence only.

This amendment relates to demerit points gained as a result of speed camera offences. The opposition is of the belief that demerit points should not be allocated where somebody is captured by a speed camera. The expiation fee there is sufficient. We support the government's proposals with regard to demerit points for red light cameras, and also for the combined fixed red light and speed cameras at intersections. I raised a couple of issues in my second reading speech regarding demerit points on speed camera expiation notices. A person could pass a speed camera, be caught for speeding and gain four demerit points but not be aware of the fact that they had gained demerit points.

The Hon. M.J. Wright: This is the Pinnaroo example, is it?

The Hon. M.R. BUCKBY: Well, the member for Stuart is not here; it is one particular aspect that he and some other members are very keen on, in terms of this amendment that is being put, in that, in travelling long distances one could pass maybe two or three cameras and gain a large number of points. There is another argument in that as well. The other aspect of this that is of concern to the opposition is when it is questionable whether the owner of the vehicle was the driver of the vehicle and the owner has to go to court to argue the case to take off the demerit points. The argument is that, if that person was not the driver, why should they be accused of being guilty and not presumed to be innocent? That person then has to go to court to argue their case just to prove that they were not the driver or, in the case of a body corporate where the driver cannot be identified, the owner of the vehicle gains the demerit points. For both those reasons we do not support demerit points being allocated to speed camera offences.

The Hon. M.J. WRIGHT: I thank the shadow minister for his comments. We had a good discussion about this during the second reading debate, and I appreciate the shadow minister's different view. What is taking place at the moment is that, because you do not have demerit points that are associated with speed camera offences, you are getting repetition of the offence, because some people who can afford to pay just simply pay and you do not get a change in driver behaviour.

What this is about—as is the whole package—is changing driver behaviour to get some positive outcomes to reduce the number of South Australia's road fatalities and crashes which, on a pro rata basis, is 10 per cent above that of every other state in Australia. What we currently have simply is not working, because where demerit points are not applied to speed camera offences driver behaviour is not changing. I do not remember the exact numbers, but there are 250 000 to 260 000 offences of which only about one-fifth attract demerit points. If we are serious about this we will apply demerit points because we know that will have an impact on driver behaviour. That is what this package is all about: changing driver behaviour. If we are serious about road safety, we have no choice other than to change the habits of drivers, and the only way we will be able to achieve that is to have in place demerit points for speed camera offences.

The shadow minister also raised concern about whether the demerit points will be allocated to the right person. The act already provides a mechanism whereby, if a person has been incorrectly allocated demerit points, that can be reversed. The Speaker also raised this important point during the second reading debate. It is provided in the act that, upon receipt of the expiation notice, the owner of the vehicle will, first, be able to elect to pay the expiation fee and accept the demerit points or, secondly, nominate the actual driver of the vehicle, if that is someone other than the registered owner, by submitting a statutory declaration. Upon receipt of the declaration, the Commissioner of Police will withdraw the notice issued to the owner and issue a new notice to the nominated driver. Completion of the statutory declaration does not require the services of a lawyer.

Ms Chapman interjecting:

The Hon. M.J. WRIGHT: I thought you might say that. The third option is that, if the person believes there are extenuating circumstances, the person who receives the expiation notice can write to the Commissioner of Police outlining the situation and seek a review. If the Commissioner is satisfied that there were exceptional circumstances, he can withdraw the notice. A fourth option is that the person can elect to have the matter dealt with by a court. Whether or not a lawyer should be engaged is a question for determination by the alleged offender. It is important to make the point that there are mechanisms in place to enable a person, if they believe they have been allocated demerit points incorrectly, to have them withdrawn.

We cannot hide from the fact that this particular provision is a very important part of the core of the package. It is inconsistent to support double demerits for combined red light and speed offences but not for speed offences. Monetary penalties are not as effective as demerit points; that is a proven fact from which we cannot hide. It is inconsistent to want to delete higher monetary penalties for combined red light and speed offences.

So, it is important that we have demerit points for speed camera offences; it is important if we are going to change driver behaviour, reduce fatalities and bring ourselves into line with every other state in Australia. This is in legislation in every other state in Australia because it has a proven track record. The reason other states have introduced this into their legislation (to have an impact on road safety, to change driver behaviour, to change the psychology of drivers and to have an impact on the number of fatalities and crashes) is that it has been proven to be successful.

It has reduced the statistics, and it has also reduced the number of people apprehended for these offences. No-one needs to have these demerit points applied to them: do not break the law, and it does not happen. None of what is in this package will apply to people who follow the road safety laws of the land. But, if you do break the law, it will be a severe deterrent, and it will have an impact on, and change, driver behaviour. Unless we apply demerit points, we will not have a meaningful impact on driver behaviour and, therefore, reduce the number of fatalities and crash statistics which, on our roads, are 10 per cent higher pro rata than any state in Australia. This is a very important part of the package. It is important to apply demerit points for speed camera offences, just as they are applied for laser gun offences; it is important that we apply it to both areas. In a situation where demerit points are applied incorrectly, the procedures are in place for the matter to be rectified.

Mr McEWEN: I rise with a degree of apprehension, because I want to avoid another sermon from the minister. Equally, I rise to support the minister. The shadow minister raises concern about the onus being on the registered owner and driver, but I point out that there are many other circumstances where, as the registered owner and insurer, you accept

the onus—for example, if a third party commits an offence or incurs a parking fine. It is the owner of the vehicle who will get the ticket, whether they park the vehicle illegally or not. I do not see the reversal of proof being part of this debate, and I think it is consistent with the other way we approach the issue of who is the responsible owner.

The debate tonight is about road safety, and I would be interested to know how many people in this chamber have had immediate members of their family killed on the roads. I lost an 18 year old brother, and the member for Chaffey lost a sister. It would be amazing to go around this room and find out how many members have lost immediate family members. Driving can be dangerous, and anything we can put in place to make it safer is a great initiative.

Mr GOLDSWORTHY: What would happen if you have lost, say, nine demerit points, and on a particular day you go through, say, two speed traps and lose two lots of three demerit points—and that takes you to 15 demerit points—without your actually knowing that you have gone through those two speed cameras? I would think that is hardly fair. You are not aware of having been booked. I would like to hear the minister's comments about that.

The Hon. M.J. WRIGHT: I would have thought that if you were on nine points you would not be speeding. That is the first point. If you are on nine points and you speed, you are a mug, and a first-class mug at that. Hopefully, a driver would know that they were speeding because they would look at the speedo, but they may not know that they have been caught speeding. But if, in fact, you are in that situation, what a mug you would be.

However, I have some information that may warm the member's heart. Holders of full drivers' licences who exceed 12 demerit points can elect to take the good behaviour option. The driver opts to be of good behaviour for 12 months in lieu of serving the three month licence disqualification. The person must not commit an offence during the 12 month period: that attracts two or more demerit points. In the event that they do, they are liable to a licence disqualification of twice the original period.

Mrs MAYWALD: It seems to be lost on some members that if you have lost 12 demerit points you have been caught four times, and more fool you. The fact of the matter is that speeding and running red lights are dangerous exercises. Imposing fines does not seem to have any impact, and I do not agree with raising them. However, I certainly agree that earning demerit points is a deterrent. Putting in place provisions that state, 'You'll lose it here, or you may not lose it here, or you might lose it because one camera does things differently to another, because there is someone holding the camera versus someone not holding the camera,' is an absolute nonsense. Let us make it consistent, and let us get on with what is in the real interests of South Australians in regard to road safety.

Mr WILLIAMS: I wanted to make a few comments. I have been sitting in my office doing some very important work, listening to the debate, and I heard some comments of the member for Mount Gambier (I hope that he will stay and listen to this). I refer to the comment when he mentioned that, because of the number of people who have been killed in road accidents, we take all sorts of draconian measures to try to save lives. This is the argument used time and again when we keep making life tougher and tougher. I confess to the member for Mount Gambier that, yes, I have had close family members lose their lives in motor accidents. It is a traumatic time for a huge number of families.

The minister is wont to keep quoting statistics. Statistics show that we lose a hell of a lot more South Australians due to suicide than we do to road accidents, and the government is doing bugger-all about that. Let us talk about the things that happen in society and the way that society works. Let us be conscious of the fact that life is dangerous and that nobody gets out of it alive. It is very easy for governments time and again to hit the poor motorist because it is the best and easiest revenue raiser around.

Members interjecting:

Mr WILLIAMS: I take the point that this is about demerit points, but it is ratcheting it up and making life tougher and tougher. May I cite an example that was quoted to me this morning about a lady who left her home in suburban Adelaide (probably in Unley) to take her children to school. Inadvertently, she exceeded the 40 km/h speed limit on the way; the camera was still there, and she did the same on the way back. Later that morning, she went to the shop to get a loaf of bread or whatever and was caught again. In one morning, because of the camera, which was probably concealed, she gained 12 points and lost her licence.

Mrs Maywald: Particularly silly.

Mr WILLIAMS: She probably was particularly silly, but let he who is without fault cast the first stone. From time to time, we are all particularly silly. Quite recently, I heard the member for Stuart comment about the number of hours that he spends behind the wheel of a motor car. I can tell the council that I spend in excess of 20 40-hour weeks a year behind the wheel of a motor car. Travelling at 110 km/h, hour after hour, down a long country road is very tiring, and I suggest that fatigue is probably a bigger cause of road accidents in this state today than speed. This fact is overlooked by legislators, but it is one on which we should concentrate.

I know that people who have been investigating road accidents in the last couple of years have suddenly realised that fatigue is a factor, but if speed truly were the problem, we should limit cars to 40 km/h or 50 km/h and we would have no accidents. I was not being flippant when I said you do not get out of it alive. Many people, instead of talking about 'accidents,' now refer to 'crashes': this is the politically correct way to talk about accidents on our highways. However, the reality is that from time to time we will have accidents. It is a part of life. The other reality is that, by and large, we have to get on with life, so let us not make it too damn hard. This provision is about inflicting incredible hardship on a small number of people, and I believe that it will weigh much more heavily on the people I represent in rural and regional areas than it will on the people that most of us in this chamber represent.

This is very draconian for rural drivers because they drive long distances. Under this provision they will be expected to concentrate 100 per cent of the time even though they drive modern cars with cruise control and incredibly good suspension which makes the ride very comfortable. It is very easy to lose concentration, to fall asleep and run off the road. I think fatigue is becoming a much greater factor in road accidents in South Australia than exceeding the speed limit by a few kilometres an hour. I think this sort of provision is ridiculous.

Amendment negatived; clause passed.

Clause 18.

The Hon. M.R. BUCKBY: This clause relates to people undertaking their learner driver test and the fact that the government wants to introduce an amendment under which

applicants who fail the test would have to wait a specific amount of time before they could take the test again. The suggested time limit is two weeks as a minimum. At the moment, if you fail the theoretical test, but an appointment is available on the same day, you can re-sit the test on that day. Many people might think that two weeks is not a particularly onerous period, but for someone from the country, who may have just missed out by one question on achieving the 80 per cent pass necessary to gain a learner's permit, having to drive 100 kilometres and then drive 100 kilometres back two weeks later—

Ms Ciccarello interjecting:

The Hon. M.R. BUCKBY: No. The fact is that we think it is somewhat onerous for that particular person and that the status quo should remain. That is, that the test can be sat again on the same day, if an appointment is available, rather than that person having to return at a later time.

The Hon. M.J. WRIGHT: I think it needs to be highlighted—and I apologise if I did not do this during the second reading debate—that this is a regulation-making power, and it is not the intention of the government to have that situation that the shadow minister just described with regard to the theory test. It is not our intention that there be a two week wait for the theory test. I want to separate the theory test from the practical test. The two weeks waiting period will not apply to the theory test, so there is no need for concern about that. I give you that commitment in the regulation that will come forward. However, the practical driving test is different because if you are unable to pass the test you should not be on the road.

I am not sure the honourable member was making the point because he was talking about theory, so I apologise if I am making this point and it does not need to be made, but we view the practical driving test differently. If you fail the practical driving test you should not be on the road and will have to wait for two weeks. You do not pass the driving test because your skill is not at the level to drive and you need to go back and increase your skills to be able to pass the test. I give that commitment in regard to the regulations, which are yet to be drafted and approved. However, it is not the intention to require applicants for the theory test to wait two weeks. The government is mindful of the inconvenience for people who have travelled a long distance, only to be told they have failed the test and must come back another day. The approach to be drafted in the regulations is to allow the registrar discretion in determining when the theory test is to be administered to applicants who have travelled more than a prescribed distance. At the same time, some changes are required because under the present arrangements applicants with more money than sense can pay the fee and sit the test as many times as they like in the one day. That is rare, I acknowledge, but that pretty much covers it.

Mrs MAYWALD: As a point of clarification on the answer, the minister has suggested that in the regulations he would not apply the same provisions to the theoretical examination as to the practical examination, so why then have it? Would it not be more sensible to remove the theoretical reference in the amendment because that is leaving it open for a regulation at some stage in future and, if the intention is that the theoretical examination is not to be included, why have it there in the first instance? The minister's argument in respect to the practical driving test concerns me also because he is suggesting that someone who has failed a practical driving test should not be on the road. I thought that someone who had a practical driving test had not forfeited their right to be on the road as a learner and could still be on the road.

So, you are not removing them from the road—they will still be on the road and be out there. The only difference is that they will have a licensed driver with them until they next sit the practical test. What is the minister's argument for putting in the two week provision for the practical driving test, given that they will still be on the road anyway? I do not understand the basis for this clause at all at this stage. If somebody has failed a driving test because they did not reverse park correctly because they were nervous, why can't they sit the same test the same day, particularly when they have hundreds of kilometres to travel? It is not because you want to keep them off the road, in my view.

The Hon. M.J. WRIGHT: I appreciate the questions. With regard to the first point about theory, it provides some flexibility. Some weaknesses are there, which can be overcome as a result of the drafting recommended by parliamentary counsel. I refer to the potential for a person to sit a test a number of times on any one day, which is not desirable. With respect to the second point about the practical driving, I was talking about being unsupervised and, if a driver sits a test and fails, they fail for a good reason. Whatever that reason may be—and it would not simply be some very minor thing like not being able to park a vehicle—if it involved a practical driving test they should go away, get more training and come back with more skills to be able to demonstrate that on the next occasion. We differentiate between the theory and the practical. As I said, in respect of the theory that two weeks will not apply; it does not need to apply. We make the point for the practical test that it is important that, if a person does not pass, that person does some more supervised training, increases their level of skill and comes back and is able to demonstrate that skill.

Mr McEWEN: Given the remarks that the minister has made, I wonder if he might, between houses, have a look at another issue. Passing or failing of the test depends very much on the instructor. Some instructors will fail someone for a very minor reason because they think it will do them good to go away, have another practice and re-present; and they make that judgment. But in that test there is not a set of essentials and desirables. There are some things which it is desirable to demonstrate the first time and, if it is easy to re-present, then I would not mind the instructor saying, 'Come back'; but instructors do not have that discretion at the moment. I refer to someone who has travelled a couple of hundred miles, has demonstrated all the essential skills, has observed appropriate stop signs and the rest of it, but has not parked the prescribed distance from the kerb and has missed by a bit, or has not used the rear vision mirrors in the appropriate way: those skills are desirable but not necessarily essential to allow them to drive, but I do not believe that discretion is there.

If the minister is prepared to re-examine the test, I think we can achieve the objective here. I agree with the comments the minister is making in terms of re-presenting if it is serious but, equally, I think that some of the things instructors are looking for at the moment involve more road craft than essential safety skills. So, if the minister is prepared to be a little more lenient in the way we assess it, I think we can respect his views. But, as it stands at the moment, if the wrong instructor is encountered on the wrong day, the person being tested will be making a round trip of a couple of hundred kilometres a fortnight later; and I think that is a bit too tough.

Mr WILLIAMS: The minister said that this is basically a regulation-making power to give him the opportunity to make a regulation setting a prescribed period. Can the minister indicate to the committee why he has chosen to put this clause in giving him or any subsequent minister the opportunity to make and/or vary a regulation setting the prescribed period? Why does he not prescribe the period in the act?

The Hon. M.J. WRIGHT: I think it is to provide what some people are reflecting in this debate, and that is to give us that greater flexibility so that we do not prescribe a period that disadvantages people from the country who have large distances to travel. It may well be the case, for reasons already outlined, that for people who have to travel long distances from remote parts of the country you would not want to apply that particular prescriptive standard. However, it may well be that for a particular case or reason in the metropolitan area, where people obviously have a greater capacity to go to the facilities that are there virtually at their back door, you may also require that flexibility to work in a different way.

In answer to the member's question, it provides that flexibility but, as I said earlier, there are some weaknesses in it at the moment. I referred to the example of someone being able to go and do it on a multiple number of occasions on the one given day. That is not an ideal scenario either, I would not have thought. So, it really is to pick up that range of situations, being particularly cognisant of the points made, mainly on the member's side—but, in fairness, I think it is a reasonable point—that, where there are large distances, we do not want to disadvantage people and tell them that they have to come 400 kilometres in two weeks' time to sit the test again. So, that gives us that flexibility.

Mrs MAYWALD: I wonder if the minister might consider between houses deleting paragraph (*ge*)(i) from that particular clause. I do not understand why country people should be treated differently from metropolitan people just because they have extra distance to travel. If there is a particular problem with the theory aspect of it and with a person sitting the test again on the same day or the following day, or even two days later, and the minister had given me an argument that supported it, I might feel differently about this issue. As I understand it, there really is no reason why a person cannot sit the test on the same day. I understand that there might be some issues in relation to the practical driving test, and people might need to go away and undertake more training, but a person sitting the theory examination could certainly learn from their first experience and be able to pass it again on the same day.

I wonder whether the minister will give consideration between houses to deleting clause 18(*ge*)(i) from that provision to enable the theory examination to be undertaken on the same day, particularly given that the service to undertake those theory examinations is not available at all places at all times on every day. In some country areas, unlike in the metropolitan area, these examinations are only accessible at certain times of the week. If there was a reason why country people needed to be treated differently from metropolitan people, such as a safety risk, it might be a different scenario. However, I do not think a safety issue IS involved but that it is really about whether or not we treat people equally, irrespective of whether they live in the country or the city. If an exception is made for a person who has to travel 400 kilometres, why not for everyone?

The Hon. M.J. WRIGHT: I am happy to take on that challenge and consider it between houses and to share with the honourable member what advice I get to see whether we can come to some sort of agreement.

Mr WILLIAMS: In relation to the theoretical examination (and the minister might be able to inform me whether this is already the case), has the minister considered making the theoretical examination available online to young people seeking to get their learner's licence? Several years ago, when I was in Tasmania, I know (although I do not know whether it was online, but it was certainly within government offices) that people went in, paid their fee and were given a number. They would then move to a computer console to do the theoretical examination. I would have thought that there was no reason why this examination could not be done online and completely isolated from a government office.

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

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. M.J. WRIGHT: Certainly, TSA is looking at a whole range of innovations in testing. So, the particular one that the member talks about, I think, has some merit. I would hope that, in a whole range of areas, one of the challenges that we have talked about with both TSA, the RAA and other organisations is that we really must try to look to how we can challenge ourselves in regard to education. It is our intention to come forward with a package with respect to education post this bill that is before us and, certainly, I think that what the member has talked about regarding online has some merit.

Clause passed.

Clauses 19 and 20 passed.

New clause 20A.

The Hon. M.R. BUCKBY: I move:

Amendment of s.45—Negligent or careless driving

20A. Section 45 of the principal act is amended—

(a) by inserting 'negligently or' after 'vehicle';

(b) by inserting at the foot of the section the following penalty provision:

Penalty: If the driving causes the death of another—

(a) for a first offence—$5 000 or imprisonment for 1 year; and

(b) for a subsequent offence—$7 500 or imprisonment for 18 months.

If the driving causes grievous bodily harm to another—

(a) for a first offence—$2 500 or imprisonment for 6 months; and

(b) for a subsequent offence—$4 000 or imprisonment for 1 year.

If the driving does not cause the death of another or grievous bodily harm to another—

$1 250;

(c) by inserting after its present contents, as amended (now to be designated as subsection (1)) the following subsections:

(2) In considering whether an offence has been committed under this section, the court must have regard to—

(a) the nature, condition and use of the road on which the offence is alleged to have been committed; and

(b) the amount of traffic on the road at the time of the offence; and

(c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and

(d) all other relevant circumstances, whether of the same nature as those mentioned or not.

(3) In determining whether an offence is a first or subsequent offence for the purposes of this section, only the following offences will be taken into account:

(a) a previous offence against subsection (1) which resulted in the death of another or grievous bodily harm to another and for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed;

(b) a previous offence against section 46 of this act or section 19A of the Criminal Law Consolidation Act 1935 for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

This amendment is introduced to identify and try to put some sort of penalty in place for drivers on our roads who are negligent, who are careless, who drive at a speed greater than 45 km/h above the speed limit and who are, in general, reckless on the road. We have been talking about road safety in this debate, and we have seen cases in the courts where someone has been negligent and has caused the death of a person because of that negligent driving. I recall one case in particular which was in the courts a few months ago, which was reported in the newspaper, where a young fellow driving through the Adelaide Hills overtook a couple of cars, I think, and lost control and the passenger was killed because of the driver's extremely negligent and careless driving. This amendment would create a disincentive in terms of reaffirming the fact that the community will not tolerate negligent and careless driving. If one looked at the number of road deaths (and I have not extracted the figures), I am sure that one would see that a large number of road deaths occur because of the negligent or careless driving of a particular driver.

For a first offence this amendment puts into place a fine of $5 000 or imprisonment for one year and, for a subsequent offence, a fine of $7 500 or imprisonment for 18 months; that is if a person is killed because of the negligent driving. If a person is caused grievous bodily harm because of a negligent driver, for a first offence the negligent driver would receive a fine of $2 500 or imprisonment for six months, and for a subsequent offence a fine of $5 000 and imprisonment for one year. If the driving does not cause the death of another or grievous bodily harm to another, the fine is $1 250. I think that that is an important aspect. We are saying to people that we want them to consider road safety, and to reinforce the fact that it is not a right to have a driver's licence, it is a privilege to stay on the road, and that if they drive carelessly there are significant costs associated with doing so. In this respect, the court has to take into account the nature of the road, the amount of traffic that is on the road at the time, the amount of traffic that might be expected to enter the road from other roads and places and any other relevant circumstances. If there has been a previous offence against subsection (1) that resulted in a death within the past five years, the court is to take that into account in convicting the person and deciding the fine.

The Hon. M.J. WRIGHT: The government opposes this amendment. This is a bit of a piecemeal approach. It is a different approach to road crash penalties that would at a minimum require some discussion to ensure a complementary approach with statutes in other areas. Here we are moving into the area usually dealt with in criminal law, so it would need a very measured assessment, a holistic look at this type of suggestion that has been put forward by the opposition. What is important and should not be lost on the committee is that there are some amendments coming forward—and this might avoid my having to give the same argument a number of times—that are piecemeal in approach.

Not all the amendments I classify in this category, but some of these amendments—and I put this one in this category—are piecemeal in their approach. If this legislation is successful and becomes law, we need to make an assessment of how well it is working. Of course, we have already identified that there will be a phase 2 to our road safety package, and it may well be that some of these things that the shadow minister talks about—this one and the one that is coming up next, in respect of the penalty for exceeding the speed limit by more than 45 km/h, which he will talk about in a moment—can be assessed in lieu of the package that hopefully will become legislation in the very near future. I put this and the next one into that category.

New clause negatived.

New clause 20B.

The Hon. M.R. BUCKBY: I move:

Insertion of section 45A

20B. The following section is inserted after section 45 of the principal act:

Exceeding speed limit by 45 kilometres per hour or more

45A. (1) A person who drives a vehicle at a speed that exceeds, by 45 kilometres per hour or more, the applicable speed limit is guilty of an offence.

Penalty: A fine of not less than $300 and not more than $600.

(2) Where a court convicts a person of an offence against subsection (1), the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than three months, as the court thinks fit;

(b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

The amendment inserts proposed new section 45A, which relates to a driver who exceeds the speed limit by 45 km/h or more. Under the New South Wales act, if a driver exceeds the speed limit by more than 30 km/h, it invokes an additional fine, so the insertion of this proposed new section in the act really wishes to highlight that, if you exceed the speed limit by this particular level, more than 45 km/h, it is being extremely reckless, endangering both your own life and, in many cases, that of other drivers or pedestrians. As a result of that, a message should be sent to the driver that their habits will cost them some extra money. In addition, this allows the court to order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than three months as the court thinks fit, and that the disqualification cannot be reduced or mitigated in any way. Again, that sends a very direct notice to drivers that, if you drive at more than 45 km/h, there is a significant penalty and you will pay the cost.

I take the comments made by the minister and his belief that these are piecemeal approaches, but they are areas that he should look at and, if the house considers that this is not a clause which is considered to be worthy of inclusion, then perhaps other legislation in other jurisdictions which addresses this particular area should be looked at. If the minister is indicating that this may well be one of those areas that is considered in the second tranche of safety measures to be introduced by this government, then at least that still keeps this alive.

The Hon. M.J. WRIGHT: We oppose the amendment, but we certainly pick up the last point that the shadow minister made, because the government has already foreshadowed that excessive speeding will be considered in phase two. The government intends to implement 50 km/h as the urban speed limit, which, of course, changes the landscape. The figure before us results from an old amendment, which previously passed through the Legislative Council. The landscape will change once the 50 kilometres is introduced by regulation and, in all probability, it will change whether 45 is the right figure or the wrong figure. To pick up the final point that the shadow minister made, yes, the government will be looking at excessive speed. We did foreshadow this from day one when we came forward with our package and it will be considered for phase two, but it has to be considered as a part of the new landscape.

New clause negatived.

The Hon. M.R. BUCKBY: My amendment on file to insert new clause 20C relates to reckless and dangerous driving and is fairly straightforward. It just says that if a person is the holder of a driver's licence then the disqualification operates to cancel the licence from the commencement of the period of disqualification. Given that the earlier amendments have not passed, I withdraw this amendment.

Clauses 21 and 22 passed.

Clause 23.

The Hon. M.R. BUCKBY: I advise that I will not be continuing with my amendment to clause 23.

Clause passed.

Clause 24.

The Hon. M.R. BUCKBY: This clause deals with the repeal of section 47DA of the principal act. This particular section of the principal act allows for the police to establish breath testing stations. The government in amending section 47E is proposing that random breath testing be allowed in South Australia. The opposition does not support that, and therefore the repeal of this section would mean that breath testing stations could not be set up. So, we are opposed to the repeal of this, because of the amendment to section 47E by the government.

The Hon. M.J. WRIGHT: I think we are talking about the same thing here; this is with respect to the mobile RBTs. I understand that you are opposed to it, but we think it is an important part of the package. The opposition has suggested that they would support a limited use of mobile RBTs. We think it is important that they are in place 365 days a year. Long weekends and holidays are one thing, but drink driving is something which happens every day of the year. Mobile RBTs are an area where we can have a definite impact. We know that, because they exist in all other states and they have proven to be very important in having an impact upon people's driving behaviour. This is what the whole package is about, and this is a very important part of the package. Providing that facility of a mobile RBT will have an impact upon drivers, and it will therefore change driver behaviour and reduce road crashes and fatalities. That is what this package is all about. So, mobile RBT is an important complement to fixed RBT and will achieve some very worthwhile results. As I said, it exists in all other states and we think it is a very important part of this package.

Clause passed.

Clause 25.

The Hon. M.R. BUCKBY: I move:

Page 12, lines 20 to 32 and page 13, lines 1 to 20—Leave out paragraph (a) and insert:

(a) by striking out subsection (2a) and substituting the following subsections:

(2a) A member of the police force may require—

(a) the driver of a motor vehicle that approaches a breath testing station established under section 47DA; or

(b) the driver of a motor vehicle during a prescribed period, to submit to an alcotest.

(2ab) A member of the police force may direct the driver of a motor vehicle to stop the vehicle and may give other reasonable directions for the purpose of making a requirement under this section that the driver submit to an alcotest or a breath analysis.

(2ac) A person must forthwith comply with a direction under subsection (2ab).

The government's amendment to this clause sets out the conditions under which mobile random breath testing can be undertaken. I have already set out the fact that the opposition is against mobile random breath testing. This amendment allows a breath testing station to be established, and I think that is fairly clear between the two sections.

The Hon. M.J. WRIGHT: I made my argument before so I will not take up the time of the committee again. We covered this in the earlier part of the debate and we think that the use of mobile RBT is a very important arm of this package, so the government opposes the amendment.

Amendment negatived.

The Hon. M.R. BUCKBY: I move:

Page 13, after line 20—Insert new paragraph as follows:

(ab) by inserting after subsection (2e) the following subsection:

(2f) A member of the police force may not, while driving or riding in or on a vehicle not marked as a police vehicle, direct the driver of a motor vehicle to stop the vehicle for the purpose of making a requirement under this section that the driver submit to an alcotest or a breath analysis.;

The opposition is taking a country point of view with this amendment. A member of the public who is driving home and who is suddenly pulled over by an unmarked police car might find that situation somewhat threatening. If the government is going to be up front about this, such mobile random breath testing should be undertaken in a police vehicle, so the person who is being asked to pull over and submit to an alcotest or a breath test knows that it is a police officer who is requiring them to pull off the road and submit to a test, and that is quite clear to the person because it is a police vehicle. Where it is an unmarked car, as I said, a person may be somewhat apprehensive as to who is forcing them to pull off to the side of the road and, particularly on isolated country roads, late at night or at other times, it might be somewhat disconcerting. In contrast, if a person sees that it is a police car, they know straight up that there is an issue and they can pull off the road with confidence that it is a police officer who is asking them to move over to the side of the road and stop.

The Hon. M.J. WRIGHT: We oppose this amendment. What needs to be pointed out is that the issue contained in the shadow minister's amendment is covered in the guidelines to be developed by the police and approved by the Minister for Police, and that must be gazetted. The guidelines that are developed by the police with respect to how this measure will operate must be approved by the Minister for Police and then gazetted. This will all be done up front. It will be open and accountable and, hopefully, it will allay some of the concerns that have been expressed.

Amendment negatived.

The Hon. M.R. BUCKBY: I move:

Page 13, lines 27 to 35—Leave out subsection (8) and insert:

(8) The Commissioner of Police must, not less than 2 days before the commencement of each prescribed period, cause a notice to be published in a newspaper circulating generally in the

state and at a web site determined by the Commissioner stating the time at which the prescribed period commences and the time at which it finishes and containing advice about the powers members of the police force have under this section in relation to a prescribed period.

(9) In this section—

"long weekend" means a period of consecutive days comprised of a Saturday and Sunday and one or more public holidays;

"Minister" means the Minister responsible for the administration of the Police Act 1998;

"prescribed period" means—

(a) a period commencing at 5 p.m. on the day immediately preceding the start of a long weekend and finishing at the end of the long weekend; or

(b) a period commencing at 5 p.m. on the last day of a school term and finishing at the end of the day immediately preceding the first day of the following school term; or

(c) a period commencing at a time determined by the Minister and finishing 48 hours later (provided that there can be no more than four such periods in any calendar year);

"school term" means a school term determined for a government school under the Education Act 1972.

(10) A certificate purporting to be signed by the Minister and to certify that a specified period was a prescribed period for the purposes of this section is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.

This allows for the Police Commissioner to set up specific days to apply mobile random breath testing, and it was debated in the upper house last year. The opposition supports mobile random breath testing on long weekends, recognising that there is increased traffic on the road; that people may have been drinking and driving at that time; and that the police can use those extended powers to good effect. It also would allow for the police to prescribe four other days during the year on which they may decide to use mobile random breath testing and, as a result of that, decide which time of the year is most relevant as far as road safety is concerned.

It sets out those periods in which this can commence. A certificate, which is to be signed by the minister, must certify that a specific period was a prescribed period for the purposes of this section, so it just means having the minister sign off on the fact that those were the days that were applied. I believe this amendment is quite sensible in that it gives the police power at a time when we all recognise that there is a greater risk on the road—and one only has to look at the accident rate on the roads on long weekends.

The Hon. M.J. WRIGHT: This amendment is largely consequential on an earlier amendment which we discussed and which was put forward by the shadow minister in relation to mobile RBT. The point has been made that the government believes it is important to move forward with mobile RBT. The opposition supports mobile RBT in a limited sense. If it is important to have it on long weekends and public holidays, or whatever, I think it is important to have it on any day. My understanding is that this is largely consequential to earlier amendments, on which we have voted. In relation to advertising in clause 25(8), if we have a full-time mobile RBT we do not need to advertise it.

Amendment negatived; clause passed.

Clause 26 passed.

Clause 27.

The Hon. M.R. BUCKBY: This is consequential to clause 24. As clause 24 was passed in the affirmative, I believe that this clause, therefore, is not required.

Clause passed.

Clauses 28 and 29 passed.

Clause 30.

The Hon. M.R. BUCKBY: I move:

Page 15, line 11—After 'amended' insert:

(a) by striking out subsection (1) and substituting the following subsections:

(1) If a court before which a person is charged with a prescribed first or second offence convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, make an order requiring the person to undertake a prescribed program of training and education within a period fixed by the court (being not more than six months from the making of the order).

(1a) A program of training and education prescribed for the purposes of subsection (1) must (except so far as it is not practicable to do so in a particular case) include—

(a) lectures as to road accidents and their causes and consequences; and

(b) the viewing of graphic films or other visual images of road accidents; and

(c) meetings with victims of road accidents.

The minister has proposed that someone who is convicted of an offence must undertake a period of education in the form of a lecture. The feeling of the opposition is that this might not be quite strong enough. I remember the days when, if you transgressed against the road laws, you not only got a lecture but also saw some extremely graphic film about road accidents, the results of road accidents and the sorts of injuries perpetrated on people because of road accidents. They had a profound effect on all people who saw them because, I can tell members, one felt physically sick when one walked out of that place having seen such a film. We want to extend this period of education to include the viewing of graphic films and the meeting of victims of road accidents. If a person has been involved in an offence they can meet people who, through no fault of their own, have suffered as a result of a road accident and see the sorts of injuries that can be caused by negligent or dangerous driving, speeding, or whatever. The idea behind this amendment is to strengthen the clause put forward by the minister so that some very prescribed and graphic education occurs for people who offend.

The Hon. M.J. WRIGHT: The government opposes this amendment. The point is that this bill does not change the current lecture requirement and, of course, the amendment proposed by the shadow minister does make that provision. We have said from day one that a road safety package needs not only infrastructure and legislation (which, of course, is before us now) but also education, and that must be a big focus. As I have said time and again, those challenges have been thrown down to the department, to various major stakeholders, such as the RAA, and to others to come forward with some innovative ideas about how we can do things better and differently with respect to education and training.

We will put forward a package that covers education in terms of driver training. We need to ensure that we get the best package. We would need to make some judgments about whether the material the shadow minister is putting before the committee tonight hits the mark and whether or not it is in the right format. Lectures, films and meetings with road accident victims may not be the most appropriate way forward. Research indicates that graphic advertising is not necessarily effective, and this may also apply to lectures. Recently, I was fortunate to open a forum (and I shared this with the house either last week or the week before) conducted by the AAA (Australian Automobile Association).

Drivers under the age of 25 came from around South Australia (including country South Australia) to attend the forum. I think that 10 drivers came from country South

Australia. Over the course of a full day these drivers conducted a panel on driver education, training and road safety, in addition to getting some input from young people about what they believe hits the mark. This area of compulsory education and training will be a major focus not only for the government but for all of us to ensure that this road safety package does not leave out any area. Only as a result of a combination of infrastructure, legislation and education will we have a comprehensive package that will have an impact. Certainly, there is a commitment from the government that education and training will be a very key part of phase 2.

Amendment negatived; clause passed.

Clause 31 passed.

Clause 32.

The Hon. M.R. BUCKBY: I move:

Page 15, lines 26 to 35—Leave out paragraph (c).
Page 16, lines 1 to 18—Leave out paragraph (d).

Both these amendments remove the proposed increases in fines and expiation fees applicable for an offence with a camera or red light offence. The opposition is in favour of introducing demerit points for red light camera offences and where a driver speeds through a red light. We support having demerit points for both those offences because we believe that is a good deterrent to people who decide to go through red lights. I travel down to Adelaide from Gawler on the Main North Road, and hardly a day goes by that I do not see somebody go through a red light. It is a rare event if I do not see that occurring. The increased level of accident risk to either pedestrians or to cars travelling through an intersection cannot be underestimated, and that is why we support additional demerit points being included. Doubling the fine for this is not supported. Leaving out paragraph (c) means that the current level of penalty of $2 000 for a body corporate and of $1 250 for a natural person would be left in place. We believe that that is a very adequate level of fine to be a deterrent in the first place.

The government has said in all this legislation that it is not a revenue raising measure. I take that point and believe it to be genuine in what it is saying—that this legislation is all about how we can increase the level of road safety and ensure that people abide by the road rules. We do not support an increase in fines because, as I said, the introduction of demerit points for these offences should be a big enough deterrent to any driver on the road. So, if you speed through a red light you will cop the demerit points not only for the speeding offence but also for the red light offence. The opposition supports that. You end up a with double dose of demerit points. That really sends the message home to a person, that they only need a couple of other misdemeanours and they have lost their licence. In moving this amendment, we support the government in the issue of demerit points for these offences but do not support the doubling of fines for this offence.

The Hon. M.J. WRIGHT: The government came forward with this measure because of the very dangerous practice that the shadow minister has also acknowledged. Nevertheless, we stand by our commitment that this is not about revenue. I hear what the shadow minister is saying in regard to his being prepared to support the attraction of double demerit points, and we thank him for that. I am happy to consider the honourable member's suggestion that there should not be a doubling of fines as this bill moves between the two houses.

Amendments negatived.

The Hon. M.R. BUCKBY: I move:

Page 16, after line 35—Insert new subsection as follows:

(9b) Where a photographic detection device is operated for the purpose of obtaining evidence of the commission of speeding offences by drivers of vehicles proceeding in a particular direction on a portion of road, a person responsible for the setting up or operation of the device must ensure that the device is not concealed from the view of such drivers.

This amendment seeks to ensure that speed cameras are not concealed from the view of drivers. Many complaints I receive as a member of parliament are aligned to the fact that speed cameras are hidden behind a bush and that the only thing the driver sees is a little sign further down the road indicating that they have just passed a speed camera. Constituents say that if this is not a revenue raising device why is the camera or the police vehicle not obvious on the side of the road? I am aware of the other argument that sits alongside this, but I ask the government to consider my amendment that cameras not be concealed, thus taking away the criticism that this is purely a revenue raising measure.

The Hon. M.J. WRIGHT: As the shadow minister said, arguments can be put both ways. I am happy to consider this matter between the two houses. I certainly will want to speak to the Minister for Police and ask him to get some advice from the police.

Amendment negatived; clause passed.

New clause 32A.

The Hon. M.R. BUCKBY: I move:

Page 17, after line 7—Section 79C of the principal act is repealed and the following section is substituted:

Interference with photographic detection devices

79C. A person who, without proper authority or reasonable excuse, interferes with a photographic detection device or its proper functioning is guilty of an offence.

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

This amendment deals with interference with photographic detection devices. It is intended to provide a deterrent so that, if someone decides to interfere with fixed red light cameras or speed cameras at intersections, they will be committing an offence. It may be that someone who has lost double demerit points by speeding through a red light decides to take retribution and render the camera useless. I was travelling down Port Wakefield Road at Bolivar the other day and I noted that the weighing station had been demolished. I can only assume that a truck driver who had been picked up for exceeding weight restrictions on his vehicle decided (probably in the dark of night when no other vehicles were around) to demolish the weighing station so that it could not be used for a while. It was very effective; whether he was detected is another matter. In all seriousness, my amendment provides a deterrent for anyone who decides to interfere with photographic detection devices. They might think twice before committing such an offence.

The Hon. M.J. WRIGHT: The penalty already exists, so I am not sure of the intent of this amendment. There may be something subtle that I missed, but I hope not. Nonetheless, I am happy to consider this matter between the houses. There might be something that I am missing but there is already a penalty in place, and this does not seem to add to the overall road safety initiative.

New clause negatived.

Clause 33 and title passed.

Bill reported with an amendment.

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

That this bill be now read a third time.

I thank all members for their contributions. This has been a very healthy and robust debate. I acknowledge the positive contributions made by a range of members and I also acknowledge the shadow minister for his contribution.

Bill read a third time and passed.

STATUTES AMENDMENT (ENVIRONMENT PROTECTION) BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 10.49 p.m. the house adjourned until Wednesday 27 November at 2 p.m.