# HOUSE OF ASSEMBLY

**Thursday 26 June 2003**

**The SPEAKER (Hon. I.P. Lewis)** took the chair at 10.30 a.m. and read prayers.

## COOPERS BREWERY

**Mr RAU (Enfield):** I move:

That the house congratulates Coopers Brewery on its innovative approach to meeting its energy needs with the recent announcement of a natural gas-fired cogeneration facility at Coopers Brewery in Regency Park which incorporates state-of-the-art brewing technology with an energy efficient power plant owned and operated by AGL, and which will also boost the state's supply capacity.

I do not want to speak at any great length about this motion. I would simply like to say that this development, which is occurring in my electorate, demonstrates the use of innovative technology to produce a very fine product which I know many members of this parliament and other South Australians enjoy after lunch and on many other occasions. It also incorporates some useful technology for the efficient use of energy. It is to be encouraged as a model, and I applaud Coopers Brewery for its achievement.

**Ms CHAPMAN (Bragg):** I endorse the motion of the member for Enfield. Coopers Brewery had its home in Statenborough Street, Leabrook, for over 100 years. It is one of South Australia's fine industries, and I am sorry to have lost it from my electorate, although an impressive development has now taken its place providing residences for the people of Leabrook. I congratulate the Cooper family on their relocation to Regency Park and the operations they have conducted there in recent years.

I have had the privilege of going through the facility at Regency Park. I endorse not only the member for Enfield's comments about the innovative energy management of this facility but also the fact that water recycling is used and the primary products are well and truly utilised efficiently, culminating in the fine product that Coopers exports from South Australia to other parts of Australia and, indeed, the world.

I believe that Coopers Brewery is one of the major producers in the world of home brew packs. So, not only does it have a fine range of refreshments for people to enjoy but it also shares with others in the world the capacity to produce these products at home. I endorse the motion, and I compliment and congratulate Coopers Brewery for leading in innovative technology in the art of brewing, and I trust that it will continue in the same vein.

**Dr McFETRIDGE (Morphett):** I support the motion. The cogeneration of electricity is a very important part of supplying a little bit of extra power to the grid in South Australia. I was fortunate enough to be at the Glenelg waste water treatment plant a few weeks ago and had a tour of the facility. I was surprised to see three very large generators that would fill this chamber, all powered by the methane gas given off from the sewerage works there. Co-generation of power through resources such as the methane from the sewerage works—and from what I hear from other people methane gas is being given off in rubbish dumps around the place—enables small generators to be connected to these alternative sources of power. It is something we have to encourage in this state and it is great to see that Coopers Brewery is actively involved in co-generation facilities.

An elderly chap who lives at Glenelg North contacted me about six months ago. He has developed a small contra-rotating turbine set up that drives through a differential housing to drive a small alternator. This is an example of some lateral thinking by some people and we have a lot of inventors and innovators in South Australia. The small turbine that this fellow has developed is about the size of a washing machine and could be put on the outside of any exhaust gas outlet and used to generate small quantities of power.

It is not just the big picture, such as Coopers Brewery, but all the other bits and pieces that will add to helping South Australia cope with its future power needs and I encourage industry and individuals such as Coopers Brewery to continue with their fine efforts.

**Mr WILLIAMS (MacKillop):** I rise to support this motion. You and I, Mr Speaker, both served on the Public Works Committee in the last parliament and had the pleasure of having a very good look at the project of moving the Coopers Brewery from its Statenborough Street site to Regency Park. That move was strongly supported by the previous government and saw that an icon South Australian company was able to move to a site that would give that company much more flexibility in future than it had previously and also to establish a state-of-the art brewery there. Obviously the co-generation plant is an integral part of the whole move and redevelopment of the whole business.

I certainly support the motion brought to the house today. There are huge opportunities, as you would be aware, Mr Speaker, from working with the construction of the SEAGas pipeline from western Victoria through the South East of South Australia to Adelaide through both my electorate and the electorate of Hammond. There are opportunities to tap into that pipeline along the way to provide this sort of co-generation and opportunity for businesses in regional South Australia—something which does not happen very often in regional South Australia.

One project I have been working with is the Teys Brothers Abattoir at Naracoorte. It is a Queensland company that runs abattoirs mainly in Queensland but also in New South Wales in a joint venture and at Naracoorte in South Australia—a very fine company in the meat processing industry. It tells me that one of the big cost disadvantages they suffer in South Australia is the cost of energy, and it is very anxious to tap into the SEAGas pipeline, which passes its plant less than two kilometres away, so the opportunity is there for it to have a spur line put in. I have been working with the Minister for Regional Development and the local Economic Development Board to bring it to fruition so it can run gas to its plant and, if that comes to pass, its intention is to put in a co-generation plant.

Something like an abattoir is ripe for co-generation, where the waste heat from the electricity generation side is then used in the plant, where they use a lot of steam for their sterilisation processes and a lot of electricity for their freezers. It would then give an opportunity for the same spur line to continue on to the town of Naracoorte and provide reticulated natural gas for that whole community. I have been arguing to the Economic Development Board that there is also an opportunity there to continue that spur line on to meet with the existing quite small South-East gas reticulation system to bring more competition to Mount Gambier and the Snuggery

industrial area just out of Millicent. I am certain that the same opportunities exist in your electorate at Murray Bridge, sir, and I am certain the T&R abattoir at Murray Bridge is probably looking at a similar sort of opportunity.

I congratulate the member for bringing this matter to the house. It has given me the opportunity to draw to the attention of the house the fact that there are a lot of opportunities across South Australia. They are increasing all the time, and I certainly hope the government recognises the incentives that the taxpayers of South Australia gave to Coopers first to move to Regency Park and build what is a world-class brewery and further to recognise that these opportunities exist outside the metropolitan area. I think it would be a great pity if we wasted the opportunities that the SEAGas pipeline is presenting to South Australia.

Motion carried.

**The SPEAKER:** I wish to tell the house some things I would observe about the proposition that gratify me particularly, and they include the manner in which it was moved, addressed and carried by all members as a clear indication not only to the Coopers family but also to other businesses in South Australia that have made a substantial contribution over many decades, if not over a century, to the economy of this state in sticking to their knitting and continuing to provide the opportunities for the next generation, as it were. This is something which we as members of parliament need to encourage as much as anything else if we are to sustain our future, not just to the point where we are successful but even, at this point in our development and history, for our survival.

The fact that the member for Enfield has drawn attention to this firm and this innovation involving a natural gas fired co-generation facility which incorporates state of the art brewing technology with a very energy efficient plant that is owned and operated by another corporation shows the essential nature of what will enable us to survive, that is, the use of good technology based on high quality input products and on collaboration between corporations to deliver what the community needs if it is to retain that. Moreover, it illustrates what I have known to be the case myself.

I have known the Coopers family, and for many years in my market gardening business I took the spent hops from there and from the other brewing company in South Australia which was wholly owned in South Australia at that time. The quality of the product which is or was produced by both of them and which is still produced by Coopers is the full range; it is not just the consumable ale, lager and beer but also, more especially, the quality of the home brew packs. Even more especially than that, a huge proportion of the company's revenue is generated from the malt sold to the international market and used by maltsters. It is no accident that that happens; it is because Coopers collaborated with plant breeders in modifying the genetics of barley in South Australia from barley in Europe to make it possible for us to produce barley and therefore malt of a quality comparable to any anywhere else on earth and any from any other kind of barley. Had that plant breeding, that genetic modification of the organism called barley, not been undertaken in South Australia, Coopers could not have survived. Had it not been for their willingness to collaborate with the plant breeders at the Waite Institute over 100 years, and more especially during the last 60 years, they would not have survived.

That has been the way in which we have survived in the past and we as a parliament ought to acknowledge and encourage the same kind of collaboration, both in the short run and in the long run, to produce a future that we know is not only sustainable but will achieve the success that we want for our children and their children. It is not about advancing the vested interests of ourselves as members of the organisations to which we belong to get us here, but more importantly the interests of the public by acknowledging the excellence that has been achieved in this regard.

Before I conclude my remarks, let me say that that illustration, given in the motion, is further reinforced by the remarks made by a member of the opposition in drawing attention to the cogeneration equipment, which for the benefit of honourable members who may not understand that technology is, quite simply, having a fire in a chamber, which produces a rapid expansion of gases upon combustion that on expanding drives through a turbine that spins those blades and produces from it electricity. The power comes from burning the energy, but so as not to waste the heat that has been so generated that heat is used to produce further energy and derive greater benefit from the combustion and the greenhouse gases that result from that production. It is taken to the other end of the shaft and put through another turbine as steam, and that process produces a far greater return of electrical energy than is otherwise the case. This takes place on a scale that is relevant to the needs of the consumer, rather than the needs of a big corporation operating in a much bigger marketplace than South Australia has.

It is for all those reasons that I am sure honourable members have supported the proposition put by the member for Enfield, and I commend him and them, and the Cooper family for the way in which they have served this state so well for many years, and for the good sense and foresight that their founder had in preventing them from ever being tempted to sell their company and its shares by locking up those shares and requiring them to remain in the family. Whenever the temptation has been there, within a decade the whole family have realised how much foresight that man had in founding the company and the family's business in the way that he did that prevented them from ever yielding to that temptation to sell. They have been much better off always to have retained it in the total amount of assets from which they derive benefits as his heirs and successors. I thank honourable members for their attention to the matter and their indulgence to allow me to make these remarks.

## McEVOY, Mr A.

**Mr HAMILTON-SMITH (Waite):** I move:

That this house congratulates the Deputy Chief Executive and General Manager of Marketing of the South Australian Tourism Commission, Andrew McEvoy, on his recent appointment to the senior management position of Executive General Manager—Western Hemisphere of the Australian Tourist Commission.

From time to time, it behoves this house to note the outstanding service of public servants who have contributed mightily to the success of the state within their respective areas of responsibility, and I believe that Andrew McEvoy is one such individual. The Australian Tourist Commission was very proud to announce his appointment to oversee this very important sector of the western hemisphere, which includes New Zealand, the Americas and Europe—a vital tourist market for this country. Andrew's experience as deputy chief executive and general manager of marketing for the SATC well equips him for this job. His outstanding contribution to South Australia within the SATC may now be complemented by his presence in the national ATC. In his position, he will

be able to fly the flag for South Australia and remind the Australian Tourist Commission of the fact that we are here, that we have rich and plentiful tourism assets in the state, which international and intrastate tourists should attend, and that South Australia deserves and warrants funding and support, along with all the other states, from the ATC and our federal government. I note that ATC Managing Director, Ken Boundy, said that Andrew would be a strong addition to the executive team and would help to drive new initiatives across key markets.

Andrew has over 10 years experience in the tourism industry and his knowledge, combined with his marketing expertise, will be a welcome addition to the ATC team. He will be responsible for developing new market initiatives and programs for this region, and working alongside general managers in the market to ensure the ATC's programs assist operators to build their tourism business. His appointment, which took effect on 9 June 2003 in the Sydney office, could not be better timed. I note a media release of 25 June from the Australian Tourism Export Council, which points to a massive downturn in overseas arrivals as a consequence of the advent of the SARS epidemic and the combined effects of the war on terror and the conflict in Iraq. In fact, the figures for April and May are quite astounding. The April international arrival figures are down by 10.8 per cent, that is, 40 000 visitors; while May's arrivals are down by 22.5 per cent, that is, 75 000 fewer visitors than in 2002.

These figures confirm that the impact of SARS is worse than the 18 per cent decrease experienced in November 2001 following September 11. Predictably, the most affected markets were the Asian markets, with the south-east predicted to be 46 per cent down in May and the north-east 45 per cent down—quite startling. The unease of Europeans and their reluctance to fly through Asian hubs to Australia is also reflected in the depressed arrivals from Europe between April and May. These are extremely disappointing figures and they follow on from the first quarter in 2003 which experienced negative growth of 4 per cent. To the end of May, we are looking at potentially 160 000 fewer international arrivals to Australia compared with 2002, due to the effect, as I said, of the war on terror, Iraq and SARS.

These figures clearly indicate that there is a bit of a downturn, to say the least, in the tourism business. That will have a flow-on effect throughout the national economy. No doubt, these are matters to which the state government and federal government will need to give their most urgent attention. Andrew McEvoy in his new role in the Australian Tourist Commission will be an important weapon in its arsenal to tackle this significant issue. While at the SATC, Andrew was responsible for all elements of destination marketing, including research and product development for domestic and international programs in seven markets. He was also a board member of the Adelaide Convention and Tourism Authority and the Wine Tourism Advisory Board. He provided an interface between those organisations and the SATC. The opposition does not agree with the comments of the Minister for Tourism that the Adelaide Convention and Tourism Authority is dysfunctional. We think that it plays an important role in creating tourism business and generating business in this state. The fact that Andrew was on both boards was a step in the right direction.

My good friend and colleague the member for Morialta, as my predecessor as minister for tourism, hired Andrew. I think it was in early 1999. It was one of the many very good and sound decisions she made whilst holding that post. Andrew had come from Melbourne (and we will not hold that against him: we love the Victorians, except when they are playing the Crows and Port Adelaide), having held the position of Director of Marketing for the Melbourne Convention and Marketing Bureau, where he was responsible for development and implementation of advertising campaigns, trade marketing and event management. Of course, that organisation has since evolved into the Melbourne Convention Bureau, and Destination Melbourne. He also held positions at the Ballarat Tourism Board and Tourism Victoria, and he holds a Bachelor of Arts degree from the University of Melbourne and an MA in International Journalism from the City University, London. He is a very well qualified and experienced tourism professional.

Andrew was the driver behind the expansion of the now nationally famous Secrets campaign, where he worked with my predecessor, the member for Morialta, and the CEO of the SATC, Bill Spurr, to develop what came to be one of the most outstanding tourism marketing efforts of recent times. He was also involved in other intrastate marketing efforts encouraging South Australians to holiday more at home. As part of this, Andrew played a key role in increasing the promotion of South Australia through television programs such as *Discover* and *Postcards*, as well as the development of special lift-outs in the *Advertiser*. All these initiatives have been recognised as having been very successful.

Andrew could see the importance of Adelaide as a gateway to the regions. He understood that Adelaide was the route that international and interstate visitors needed to take to some of our attractions, such as the Outback, Kangaroo Island, the wine districts and so many others. He implemented the policy of directly employing regional marketing officers based within regional areas, such as the Yorke and Eyre peninsulas, rather than based in Adelaide. It was my great pleasure, as I went around for the Encounter 2002 special events, to see some of those people doing such an outstanding job at work in the regions.

Andrew and his wife Ali hosted many visitors to South Australia, forging close friendships with key strategic allies, such as the management of Virgin Blue. He was closely involved in negotiations with that company to establish a number of flights in and out of Adelaide during that tumultuous period of the collapse of Ansett and the arrival of Virgin, and so on. The hospitality of the McEvoys also extended to hosting at their home an annual barbecue for South Australia's overseas-based representatives during their annual briefing in Adelaide—an event that became quite a salubrious fixture on the tourism calender, I understand.

It was not all hard work because, somehow or other, Andrew and Ali found the time to have children while they were here at the SATC (and that is something that I need to take up with my colleague and good friend the member for Morialta, who obviously did not keep Andrew busy enough in the office late at night working over the midnight oil writing new marketing programs, but I am sure that Ali and Andrew are more than overjoyed with the result).

Although I was the minister for only a very short time, Andrew was a professional who impressed me enormously. I think that he and his colleague and friend, Bill Spurr, were a fabulous team for the SATC. Members ought to take the opportunity to visit the South Australian Tourism Commission. They will find a branch of government that is like no other: it is dynamic and full of fantastic people, led for so long, and so effectively, by Bill Spurr and Andrew McEvoy. Andrew is South Australia's loss, but he is Australia's gain

in his new role. I am sure that he will remember South Australia to the Australian Tourist Commission on regular occasions and, in fact, it is probably one of the best things that could have happened for South Australian tourism that we have such a talent in Sydney flying the South Australian flag.

Although Andrew has those Victorian connections, we will make sure that, every time we see him, he does not forget what a good time he had in South Australia; and we will continue to remind him that his children are South Australians. It is with great pleasure that I commend the motion to the house and, on behalf of the parliament and the state of South Australia, I thank Andrew and his family for a job well done. You did the tourism industry a great service during your period with us and, in the challenging times ahead, I am sure you will continue to do well for the country.

**Mrs HALL (Morialta):** It is with a mixture of sadness and pride that I am delighted to speak in support of the motion moved by my friend and colleague the member for Waite. I commend the honourable member for doing so because, as he outlined, as the shadow minister for tourism and as the former minister for tourism he certainly had a lot to do with Andrew McEvoy. Also, I believe that it reflects the member for Waite's very genuine pride in Andrew and the SATC team.

The fact that South Australia and the tourism industry has now lost Andrew McEvoy as Deputy Chief Executive and General Manager of Marketing of the SATC to take up what can only be described as the challenging position of Executive GM Western Hemisphere of the ATC is a significant loss to this state and to the tourism industry and, in particular, to the tourism stakeholders. As I said at the time of his appointment, we are losing a star performer. I have no doubt that the big winner in this appointment is the Australian tourism industry.

Having worked with Andrew McEvoy since he joined the SATC in early 1999, I can say that he is one of the star performers and one of the brightest stars of the industry in this country. As the member for Waite mentioned, Andrew and Ali moved to South Australia from Victoria and, from day one, they became part of our community with great enthusiasm and passion. Andrew joined the SATC as part of a restructured management marketing team of great professionals. He was passionate about the task of promoting South Australia and establishing the tourism industry as a vital ingredient to the economic mix of South Australia's future growth and development.

I must say that the combination of Andrew and Bill Spurr, as his chief executive, made the job of a minister very much easier in communicating the importance of the tourism industry being seen as an economic portfolio and playing an absolutely integral part in the future economic development and growth of the state. It was great to see the way in which Andrew generated that same sort of passion and commitment with the tourism industry in this state. I can recall Bill Spurr, as the new chief executive, setting out to find the best and the brightest of the new wave of tourism marketing professionals, but in particular with the main objective to lead, extend and move on the *Secrets* campaign.

I well recall the day that Bill recommended Andrew McEvoy and, I have to say, as a very new tourism minister, I was proud that Andrew chose to join our team in South Australia. As the member for Waite says, I am very delighted that we enticed him across that Victorian border to share his talents with us in South Australia. One special activity with which Andrew was involved was convincing other states, the federal government and the federal tourism industry to pursue the program (which many of us would have seen) called *See Australia First*.

That program came out of some very specific research with which Andrew and the team were involved, which showed conclusively an enormous untapped market within Australia, and particularly our own state. A third of Australians do not take holidays. Whilst we always have to increase our numbers and nights on the international and interstate markets, the fact that a third of Australians still do not take holidays is a market that, as a state, I hope we continue to pursue.

As part of that dynamic and professional team, Andrew McEvoy has an extraordinarily impressive set of achievements. As the member for Waite has said, as General Manager of Marketing it became Andrew's absolute focus to increase the number of destinations in South Australia, to cover the diverse responsibilities of research and product development, domestic and international marketing, to build a dynamic team of international operators and to take charge of the state's strategy and direction in seven global markets. Again, I recall Andrew's enthusiasm and passion to get the tourism industry (and the SATC in particular) involved in the lifestyle television and radio programs that rate well for the stations concerned (including *Discover* on Channel 7 and *Postcards* on Channel 9). In addition, the flow-on benefits to so many people in the industry are very well recognised and are now there for all to see.

Andrew McEvoy's professionalism, a multi-million dollar marketing budget, a clear focus, enormous energy and talent saw the award-winning success of the South Australian Secrets campaign become the envy of other states' tourism sectors, many of which have done a fair job of trying to copy some of it. Under Andrew's leadership and that of Bill Spurr, the Secrets campaign won industry accolades and in 2000 the much coveted national award, the Australian Marketing Institute's campaign of the year. The member for Waite has already mentioned a number of the successful partnership marketing campaigns that Andrew oversaw. One that I know of, of which he was enormously proud, was the partnership with the Northern Territory in the Explorer Highway initiative—an initiative that is still becoming more and more important—and, if the government does a reassessment on the Outback roads, I am sure that it will continue to become one of the most important aspects of our marketing campaign.

During those exciting days of success and growth, the Secrets campaign generated enormous economic benefit. It increased employment opportunities and, importantly, the domestic market grew by more than 20 per cent in visitor nights and numbers to the state. I can only pay tribute to the outstanding effort that Andrew and Bill made together as an absolutely dynamic duo in achieving that success.

My colleague, the member for Waite, outlined many of Andrew's activities here in South Australia. His CV contains some of the most impressive four pages that you will ever read. However, his impressive success and professional achievements in tourism come from a passionate commitment to the need for a communications strategy and for setting out clearly defined goals and objectives. I heard him speak on a number of occasions about that very important issue. As has already been outlined, the challenges facing the international and Australian tourism industry and, indeed, our own here in South Australia, will very specifically be the sphere of

opportunity for the talents of Andrew McEvoy. As we know, Australia's geographical location creates both challenge and opportunity, and I cannot think of a better person to take advantage of that role.

The tyranny of distance or, as Andrew used to say, 'the four or five movie flights out of Europe', the flights south from Asia and west from the US are all the responsibility of the ATC and, in my view, it has chosen well by appointing Andrew to this position. He will bring enormous strength, experience and, importantly, respect and achievement to the role, together with a great success record gained during his time here in his adopted state of South Australia. On a personal level, Andrew McEvoy stories are many. He had a diabolical sense of mischief and fun and he was an appalling practical joker.

I must say that, whilst I am sure we will retain our friendship, the overwhelming majority of those stories should not be recorded in *Hansard*, but there is one I know he will not mind. Several years before the move to South Australia he worked within Victorian tourism, and speech notes were required for the then minister whose portfolios happened to be police, prisons and tourism. The famous (and I believe very memorable) line that brought the house down at a particular formal business luncheon was when the minister said to the guests, 'When you're moving around Victoria, if I can't find you a bed in this state no-one can.'

I conclude my remarks by thanking Andrew McEvoy for the success he has brought to our industry and by saying to him, 'Congratulations and good fortune in your future endeavours, and to you, Ali, Millie and Rupert, come back and see us soon.'

**Ms THOMPSON (Reynell):** I understand that members opposite are anxious to conclude this matter today, and as we have had the benefit of the experiences of two former ministers for tourism it is unfortunate that the current minister cannot contribute to this debate, as I gather she would have liked to, given that her suggestion when she went was, 'Support it, but I'll talk about it when I get back,' or words to that effect. Given that she intended to talk about it when she returned, the minister did not actually leave any speech notes, so all I can say is that it has been interesting to hear the professional and personal reminiscences from members opposite. I think the biggest question I have here is: what was the role of the former ministers for tourism and how much time was on the job? But that is quite beside the point. From what they have said and from the very brief comments of the current Minister for Tourism as she left, it is quite clear that Mr McEvoy has made an important professional contribution to this state. I do not think that what he has done personally is the business of this chamber, but that is beside the point.

The Secrets program in itself is very important. On the very rare occasions when I manage to escape the rigours and demands of the electorate, the Secrets book is my companion; I find it a very useful publication and I am sure that many others do too—as has been demonstrated by the increase in our tourism. So, to enable this matter to be dispatched even without the eloquent and wise words of the current Minister for Tourism, I will merely support the motion and thank Mr McEvoy for what he has done for our state and hope that he remembers us in his future professional dealings.

**Mr HAMILTON-SMITH (Waite):** I thank honourable members for their contribution to this debate and simply conclude by reaffirming the appreciation of the house for Andrew McEvoy's outstanding contribution to tourism in this state. We wish him well and feel confident that he will remember us and ask him to feel most assured that it is the view of the house that he has made an outstanding contribution to the tourism industry and to South Australia during his years with us.

Motion carried.

## RANDOM DRUG TESTING

**Mr VENNING (Schubert):** I move:

That this house calls upon the Government to examine the feasibility of adopting random drug testing of drivers and if feasible, to implement such testing in conjunction with random breath testing for excessive alcohol consumption.

Before I start, I just want to recall, Mr Acting Speaker, for the record, that tomorrow is the big day for you: congratulations. Reaching the big one. The big 50. You are young enough to be a Speaker in a future parliament. I know that we will not be here tomorrow but, on behalf of us all, I hope tomorrow is a great day for you. I think you can be well satisfied that in your 50 years you have made a difference.

I am rather amazed that a motion on drug driving has not been moved before. For many years we have been taught about the dangers of driving under the influence of alcohol and other drugs. Every driver knows the obligation they have towards others on the road to drive without drinking excessively beforehand. Drivers know that if they get caught drink driving they will lose their licence—and they could even go to gaol. However, the effects of alcohol on a driver are relatively minor when compared to the various illicit drugs that some people in our society choose to take, for whatever unfortunate reason. We have outlawed drugs because of their effect on the person taking them and on our society in general.

Unfortunately, some people do not conform to our laws and choose to take illegal and illicit drugs. Despite our best efforts, illegal and dangerous drugs and other substances are something we cannot sweep under the carpet. This extends to doing our best to keep off our roads people under the influence of prohibited substances. While it is illegal to take drugs and, therefore, illegal to drive with drugs in the system, such outlawing is totally ineffective when there is little or no surveillance. The amount of surveillance is insufficient, with little done to educate the public about the dangers of driving under the influence of what are called soft and hard drugs; and we also hear the term 'designer drugs' used. It is quite distressing and demonstrates a lack of effective regulation to ensure effective scrutiny of drivers who are under the influence of illicit drugs.

We need a system that discourages users of prohibited drugs from driving when high on those substances. We need to deter people in the same way in which people have been put off drink driving. We can administer such tests with relative efficiency through the current RBT operations, which should allow any new drug testing programs to be undertaken without involving a huge financial burden.

According to the *Catalyst* program on ABC TV, drugs are now responsible for more deaths on the road than alcohol. The most common drug is marijuana. Many interesting points were made during a particular episode of the program a couple of months ago regarding the Victorian proposal to launch drug driver tests. First, Mr Graham Phillips reported that Mr Philip Swan is searching for the equivalent of the random breath test for drugs. This is a saliva test whereby a

swab is taken from under the driver's tongue. There is great conjecture as to whether any companies can produce an instrument that can gauge effectively how drug-affected a driver is.

It is my understanding that researchers at Swinburne University are trying to evaluate the comparative effects of drugs and alcohol on driving abilities. They get volunteers to smoke joints and drink alcohol and then jump behind the wheel of a driving simulator. The scientists then monitor the drivers' vital statistics, such as how fast they drive, whether they drift in and out of lanes, and how well they respond to sudden surprises on the road. It is believed that, from statistics relating to this research, people who smoke marijuana shortly before driving have an almost seven times higher risk of being involved in a fatal crash than a drug-free driver has.

The Victorian Bracks government has announced it will launch a drug driver testing system. I cannot see why we cannot look into the feasibility of doing the same. Provided that technology permits it, there is no reason why we should not be able to test drivers for drugs in their system. We owe it to them to ensure they stay off the road while they are affected. But, Sir, more importantly, our biggest obligation is to the general public and road users, and that is you and me and our families. We should be able to provide a drug-free roadway for all drivers because life is fragile and precious and driving too dangerous to allow drugged drivers to add to the variables of life-threatening risks.

The biggest risk, I think, is driving under the influence of both alcohol and drugs. A person may be tested and be just under the blood-alcohol limit but be under the influence of drugs (particularly marijuana or, even worse, many of these new so-called designer drugs). I represent the Barossa Valley and, obviously, I am very aware of drink driving. The effect of the RBT is that when we go to a function and have a few drinks we are all very aware that if we tend to drink more than the standard amount, we should arrange for alternative ways to get home. We do not even think to take the risk of driving home under the influence. It is not on, and people have been well educated. So, I think we now have to go further and introduce drugs into this scenario.

It is a very difficult subject to discuss in relation to the recent spate of road accidents involving our young people. I do not insinuate that any of these unfortunate victims were in any way affected by drugs—that is for the police to decide. But the reality of people driving under the influence of drugs was brought home to me last Saturday night in Kapunda. I arrived home late from a Lion's function, at half past 1, and there was a loud din in front of my office. Two youths were tipping over a portable toilet that was there because of street renovations. I could not believe the noise that these people were making. They were shrieking and yelling, totally out of this world. They then went down the street and started interfering with some of the road-making machines. I rang the police and, guess what they did then: before the police arrived, they got in their car and drove off. How frightening is that? I cannot believe that this sort of thing happens.

I stress the words in the motion: 'to examine the feasibility of adopting random drug testing of drivers'. I know there are many variables, but I believe we need to pass the motion to put out a strong message. I believe that the police had powers to do drug tests some years ago but lost them back in the late 1990s when we, as a Liberal government, brought in decriminalisation. Apparently, police then lost the power to conduct drug tests. I believe that if the police have reasonable grounds to suspect that a driver could be driving under the influence of drugs they ought to be allowed to conduct a drug test. I hope we encourage those people investigating new technologies to come up with reliable drug testing equipment and also encourage the relevant experts to come up with a drug level that would be the difference between safe and unsafe driving.

Finally, I hope that members will support this. I believe it is a step in the right direction. As I said earlier, I am amazed that this has not been addressed earlier. I know we have not had the technology available to conduct such tests, but I believe now is the time for the parliament and the government to put some pressure on and encourage all those involved to acknowledge that we have an urgent need and a problem, and the only way we can address it is to bring in testing similar to the test for alcohol. I hope members will support this motion and I encourage members to participate in the debate.

**The Hon. M.R. BUCKBY (Light):** I rise in support of this motion. The police officers that I speak to tell me that alcohol is not the major problem on our roads in this day and age: it is drugs. That is a very serious situation. I know that the Minister for Transport is also very keen to look at this issue. Victoria is running a trial for 12 months on a saliva test to see whether or not that trial stands up to the rigours of any court procedures to ascertain the private intrusion issues for people who undertake the test. I will be very interested to see the outcome of that trial. From memory, the results are supposed to be available at the end of this year. Victoria will then look at whether it goes down this path of being able to take saliva tests from inside the mouth to ascertain whether a person is driving a vehicle under the influence of drugs.

As I said, the Minister for Transport and I have had discussions about this. I know he is also keen to have a look at that matter, and I commend him for that. My research has indicated that even so-called soft drugs such as marijuana will affect a driver's ability to perceive stopping distances and their general ability to operate a vehicle; for example, their ability with regard to red and green lights will be affected. As the member for Schubert has said, we have enough concerns on our roads without adding another one in terms of drivers—young drivers in particular—having drugs in their blood-stream and then driving on the roads.

We need to move on this matter. It would be good to see what research and tests have been done overseas to gain knowledge from them. If the minister is travelling overseas in the near future, it might well be worth his time to inquire from transport authorities as to what tests are undertaken in countries he might be visiting, given that this problem is systemic not only to Australia but all western countries because of the drug issues in those places, as well. As I said, the police officers I speak to tell me that the vast majority of the problems on the roads these days is because of drugs. It is a serious issue.

The opposition will look closely at what happens in Victoria. If that trial stands up, I would be very supportive of the minister's bringing in legislation to South Australia to ensure that we can protect those people on our roads who are out there doing the right thing and ensure that those people who are taking drugs are caught whilst driving on the roads or encouraged not to drive because of the ability of the police to test. Of course, penalties would arise if they tested positive and were found to be guilty. I support the member for Schubert. It is a good initiative. It is perhaps a little early to

bring in anything at this stage, because of the research being undertaken in Victoria. We should watch that closely and then, at the end of this year, we should have a good look at the outcome.

**Mr SNELLING** secured the adjournment of the debate.

## SOUTHERN CROSS REPLICA

**Mr HAMILTON-SMITH (Waite):** I move:

That this house calls on the government to—

(a) reveal and abandon its plan to sell the Southern Cross replica gifted to the people of South Australia by the commonwealth and now owned by the South Australian government;

(b) immediately release the $190 000 insurance payout held by the government through Arts SA to enable repair to the damaged aircraft;

(c) develop a strategy to retain the replica in South Australia as a flying testament to this state's part in the achievements of Sir Charles Kingsford Smith, and as a tourism and major events asset to the state; and

(d) desist from any effort to silence or intimidate volunteers who support the replica from making statements or taking action to protect the aircraft from sale and to seek its repair to airworthiness.

In moving this motion, I point out to the house that the Minister Assisting the Premier in the Arts was caught trying to flog off—and that is the only way to put it—a valuable state asset, the Southern Cross replica. Negotiations under way between officers from his department and those who care for the aircraft revealed, the opposition is advised, that there was a plan to sell the aircraft by open tender so that interstate or overseas buyers would have an opportunity to bid for the aircraft, to purchase it, and to take it away from South Australia. Having been caught out, having been sprung, the minister has been in backflip mode ever since, trying to extract himself from the hole which he dug.

Now, all of a sudden, the position has changed. Now, all of a sudden, it was never the government's intention to sell the aircraft by open tender. Miraculously, according to an answer given during budget estimates, it is now going to be transferred to a community-based organisation. What 'transfer' means, I suppose we will have to wait and see. The whole episode has been yet another fiasco: perhaps another brief that the minister chose not to read; perhaps another brief that lay on the desk unattended and only dusted off when the issue broke out into the public arena and the media and a concerned community became aware of the government's plans.

We could go back on this issue of the Southern Cross aircraft as far as we like. We could note a media release from the Hon. Diana Laidlaw on 9 January 1997, when she announced that the state government had put a proposal to the federal government to keep the Southern Cross replica in South Australia. I pay tribute to the former minister of the arts, Diana Laidlaw, for instigating, in cooperation with those who care for the aircraft, a rescue package that ultimately resulted in the aircraft remaining in the state. The federal government had no interest in retaining the replica. It did not intend to extend the lease to the Southern Cross Museum Trust beyond 31 December 1996, and it did not want to continue with the $10 000 of funding per annum to support the trust's annual operating costs. So, the South Australian government came to the rescue.

The *Advertiser* reported the matter on 16 November 1999, when it noted that the Southern Cross was to fly for the first time in two years. The *Advertiser* also wrote on the subject on 1 April 1999, when it reported:

> After years of dispute, the $ 1.5 million replica of the Southern Cross. . . is officially back in South Australian hands. Ownership of the plane built in South Australia in the mid-1980s to the specifications of the craft which Sir Charles Kingsford Smith flew across the Pacific in 1928 was returned to the state government at midnight last night by the federal government, ending nearly a decade of uncertainty.

So, it was back in 1999 that the former Liberal government rescued the aircraft. But, of course, there was more. The aircraft found a permanent home, but there were some issues in regard to its ongoing maintenance and safety. In fact, there was a spectacular crash out at Parafield Airport which resulted in considerable damage to the aircraft. I am advised that there have also been other incidents involving the safe operation of the aircraft since it was saved by the state government. The serious crash, which resulted in considerable damage to the aircraft, has meant that it has sat in a hangar at Parafield ever since awaiting repair.

Of course, then we found out that the minister has made an insurance claim and that he is secretly holding $190 000 (he clarified in budget estimates that it is in fact $186 000) in a bank account. Is he fixing the aircraft? No, of course not. He is saying that what he will do is hang on to the money and see what unfolds. The opposition suspects that what was to unfold was the sale of an asset which was not the minister's to sell; the sale through open tender to overseas or interstate interests of an aircraft, worth a lot of money, that belongs to the people of South Australia. After this was revealed, exposed by the opposition, and reported in the media, the minister said, 'We will give the new purchaser the $186 000; we'll make that part of the deal.'

The opposition believes this to be an underhanded plan to use this aircraft as a bit of a cash cow, to get it off the balance sheet and, in the process, throw some money into the state government's Treasury coffers. No doubt the member for Port Adelaide would have been overjoyed at that outcome. On 1 May this year, the opposition raised this issue and said: enough is enough! We called on the government to reveal and abandon its plan to sell this aircraft which was gifted to the people of South Australia, as stated in this motion.

We pointed out to the public that it was a treasured state asset, gifted to the people by the commonwealth and the Museum Trust and that the Rann government had ownership only on behalf of all South Australians. The opposition called on the government to come clean and reveal its plans. We pointed out that the Southern Cross is a tourism and heritage asset which needs to be retained, that it is not to be a victim of the $16 million worth of cuts to tourism and the millions of dollars worth of cuts in the arts budget. Of course, that revelation resulted in considerable media coverage.

When asked during the budget estimates last week what the government's current plans were, the minister claimed:

> This is another example of his [referring to me] outrageous public statements colliding with the truth. I put on the record what the government is doing. This is another example of trying to scare people by creating mayhem. . .

We all know which party during the last term of government had the motto of maximum mayhem—it certainly was not the Liberal Party. The minister went on to say:

> The government has initiated a process that will see ownership of the Southern Cross replica aircraft transferred to a community-based organisation.

He does not say that it will be in South Australia or that there will be no money exchanged. He says:

> An advertisement appeared in the *Advertiser* of 10 June seeking expressions of interest from private or community based organisations that are interested in owning and operating that aircraft.

One could ask whether it is to be a South Australian community based organisation and whether it is exclusive of interstate or overseas interests. The minister went on to say:

> I expect the successful applicant to demonstrate that they can repair the aircraft to air worthiness standards, ensure that the aircraft stays in South Australia and flies regularly in South Australian skies and ensure that the aircraft is operated in accordance with the requirements, importantly, of the Civil Aviation Authority.

The opposition takes some comfort from those comments, as they give some indication that the minister hopes that the aircraft will at least fly regularly in South Australian skies and that it 'stays in South Australia'. We will hold the minister to account on both of those promises. The minister went on to say:

> I anticipate being able to transfer ownership of the aircraft to the successful applicant along with the moneys provided by the insurer to repair the aircraft, and those moneys total $186 000.

He says that he expects all that to be done by 31 July this year. Again, I say to the minister: we will hold the government to account with regard to that undertaking. Of course, he does not say whether the $186 000 will be enough to fully repair the aircraft and what financial burden he may plan to throw on to the community-based group that ultimately takes on the aircraft. We hope that the government will be reasonable in its expectations of any non-profit community-based group that might seek to acquire the aircraft, so that it can return the aircraft to an airworthy state.

We also hope—and I give notice to the minister that we will been ensuring—that this process of open tender is fair and reasonable. The opposition is aware that there are some differences of view amongst the friends of the aircraft as to who and which organisation should acquire it. I hope that everybody gets a fair go, and we will certainly be talking to all parties to ensure that they do and that the tender process is a reasonable one that does not seek retribution from those friends of the aircraft who revealed the government's secret plans to the media. I hope that the government will not adopt some sort of vengeful, get-even pay-back scheme in an effort to exclude the people concerned from being considered in terms of taking over the aircraft.

That leads me to a very important point that I want to get on the record here now, namely, that across the arts portfolio I am getting indications that some people are feeling most uncomfortable with the way they are treated by the government and by the two ministers—the Premier as Minister for the Arts and the Minister Assisting the Premier in the Arts. I am getting indications from arts groups that they are feeling intimidated, that they feel they are being leaned on and that if they go to the media or the opposition, or seek help, there will be a price to be paid in reduced funding or some other form of pay-back later.

*Members interjecting:*

**Mr HAMILTON-SMITH:** Members opposite say, 'Name the groups,' but I will not play that game. I have mentioned the Southern Cross Replica Group.

**The Hon. S.W. KEY:** On a point of order, the member opposite is claiming that the government is calling for names of organisations, and that is absolutely incorrect.

**The ACTING SPEAKER (Mr Snelling):** There is no point of order.

**Mr HAMILTON-SMITH:** The minister is feeling very prickly and well may she after events of the last week, because in her portfolio area there has been a little bit of intimidation as well, as the friends of Cora Barclay have revealed on radio and in the media. This is the pattern, because we are getting this feedback too from across sectors in the arts community. People are feeling as though they are being bullied. I have a message for the bully boys opposite. If I get the names of staffers or members (and I have some already) who are involved in bullying, standover tactics or threats to arts groups, I will name them here in the parliament. I will name the staffers, the bureaucrats and the members who are involved in that situation.

I am advised that some of it has been going on. Members of the arts community and the Friends of the Southern Cross Replica have a right to express concerns to the media and to the opposition in the interests of open and accountable government. I sincerely hope that the government is genuine in its claims of open and accountable government, that it will be fair and reasonable to Friends of the Southern Cross Replica and other arts groups in the way it deals with them, and that there will be no threats of decreased funding and no implied or subtle messages that if they talk to the opposition or media it will be to their disadvantage. I signal to the staffers and to the ministers that the opposition will be watching for that. I commend the motion to the house.

Time expired.

**Mrs GERAGHTY** secured the adjournment of the debate.

## MOTOR VEHICLES, IMMOBILISERS

**The Hon. D.C. KOTZ (Newland):** I move:

> That this house calls on the government to consider implementing the National Motor Vehicle Theft Reduction Council's 'Immobilise Now!' program to reduce car theft in South Australia by offering a subsidy to car owners as an incentive to install an Australian standard immobiliser, now proven to reduce car theft, youth crime and cost to government and community.

A car is stolen every four minutes in Australia: that is 125 000 cars a year and one of the highest rates in the western world. In South Australia in 2001-02, 11 636 cars were stolen according to figures from the Office of Crime Statistics and Research. That is almost 32 cars stolen every day in South Australia alone. These figures translated into national statistics place South Australia as having the second highest rate of motor vehicle thefts per 1 000 registrations in Australia. The National Motor Vehicle Theft Reduction Council—the national body—has been formed by all Australian governments and the insurance industry. Its mission is to drive down Australia's unacceptable level of vehicle theft to benefit Australia's economic and social well-being.

The national council works actively with police, insurers, the motor trades, vehicle manufacturers, registration authorities and justice agencies to implement a range of theft reduction strategies, and these strategies aim to make vehicles more difficult to steal, close the loopholes that professional thieves currently exploit, improve the flow of police and registration information nationally and lead potential young offenders away from vehicle theft. One of these programs is the 'Immobilise Now!' project, an initiative to reduce the rate of theft of older cars by youths who steal vehicles for joyriding, transport or to commit another crime.

Vehicles that are more than 10 years old represent three out of four vehicles stolen in Australia. There is now clear

evidence that the best way to protect older vehicles is to fit an engine immobiliser. By contrast, increased security in models manufactured after 1992 has made these less attractive to opportunistic thieves, as the lower number of thefts of later models illustrates. The national council research indicates that an electronic engine immobiliser is the best form of vehicle security available to deter thieves and to secure the maximum number of older vehicles. The national council has established a partnership with suppliers and installers to provide immobilisers at an affordable price. Under this partnership, any vehicle owner can go into one of the more than 50 authorised CAR-SAFE installers throughout the state and buy an Australian approved immobiliser for as little as $160.

The Cities of Mitcham and Unley participated in the program at the end of 2002 and offered 60 $50 rebates under the now defunct Crime Prevention Program—a program axed by the current government—and all the rebates were snapped up within a week. A similar project by the Tea Tree Gully campus of Torrens Valley TAFE last year also supplied 100 immobilisers to the community. This project won an Australian Crime and Violence Prevention Award and had immediate success, with reports that an immobiliser had prevented the theft of one of the vehicles fitted under the project. The fact that in each instance rebates and immobilisers were taken up so fast proves that there is a genuine need for these projects in South Australia. However, to be effective it is evident that the resources of government are required to get behind the scheme to initiate the necessary impetus this project deserves.

In July 2001 the Office of Crime Statistics said that, of the 12 835 motor vehicle thefts reported in South Australia during 2001, more than 63 per cent were vehicles manufactured between 1980 and 1989. These were high risk vehicles which needed to be fitted with an immobiliser, the most effective security device currently available. From 1992 onwards, engine immobilisers and deadlocks started to be introduced into the mainstream models sold in Australia and, while many of the early model engine immobilisers do not make a vehicle theft-proof, they certainly restrict the average opportunistic offender. Therefore, vehicles manufactured after 1992 are more likely to be stolen by professional thieves intending to gain some financial reward from the sale of the vehicles and/or its parts.

According to the comprehensive auto theft research from the Office of Crime Statistics and Research, at 31 December 2001 there were in South Australia some 468 480 vehicles manufactured before 1992. That means that in South Australia alone there are almost 500 000 at risk vehicles. If we consider the statistic that three out of every four vehicles is stolen as a result of opportunistic theft, then of the possible 12 000 vehicles stolen each year some 9 000 cars will be stolen by youthful opportunists seeking the alleged thrill of joyriding or seeking to use the stolen car to commit another crime.

At this point I bring to the attention of the house the human profile relating to car theft. This motion does not deal specifically with the equally serious underlying issue of youth and crime, but they are synonymous, and I believe that members of this house and the government need to understand more fully the increased involvement of youth, both male and female, as perpetrators of car theft. The Comprehensive Autotheft Research System (CARS) provides statistical information on individual car theft offenders apprehended during the 2001-02 year. In the age bracket between 10 and 17 years, 78 girls and female youth were apprehended for either larceny, that is, theft of a motor vehicle for the purpose of profit, or illegal use of a motor vehicle. Fifty young women between the ages of 18 and 24 were apprehended for the same offences. Overall, 215 girls and women in the 2001-02 year were involved in car theft crime, remembering that these statistics account only for those offenders who were apprehended.

As for male offenders apprehended, 404 boys and male youth between the ages of 10 and 17 were responsible for the theft of motor vehicles. In addition, 302 young men aged between 18 and 24 were apprehended for the theft of motor vehicles. Of the 404 male offenders apprehended aged 10 to 17 years, two were 10 years old, three were 11, eight were 12, 23 were 13, 53 were 14, 99 were 15, 111 were 16, and 105 were 17 years of age. Of the 78 female offenders apprehended aged 10 to 17 years, one was 11, two were 12, 14 were 13, nine were 14, 19 were 15, 19 were 16, and 14 were 17 years of age. Overall, juveniles 10 to 17 years accounted for 36.1 per cent of all apprehensions and 35.9 per cent of alleged offenders relating to theft or illegal use of motor vehicles.

Car theft has direct and indirect influences on many areas of our daily life, from raised insurance costs, to the diversion of police resources, to the cost of policing, apprehension and punishment of offenders and the impact of impulse crimes on our youth relating from peer pressure. Consider what it costs South Australia, the government and the community to do nothing about this ever-increasing problem. Car theft is an offence directed at property but which ultimately has dire consequences for community members and families in the state's economy.

Perhaps the most telling and underrated result of car theft is the terrible anguish and anxiety that comes from just having your car stolen. For most people, a car is their second biggest investment behind the family home and it should be every citizen's right to feel safe and secure about this investment. Motor vehicle theft is not simply about stolen cars. It also increases the risk of serious road trauma when inexperienced drivers are in charge of stolen vehicles. I suggest that the most tragic case of motor vehicle theft is the loss of life when young and inexperienced drivers lose control of stolen motor vehicles. Between 30 and 40 people will be killed every year on Australian roads as a result of incidents involving stolen vehicles, whether it be the driver or somebody he or she runs into.

It is imperative that the state government addresses this issue as a matter of urgency in much the same way that other states have addressed the issue. In Western Australia, for example, a compulsory immobiliser scheme has been in place since 1999, superseding a voluntary scheme that had run in that state since 1997. The Western Australian government believed so strongly in the benefits of a compulsory immobiliser scheme that in the 1999-2000 state budget it allocated $24.6 million for an enhanced vehicle immobiliser subsidy scheme.

In Western Australia, new vehicles and vehicles subject to transfer of ownership were required to have immobilisers fitted as part of the registration process. A rebate of $40 was paid by the government to vehicle owners when an immobiliser was fitted. The rebate was discontinued in September 2001, 2¼ years after the scheme commenced, although the scheme continued, mandated by legislation. In the period between July 1999 and September 2001, when the rebate was abolished, 281 654 immobilisers were fitted under the rebate scheme. The Western Australian scheme proved to be a

successful way to a achieve a higher rate of engine immobilisation installations, with about 70 per cent of vehicles currently having an immobiliser fitted.

The benefits to the state of Western Australia have been dramatic, according to an analysis of the scheme by the national council, released in October 2002, and show how effective a similar campaign would be to the community of South Australia. In Western Australia, the theft of passenger vehicles and light commercial vehicles reduced by 17 per cent. This comprised a reduction in theft of opportunistic theft. It is estimated that 45 per cent of the theft reduction was due to both the compulsory scheme and the voluntary scheme. According to a cost benefit analysis of the Western Australian compulsory engine immobilisation system, benefits will exceed costs and result in a net present value of some $13 million, with a benefit cost ratio of $1.30 for every dollar expended.

This cost benefit analysis was extended to other states, and in South Australia estimated benefits also exceeded estimated costs. In fact, it was estimated that the cost benefit analysis would exceed $1.50 for every dollar expended. The report also estimated that a compulsory scheme in South Australia would take about seven years to achieve 70 per cent immobilisation across the state. However, the report stated that South Australia would benefit by more than $43 million over 10 years from theft reduction alone. This does not include other intangible benefits such as a reduced police workload, reduced demand on our justice system and a reduction in claims to the insurance industry. Much of the groundwork has already been done by the National Motor Vehicle Theft Reduction Council and it has been tried and tested by Western Australia.

The network of installers is in place. Australian standard immobilisers have been identified and the popularity of subsidised immobilisers in the schemes already conducted throughout the state have proven that there is a demand for such a scheme. South Australians have accepted that car theft is part and parcel of living in this state, in much the same way as people in Western Australia used to accept it. Most people assume that their old cars will not be targeted by thieves, despite the fact that police and insurance statistics show that three out of every four of the 140 000 cars stolen in Australia during the 2001-02 year were more than 10 years old and stolen by young thieves looking for transport to commit a crime.

I urge the government to support a statewide immobiliser program as a matter of urgency. I certainly call on all members of this chamber not only to support this motion but also to have a good look at what is being presented today. If anyone needs any background information or material on this, I am certainly very willing to provide it to them in order to initiate reasonable debate on what I believe is a very worthy enterprise.

The state government should not only take a very serious interest in reducing the theft of motor vehicles but should also look at the age groups of youngsters who are now involved in predominantly opportunistic crime. If we can in any way make cars far more difficult to steal, we may also be able to do what other states have done, particularly Western Australia, that is, reduce the number of youngsters committing opportunistic crimes which then take them into the justice system. I am sure that all members of this house, no matter from which party, will be quite horrified when they see the statistics of the numbers of 10 year olds to 17 year olds who are apprehended for stealing cars in this state.

Once again, I point out that the figures I have given in this debate are only for those who are apprehended. Obviously not all offenders are caught or identified. It does give an indication of a representative number of young people who, through opportunistic circumstances, steal a vehicle to commit another crime. This motion is a means by which members of this august house can begin to look at schemes to address the serious issue of keeping our young people out of the justice system, and therefore I hope I will receive their full support. I am certainly willing to work with the government to develop strategies not only to prevent cars from being stolen but also to prevent the youth of our state becoming involved in the justice system.

**Mrs GERAGHTY** secured the adjournment of the debate.

## SURF LIFE SAVING SA

**Mr BROKENSHIRE (Mawson):** I move:

That this house requests the government to increase funding to Surf Life Saving SA by $150 000 per annum from the windfall increase in the gaming supertax.

I am pleased to have the opportunity, as a member of parliament, to come in here and support one of the most important volunteer organisations in our state, namely, Surf Life Saving SA. But it is disappointing that we need to come in here and call on the government, through seeking support from the whole of parliament, to assist with funding.

I want to put a couple of points on the public record. I received some answers in estimates from the Minister for Emergency Services and, from the general thrust of his answers, I understand that the government realises the importance of additional funding increases to surf life saving. I hope and believe, from those answers, that the government will be looking to give further assistance to Surf Life Saving SA once the financial review of Surf Life Saving SA is completed. I am pleased with that. The $150 000 about which I spoke (and which is included in this motion) is just an urgent stopgap measure for Surf Life Saving SA. In fact, for Surf Life Saving SA to be able to put the 4 500 volunteers across the 18 surf life saving clubs at beaches even as far away as Port Augusta (hopefully, it will have a club soon), it will need a substantially greater increase on a recurrent basis than even $150 000, as I understand, following further assessments of the funding requirements that I have received.

The main reason for this is that, since gaming machines were introduced into South Australia, whilst at times it could be argued that individuals and organisations blame gaming machines for every difficulty they have, it is clear to me that it is gaming machines that have caused the problems for surf life saving when it comes to its ability and capacity to now be able to fund adequately from its sponsorship the booths that members would have seen throughout many of the main shopping centres in the metropolitan area. I understand that it will close the last of its booths this year, because they are simply not viable, and, instead of delivering tens of thousands—indeed, hundreds of thousands—of dollars of income, as they used to prior to gaming, it has reached the point now where they are just not economical. I am sure that surf life saving is not the only organisation that relied on this funding that is finding the same problems.

I now believe that an increase of the order of several hundred thousand dollars will ultimately be needed to enable surf life saving to continue to operate in the manner in which we have become accustomed. Whilst I would be keen to see

the results of the review, I do not believe that members could be critical that surf life saving has what is often called 'quite a bit of fat on the bone' when it comes to administrative staff and resourcing. In fact, in an effort to address some of its recurrent financial problems, the association has reduced staff by 20 per cent. But if one considers the number of staff that it has in comparison with the 4 500 volunteers, it is very efficient, based on a per capita number of staff to volunteers. As a former minister and the now shadow minister, having been associated with volunteer organisations for a number of years, I know that there is a limit to how much one can expect the volunteers to do when it comes to administration.

The reporting processes that are required these days with respect to the taxation office, government departments (both state and federal), the issues around management of public liability and insurances, all the occupational health and safety requirements, the management of the capital works programs, the replacement of the rescue and training equipment, radio equipment—and the list goes on—is an enormous challenge. You cannot expect volunteers to be trained and on patrol—some of them putting in hundreds of hours a year—and expect them to pick up most of the administrative work as well. I suggest to the parliament that, if we are not careful, if we do not get serious about properly funding, supporting, streamlining and trying to prevent some of the paper warfare with which all volunteer organisations are now faced, we may have trouble in holding onto many of the volunteer organisations as we currently know them.

I would hope that I will get great support from members of parliament, and I encourage them to speak to this motion. I would also like to debate this motion in the next sitting week so that we can send it to the minister and, hopefully, assist him in his endeavours to raise additional money for the association. I appreciated being involved in the development of the Emergency Services Funding Act. However, there are some limitations to the amount of money that could go to Surf Life Saving from that fund based on the fact that you can fund it only for the emergency services and rescue component of its work.

You cannot fund the association from that fund for training, competitions in other states, and so on. I also think that, as the picture is developing, there is a sound and solid argument for a significant increase in funding from that fund (and working within the requirements of the legislation of the Emergency Services Fund) because the support services are there to ensure that, operationally, Surf Life Saving is efficient, effective and ongoing. I would have thought that would be an allowable provision within the act. If one looks at the SES and the CFS as two examples, clearly, a lot of the money from the Emergency Services Fund goes towards paying administrative staff and support staff for those operations.

I would hope that the funding manager, through the justice portfolio, the minister's office and, ultimately, the cabinet, will look at this matter with eyes wide open, in the best interests of Surf Life Saving SA and the protection of the South Australian community. We must grow tourism, and we are blessed with many magnificent beaches along our coastline. In fact, I take many people down to the Aldinga/Port Willunga area where you can drive onto the beach. When you take people there from overseas they are amazed that this state has those beautiful wide, sandy beaches. They are safe places on which to park vehicles, have barbecues and enjoy seaside tourism generally.

However, people do expect to have the security of life guards through Surf Life Saving and, at the end of the day, someone has to pay for part of that. If we did not have volunteers in Surf Life Saving, the government would have to employ full-time paid surf life savers along our beaches, as occurs in parts of New South Wales. I can tell members that you would have a real budget problem with the fund in that case, because you would be spending millions of dollars that are not being spent at the moment.

If Surf Life Saving can demonstrate that its operational funding is several hundred thousand dollars above its current funding through the act, and it can be legally demonstrated that it complies, I would strongly encourage the government to support it on the basis that, in the longer term, the options will be far more expensive for governments of the future than just ensuring that there is adequate funding. Interestingly, when I ask him about extra funding for Surf Life Saving (and I paraphrase this), the minister says that Surf Life Saving has received more significant increases in funding since the Emergency Services Funding Act was implemented than any other service that receives money from the Emergency Services Fund.

I do not think that is accurate. As minister, I had the privilege of being involved in the initial funding bids, assessments and business cases for Surf Life Saving through the offices of the Justice Department. The Justice Department looked at it with a lot of scrutiny. But the $350 000, or thereabouts, that is given to Surf Life Saving for operational support is different from the money that the minister talks about when he says that the global amount for Surf Life Saving is about $1.1 million, because that money is tied to a formula that was set up and agreed after extensive work by local government, the individual Surf Life Saving clubs (with the support of the Surf Life Saving peak body here) and the state government. In fact, as it stands at the moment, if all those parties do not agree to a capital works program at a particular Surf Life Saving club, that money is not accessible.

So, the real money that Surf Life Saving can get its hands on each year from the fund is more to the tune of $350 000, and I think it is a red herring to try to suggest in the debate that it is getting $1.1 million. If the minister were prepared to assess, within the requirements of the legislation of the Emergency Services Funding Act, whether he would be capable and able to give it a global figure of $1.1 million, the answer would be yes.

At the moment, it is interesting to think about what is happening with this government, and the Cora Barclay Centre is an example. The government is penny pinching on an organisation that has been identified for two key purposes. First, it gives young people the opportunity of early intervention and interaction with other young people who do not have hearing difficulties. As my mother has hearing difficulty, I know that it is a very frustrating and difficult disability. If hearing can be enhanced, people can then engage much more in mainstream society activities. So, that is the human side.

Secondly, the savings to the government have been identified at well over $1 million a year recurrent, yet it wants to penny pinch and force the Cora Barclay Centre to sell its property and lose its autonomy. That is one example. I do not want Surf Life Saving to be put into that position at all nor, I am sure, do members of this parliament.

In moving this motion, I strongly call on the government to look seriously at the ongoing requirements of Surf Life Saving SA and to increase its funding to a point where it can be sustainable. My only qualification is that Surf Life Saving

must always be responsible in the way that it manages its administration and general operations. However, nothing that I have seen so far (and I have no reason to suspect that I will see in the future) shows me that Surf Life Saving SA is not an enormously efficient and effective organisation. It simply needs a small amount of money in percentage terms to be able to continue to deliver for South Australians.

The final point I want to make is that these volunteers are looking after our community and keeping it safe on the beaches. The government has a Social Inclusion Board. I have some interest in what is not happening with this board, and I will talk about that and watch it more closely in the future. However, in the budget papers I notice that the Social Inclusion Board, which seems to be a place to put things when they are too hard (such as the recommendations of the Drugs Summit), costs about $3 million a year.

If the government is serious about the social inclusion aspects of society, it should consider the value of the 4 500 young people who develop through Surf Life Saving over a period of time, the families that are involved, the community spirit and the social interaction. I ask: what is the social capital of that? I suggest that is also many millions of dollars each year.

So, come on, government! I agree that we have to be careful with the finances, as we were, but the government no longer has the State Bank mess to deal with. At the moment, it still has a strong economy, although it is projecting that it will go downhill. If the government is serious about social inclusion, it should spend a small amount on looking after a great organisation, namely, Surf Life Saving SA. I cannot speak more about how passionate I am to see Surf Lifesaving SA looked after by the government and supported by and through the parliament of South Australia for the people of South Australia.

**Mrs GERAGHTY** secured the adjournment of the debate.

## INTERNATIONAL HORSE TRIALS

**Mr HAMILTON-SMITH (Waite):** I move:

That this house condemns the government for—

(a) the lack of vision in de-funding the Adelaide International Horse Trials, the only 4 star standard international event in the Southern Hemisphere;

(b) failing to take into account the impact of its decision on Australian and New Zealand Olympic Equestrian Teams preparing and training for selection to the Athens 2004 Olympic Games;

(c) failing to take into account the national and international media benefits to South Australia before the decision to abandon the event on financial grounds; and

notes the failure of the Minister for Tourism to consult with Australian Olympic organisations before the decision was made.

I draw the attention of the house to this major gaffe, this major mistake, this major catastrophe of its own design, by this government. The Minister for Tourism set about slashing the Adelaide International Horse Trials from the major events calendar. Her clear agenda was to completely remove the $650 000 per annum of funding provided to the event, to chop it off the events calendar, to save herself the money—for whatever purposes we can only imagine. What she tried to do, however, was have a bet each way. She tried to tell the equestrian community that she was not really slashing and burning the event: she wanted to transform the event; she wanted to reinvent the horse trials; and she wanted to help the equestrian community change and evolve their event. So she went about this massive deception, which is the only way it can be described. She said that she had consulted widely with the equestrian community and said that it was not her intention to completely cancel or wind up the event.

The minister, when addressing the parliament on 2 April, said that she was going to look at the possibility of relocating the event. 'Let us not be honest, let us not be frank, let us not tell people that we are going to kill it: we will relocate it.' She was going to explore the possibility, and she said, 'There has been discussion with the event's competition committee as well as the sponsors, and Australian Major Events has decided to withdraw from staging the annual event in the east parklands. We were going to look at another venue. We were going to move it.' Well, of course, what a lot of nonsense that was.

As it has turned out, there was very little consultation. As it has turned out, very little homework was done. The minister launched into this with no understanding that she was jeopardising Australia's preparation for the Olympic Games and New Zealand's preparations, and that she was vitally and fatally interfering with selection for the Athens Olympics. As it turns out, the other venues to which the event was to be relocated were not suitable. When the people whom the minister said she consulted actually came and looked at the other options, they were not viable for a four star event.

The minister had not done her homework. She had let go of the reins, she had slipped off the saddle, she fell flat on her face at the first hurdle, splat, and made a fool of herself in front of the entire equestrian community, in front of the tourism industry and in front of the people of South Australia—so much so that she had to turn around in recent weeks and do one of the most massive backflips that we have seen from this government. She has had to reinstate funding for the event (I think it is $500 000), and then reinstate funding not only this year but in subsequent years: I think it is $300 000 per annum. Essentially, she has had to turn around in cabinet and say, 'Sorry, I got it wrong. I have to cancel the decision I made and gallop off in the other direction.' The minister would have to sit down and ask herself whether this was a problem of her creation. Someone once said to me, 'Whenever you are faced with a range of problems, sit down and ask yourself how many of the problems you have created for yourself.' I give the same advice to the Minister for Tourism. This whole thing could have been avoided if the minister had done her homework.

One can delegate the work, but one cannot delegate the responsibility. That is one of the sobering things about being a minister. They can get other people to cross the t and dot the i, but when it goes wrong they are the captain of the ship. This went terribly wrong—as, indeed, the whole of the tourism portfolio is going wrong. As it turns out, there was considerable interest in the event from interstate. As it turns out, there was a better than likely chance it would go to either Sydney, Victoria, Queensland or New South Wales. In fact, people contacted me from other states and expressed an interest and wanted to know what was going on. The minister did not understand the importance and the value of the event.

While the minister was busily cancelling the event, she was publishing as a government achievement in its first year, on the government's, 'What we've done, how terrific we are' web site, that this new event marketing program was being developed for key major events, such as the Jacobs Creek Tour Down Under and the Mitsubishi Adelaide International Horse Trials. While she is over there chopping up the event, she forgot to tell the Labor Party that this event would go: they were telling the world this was one of the government's greatest achievements in its first year of office. What a great

achievement! It ran a great horse trial; but, meanwhile, the minister is out there nobbling the thing. A little coordination is called for, and needs to be called for in the years ahead, if this portfolio is not to fall flat on its face.

Apart from the fact that I had to table 7 000 signatures in a petition in this parliament, apart from the fact that I have had to move two motions—one calling on the government to reverse its silly decision—apart from the fact that thousands of people have telephoned and written to the media and launched a campaign to get the government to reverse its decision, one of the most disturbing events was a meeting we had in the minister's office. I only reveal this meeting because the minister did, in answer to a question during question time, when she tried to quote our private and confidential meeting. When you get a call from the minister and the minister says, 'Martin, could you pop down to see me? We need to have a private, confidential chat about something and maybe work our way through it,' you go down there in the hope that the conversation you will have is private and confidential. You go down there in the hope that what you will be told is a frank and honest explanation of what has happened. You do not go there with the expectation that you will be told that the whole equestrian community agrees with the decision being promulgated at the meeting, only to find out that they do not agree and they have not been consulted at all. You do not expect to be quoted in parliament on the basis of an informal private and confidential meeting. If you want to develop trust and confidence in your relationship with the opposition, private conversations in the corridor and in offices must remain private.

It is not a good idea to come into the house—as the minister did—and repeat the conversation and try to use it as part of a defence. If you have private and confidential conversations, it is a good idea to keep them private and confidential and to honour the basis of that discussion—which did not happen in this case. I am prepared to forgive and forget, and I am open to any approach the minister may make in the future, but I hope that it is done in the true spirit of informal cooperation; and I do not have to go around supposing that every conversation I have with the minister in the corridor will turn up in the parliament.

If we want to work constructively, it is a good idea to develop some rapport. I know that the minister has only been in this place for two minutes, although her demeanour in budget estimates and the condescending and patronising manner in which she dealt with questions would suggest that she has been here 50 years. She might like to give some consideration to and seek some advice from her far more experienced colleagues about how to develop a rapport and an effective working relationship with an opposition whilst in government.

In regard to the way in which this matter has been handled, I feel particularly sorry for the South Australian Tourism Commission. I suspect what has happened is that the minister has essentially said to the SATC, to those wonderful people whom she has working for her, 'We need to take some money; we need to get rid of some money; what should we cut?' and they have probably pointed her to—

**The SPEAKER:** Order! The honourable member will resume his seat. In the circumstances, the chair has to inform the house that the adjournment of this debate in order to facilitate the assembly of members in the other place will be treated the same as if it had occurred at 1 p.m.

Debate adjourned.

**The Hon. S.W. KEY (Minister for Social Justice):** I move:

That the sitting of the house be suspended until the ringing of the bells.

If that is not before 1 p.m., it should be for the usual resumption at 2 p.m.

**The SPEAKER:** In response to the quizzical looks of members, can I explain that the member for Waite, who was speaking, had seven minutes of his time left on the clock at the time I interrupted him and he will resume his remarks upon the house's next contemplating this order of the day.

Motion carried.

*[Sitting suspended from 12.27 to 2 p.m.]*

## DOG CONTROL

A petition signed by 604 residents of South Australia, requesting the house to amend current legislation to allow dogs, under effective control, to sit with their owners in all alfresco dining areas without the fear of a prosecution being brought against the owner of the dog or the proprietor of the premises, was presented by Dr McFetridge.

Petition received.

## POLICE NUMBERS

A petition signed by 468 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

### FARMBIS

In reply to **Hon. R.G. KERIN** (13 May).

**The Hon. J.D. LOMAX-SMITH:** The Minister for Agriculture, Food and Fisheries has provided the following information:

When the government came to office we found that there was no state funding provision in forward estimates for the final year of the $24 million 3-year FarmBis program.

The current $16 million budget program (2001-2004) maintains the funding provided for by the previous government.

This is made up of $8 million of state funds matched by $8 million of commonwealth funds.

This represents the full allocation of the state funds appropriated to the program by your government.

Given the economic circumstances we faced in taking office it was not possible for the government to find the extra $4 million of state funds for which your government had made no provision.

However, I am pleased to inform you that, with the changes to the program implemented by the State Planning Group on behalf of this government, FarmBis will continue to provide valued assistance to rural communities to build their prosperity and sustainability for the remainder of the program.

At the half-way point of the current program on 30 December 2002, South Australian producers were 19 per cent of the national total participants and received 17 per cent of the national funding grants. This is from only 11 per cent of the national rural enterprises.

At 30 April 2003, there have been over 25 000 SA enrolments in FarmBis supported programs.

I take this opportunity to congratulate six of the twelve member FarmBis State Planning Group who were awarded Centenary medals. They are:

- David Jericho, Eyre Peninsula, State Planning Group chair—For service to the community, particularly through farmer education and training
- Wayne Cornish, Adelaide Hills—For services to Australian agriculture industry through the National Rural Advisory Council
- Merv Lewis, Crystal Brook—For service to the community, particularly through agriculture
- Kathy Ottens, Lochiel—For service to the rural community

- Roger Wickes, Executive Director of Sustainable Resources of DWLBC—For service to Australian society through natural resource management
- Bill Wilson, Loxton—For service to the community, particularly through LandCare and industry training in the Riverland.

## LEGISLATIVE COUNCIL VACANCY

**The DEPUTY SPEAKER:** I lay on the table the minutes of the assembly of members of the two houses held this day for the election of a member of the Legislative Council to hold the place rendered vacant by the resignation of the Hon. Diana Laidlaw, at which Ms Jacqueline Michelle Anne Lensink was elected.

## STATE RESCUE HELICOPTER SERVICE

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

Leave granted.

**The Hon. P.F. CONLON:** During the estimates committee session on emergency services on Tuesday 24 June, in response to a question from the member for Mawson about the state rescue helicopter service—

**Mr Brindal:** Speak up.

**The Hon. P.F. CONLON:** It is being circulated—for those of you who are challenged, in more ways than one. In response to a question from the member for Mawson about the state rescue helicopter service I advised there was no tender, but an expression of interest called for a range of options. In fact, a tender for a range of options has been called. The substance of the answer remains the same: these options are under consideration, and a decision has not been made.

## *AETOS*

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. HILL:** I rise to update parliament about the 50-foot shark vessel, which has run aground dangerously—

*Mr Brindal interjecting:*

**The DEPUTY SPEAKER:** Order! I know we have had a late night, but the member for Unley just needs to relax and listen to the minister.

**The Hon. J.D. HILL:** That is true. The member for Unley suggests that I made a mistake in relation to this particular matter. I do not believe that I have, but we will discuss it between ourselves and ascertain the truth.

I rise to make a statement about the 50 foot shark vessel which has run aground dangerously close to the Coorong off the Younghusband Peninsula. The vessel, the *Aetos*, has been stranded since yesterday morning, and efforts by the Police Response Unit to free the vessel have failed. There were concerns about the potential for harm to the environment posed by the 3 000 litres of diesel in the vessel's fuel tanks.

A team from four state government departments, led by Transport SA, has been working since this morning to decant the fuel from the boat, and I am relieved to inform the house that this operation has been successfully completed with some great difficulty. Now that the diesel has been removed from the vessel, an attempt will be made to refloat it and tow it to Victor Harbor.

Another threat to the environment is the four kilometres of shark netting that could be lost to the sea and entangle wildlife if the ship breaks up. Unfortunately, there is still a danger of this occurring because of storms expected in the area tonight.

I would like to thank the officers from the Department for Environment and Heritage, the Environment Protection Authority, Transport SA and local police for their urgent work to remove the fuel from the vessel before the storm hits.

## RADIOACTIVE WASTE

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. HILL:** On Tuesday this week I was asked in estimates if radioactive waste material has in the past year been dumped to landfill sites in South Australia. I have since been advised that disposal of very low level radioactive waste via landfill burial at municipal tips has been authorised under the Radiation Protection and Control Act, and that this practice has operated for more than 20 years. The approvals that currently exist are for burial at only one landfill site, the Adelaide City Council Waste Disposal Depot at Wingfield.

*The Hon. I.F. Evans interjecting:*

**The Hon. J.D. HILL:** It is interesting that the member for Davenport interjects and says, 'That's right.' That clearly means he has known this. He asked a question in February without putting this information on the public record. Very low level waste deposited at Wingfield may include disposable gloves, paper, glass, syringes, laboratory samples and items contaminated with radioactive material of very short half-life or low radio toxicity. I am advised that the materials that have been disposed of at Wingfield would be generally less radioactive than domestic smoke detectors.

This practice of disposal to landfill is governed by the National Health and Medical Research Council's Code of Practice established to provide nationally uniform practices in the disposal of very low level radioactive waste. I am advised that an officer of the Radiation Protection Division supervises the burial of about two to four cubic metres of very low level waste at the site—

**The DEPUTY SPEAKER:** Order! The minister will resume his seat. There will be a few people visiting Wingfield shortly to inspect the site if they carry on the way they are. The minister.

**The Hon. J.D. HILL:** I was saying: I am advised that an officer of the Radiation Protection Division supervises the burial of about two to four cubic metres of very low level waste at the site once every two months. I am advised also that this practice accords—

*An honourable member interjecting:*

**The Hon. J.D. HILL:** You asked the question in estimates and I am giving you the answer. I am advised that the practice accords with best practice industry standards and is common in other states. In the last 12 months, the EPA has granted approval to 10 organisations, primarily hospitals, universities and research organisations, to dispose of very low level radioactive waste via landfill burial. Very low level waste disposed of in landfill is packaged in accordance with the National Health and Medical Research Council's Code of Practice.

Soft materials such as paper, cardboard, light solid objects, empty vials and disposable syringes (but no needles or sharp

objects) are packaged in thick, red plastic bags that have a capacity of 20 to 40 litres.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** Any sharp objects, such as syringe needles—I will give you that; that was not a bad line—and pipettes, glass vials containing liquids etc., are packaged in 20 litre steel or plastic drums with sealed lids. The Radiation Protection Division of the Environment Protection Authority has the delegated powers to approve this practice. I am advised that the Director of the Radiation Protection Division holds the authority and issues approvals on an annual basis in September each year. I want the community to know exactly what material is deposited at Wingfield.

Between 2001 and 2002, 10 approvals were given by the Radiation Protection Branch to organisations for the depositing of radioactive waste at Wingfield. In 1999 to 2001 (the last three years of the former government's term), approximately 50 approvals were given and, as I say, I understand that this practice is followed in other states. I am advised that this waste is of such low level that it would not necessarily be considered for storage in a radioactive waste repository. I can also inform the parliament that the EPA will—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order, the member for Davenport!

**The Hon. J.D. HILL:** Members opposite are getting excited about this, but the reality is that this demonstrates that South Australia has been capable of disposing of this level of radioactive waste according to national standards for 20 years. I can also inform the parliament that the EPA will adopt new reporting requirements to better inform the community of how this material is disposed of, including, as I understand my advice this morning, having it lodged on the EPA's web site.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! We will not proceed until we have quiet. I point out to members that this parliament might become radioactive, as it seems to be having an effect. The Minister for Transport.

## RAILWAYS, LEVEL CROSSINGS

**The Hon. M.J. WRIGHT (Minister for Transport):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.J. WRIGHT:** Yesterday, the member for Light asked me about action taken by the State Level Crossing Safety Strategy Advisory Committee to upgrade level crossings identified as dangerous. Black spot rail projects to be actioned during the 2003-04 year are:

- the South Road level crossing at Wingfield;
- the Cross Road level crossing at Unley Park;
- the Magazine Road-Cormack Road level crossing at Dry Creek; and
- the Park Terrace level crossing, Salisbury, subject to the findings of the traffic management trial.

## PAPERS TABLED

The following papers were laid on the table:

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Development Act—
City of West Torrens, Report on the Interim Operation of—Flood Prone Areas Plan Amendment
City of Playford, Report on the Interim Operation of—Buckland Park and Environs Plan Amendment.

## CORA BARCLAY CENTRE

**The Hon. K.O. FOLEY (Acting Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.O. FOLEY:** As members are aware, the government has been negotiating an assistance package for the Cora Barclay Centre designed to help secure the centre's long-term future. The state government already contributes significant funding, but it is offering to increase that amount substantially to help meet the centre's funding shortfall. We have also offered other assistance which would enable the Cora Barclay council to use its existing assets in other ways should it choose to do so—unlike the last government, of course, which was keen for the centre to sell an asset.

The government believes that the Cora Barclay Centre has an opportunity to secure a long-term source of revenue should it sell its Gilberton location and invest the proceeds. This is an option that the council itself has examined. To help make this change possible, the government is offering refurbished facilities at the Norwood Primary School on a perpetual lease at peppercorn rent. The Principal of the Norwood Primary School is supportive of locating the Cora Barclay Centre on this site. If the centre chooses to move there, a new public kindergarten will be opened on the Norwood Primary School site. Under the government's proposal, Dr Jill Duncan will remain employed by the centre and provide consultancy services to the kindergarten on curriculum and other relevant matters.

Until the completion of the sale of the Gilberton property, or 31 December 2003, whichever occurs first, the government will provide funding to enable the centre to remain solvent. This would be funding of last resort to meet debts incurred in the ordinary course of business as and when they fall due. The government is prepared to provide up to $200 000 of funding for refurbishment of the Norwood Primary School site. We understand that this could be matched by a further $200 000 from the federal government. We believe that this would be a very good outcome, not only for the Cora Barclay Centre and the children it helps but also for the wider school community. We will not insist that the Cora Barclay Centre be moved to Norwood. Should the council and executive wish to remain at the current location, we will still provide increased, ongoing financial support and assistance. Unlike the former—

*Members interjecting:*

**The DEPUTY SPEAKER:** The Acting Premier will resume his seat. The member for Finniss is getting a bit carried away, and he might be shortly. Members need to settle down. There is a long night ahead. The Deputy Premier has the call.

**The Hon. K.O. FOLEY:** Unlike the former government, this government maintains its offer of $40 000 per annum in disability funding, plus $40 000 in once-off funding for 2003-04 (unlike the member for Finniss, of course, who was quite happy to see that offer rejected). The government also offers to fund the salary costs of one employee at the centre to the value of $70 000 per annum. In return for the additional funding, the government is seeking a closer working relationship between the centre and the government's teachers for the hearing impaired.

In addition, as Minister Assisting the Premier in Economic Development, I will endeavour, on behalf of the centre and the government, to explore potential opportunities for Cochlear Limited to establish a research centre in South Australia to build upon the work of the Cora Barclay Centre.

We believe this offer not only helps the Cora Barclay Centre to survive but also gives it the opportunity to play an expanded role with the hearing impaired children in this state. It represents a reasonable and appropriate use of taxpayers' funds, while acknowledging that the charity has a right and responsibility to manage its own affairs.

The executive of the Cora Barclay Centre wrote to me a short time ago asking for more time to thoroughly consider the government's proposals. They have stressed that they are willing to negotiate in good faith and with due diligence but need to call an extraordinary meeting of their members in order to vote on change to their constitution. I have been advised that such a meeting requires a 30-day notice period. I welcome the response from Cora Barclay Centre. It is an indication that it is keen to progress this particular offer. This is a positive step forward towards a resolution of this issue.

### POLICE NUMBERS

**The Hon. K.O. FOLEY (Acting Premier):** I seek leave to make a further ministerial statement.

Leave granted.

**The Hon. K.O. FOLEY:** This is in reference to estimates questions on 18 June 2003. I stated that the September 2003 cadet intake is to be 30. The Commissioner of Police advised me yesterday that the number has changed and it is now anticipated there will be 20 cadets instead of 30. I have been advised—

*Members interjecting:*

**The Hon. K.O. FOLEY:** This is the Police Commissioner recruiting against attrition. I have been further advised that it is anticipated that South Australia will receive the expertise of 10 ex-police officers—four ex-police officers will be recruited and retrained in August 2003, four in October 2003 and two in April 2004. In total, it is anticipated that 140 cadets will be recruited in the 2003-04 financial year. I understand that police numbers is a very important issue, and I will endeavour to keep the house informed on all future developments.

### ATTORNEY-GENERAL

**The Hon. K.O. FOLEY (Acting Premier):** I seek leave to make a further ministerial statement.

Leave granted.

**The Hon. K.O. FOLEY:** Yesterday the member for Bragg asked two questions in this house of me and the Attorney-General. There were certain issues raised late last year and, I wish to stress, resolved, including to the satisfaction of people independent of the government. The government is fully prepared to answer these questions in detail. The government was advised last year that the action taken with respect to this matter was appropriate to address all the issues that arose.

However, there was further advice that it would not be appropriate to make the matter public because it could raise issues of fairness and natural justice to others. As recently as today, I have been strongly advised that these issues of natural justice remain. However, the government intends to seek further advice on the matter with a view to providing the house with further information for the benefit of all members as soon as possible.

## QUESTION TIME

### ATTORNEY-GENERAL

**The Hon. R.G. KERIN (Leader of the Opposition):** My first question is to the Attorney-General. Was the Attorney-General the subject of an inquiry by the Department of the Premier and Cabinet or the Premier's office late last year?

**The Hon. K.O. FOLEY (Acting Premier):** I have provided a statement to the house, and I refer the honourable member to that statement.

### MURRAY MOUTH

**Mr RAU (Enfield):** My question—

*Members interjecting:*

**The SPEAKER:** Order! The member for Enfield has the call, not the leader of government business.

**Mr RAU:** My question is to the Minister for the River Murray on the very important subject of the River Murray. Minister, what is the progress of the dredging operation at the mouth of the river?

**The Hon. J.D. HILL (Minister for the River Murray):** We were thinking of—

*The Hon. I.F. Evans interjecting:*

**The SPEAKER:** The member for Davenport will come to order.

**The Hon. J.D. HILL:** Thank you, Mr Speaker. This is an incredibly important question, and I thank the member for Enfield for asking it. I am pleased to tell the house that a second dredge will be launched at the mouth of the River Murray on Monday 30 June and will begin operating a few days later.

*Members interjecting:*

**The SPEAKER:** The members for Unley and Davenport will be having some dentistry on their mouth shortly if they are not careful—it is not just the Murray Mouth that will be dealt with.

**The Hon. J.D. HILL:** As agreed by the Murray-Darling Ministerial Council on 9 May 2003, the second dredge will be employed to ensure that the Murray Mouth remains open and a channel is cleared through to the Coorong before summer this year. Once in place, the combined production rates of both dredges is estimated to be 3 700 cubic metres a day. The current dredging program achieved its original objective of protecting the health of the Coorong over the summer of last year and has resulted in the removal of 310 000 cubic metres of sand from the mouth since the program began on 6 October. At this stage, works are planned to continue until September-October this year. However, additional funds will be sought to continue the program if conditions do not improve.

### ATTORNEY-GENERAL

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Acting Premier. Having now had 24 hours to investigate whether last year he requested the Premier to instigate an inquiry, will the Acting Premier now confirm that he did, in fact, make such a request?

**The Hon. K.O. FOLEY (Acting Premier):** I provided a statement to the house before question time, and I stand by that statement.

**The Hon. DEAN BROWN:** I rise on a point of order, Mr Speaker. That was a very specific question, and this matter was raised yesterday; the Acting Premier committed to this house that he would come back with an answer, and we are wanting to know what the answer is.

**The SPEAKER:** Notwithstanding the understandable angst of the deputy leader and other members, not only those who belong to the Liberal Party in this place, the chair does not have the prerogative to do other than require that the minister should answer the question and, in this case, the information is totally irrelevant. I cannot do more or less than that. Whatever the house does about such matters, it is for the house to decide.

**Mr BRINDAL:** I rise on a further point of order, Mr Speaker. As you would know, the standing orders do require the Acting Premier to address the substance of the question. The Acting Premier has twice referred to his ministerial statement, and there is no reference to an inquiry in the ministerial statement, so he has not addressed the substance of the question.

**The SPEAKER:** It is not possible for me or any other person who might occupy the chair to do a piece of brain surgery on the Acting Premier. The member for Norwood.

## GAMBLING

**Ms CICCARELLO (Norwood):** Will the Minister for Social Justice say why the government chose to prioritise community education as a key strategy in the fight against gambling addiction? The government recently released a series of TV advertisements as part of a community education campaign to prevent gambling harm. This is a issue of great concern to many in the community and they are keen to know what steps the government is taking to tackle the problem.

**The Hon. S.W. KEY (Minister for Social Justice):** A new series of carefully crafted TV commercials about problem gambling recently began screening in this state. The campaign called 'Think of what you are really gambling with' aims to raise awareness of problem gambling and offer options to those with a gambling problem to seek help. The figures show an estimated 22 000 problem gamblers in South Australia or around 2 per cent of the entire population. Research shows that at least one in five other people are affected either financially or socially by problem gamblers' behaviour. This adds up to problem gambling affecting at least 100 000 people in this state alone. It was time for a new campaign to get people thinking about problem gambling again, and we hope this campaign will do exactly that.

South Australia has bought and adapted advertising developed in Victoria. We appreciate the cooperation of the Victorian government in making this material available. By avoiding the often expensive production costs associated with advertising, we are now able to spend more on a campaign that reaches the people we wish to target. The adverts are confrontational, no nonsense depictions of what kind of situations problem gamblers and their friends and families can face. Most importantly, the advertisements clearly show that help is available regardless of how far their gambling has got them into difficulties.

The government has chosen to use a community education campaign to raise awareness as this area has not had such a campaign since mid-2001. It is refreshing to note that the last campaign led to a 60 per cent increase in the number of calls to the gambling helpline. It is time we reminded people of the services available to problem gamblers. I express my thanks to the highly trained, committed group of people working for the gambling helpline Break Even counselling services and the number of non-government community organisations that are also part of this campaign. A number of services are available in our community. During the campaign extra councillors will be provided to handle the anticipated increase in calls. A separate campaign addressing particular gambling issues for people from different cultural backgrounds is also being developed. I remind members in this house that the gambling helpline number is 1800 060 757.

## ATTORNEY-GENERAL

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Acting Premier advise whether there was an internal investigation late last year into allegations that inducements, including the possibility of board appointments, were discussed in relation to the future of legal action involving the Attorney-General?

**The Hon. K.O. FOLEY (Acting Premier):** I said yesterday that I would provide a response to the house, and that is what I intend to do. I refer the Leader to my statement prior to question time.

## FAMILY COURT

**Mr SNELLING (Playford):** Is the Attorney-General aware of any difficulties being faced by South Australian families who seek resolution of family disputes through the Family Court? If so, is the Attorney-General taking any steps to alleviate those difficulties?

**The Hon. M.J. ATKINSON (Attorney-General):** I am aware of the concerns of senior South Australian family law practitioners about delays in the disposition of Family Court matters in South Australia. Members will recall that Justice Ann Robinson died last year. She has not been replaced on the Family Court bench. Instead, the commonwealth Attorney-General announced the appointment of an additional Adelaide-based federal court magistrate on 22 May from 'existing family law resources rather than replacing former Family Court judges.' Alas, the extra appointment of a federal magistrate, instead of a Family Court judge, is unlikely to help and may even hinder the ability of the Adelaide registry to dispose of family law matters.

I am advised that senior family law practitioners are concerned for a number of reasons. The death of Justice Robinson last year has left the Family Court short staffed in terms of dealing with the trial list. The carrying out of the new case management system has not had the practical effect of reducing the trial list as originally expected. Non-compliance with pretrial procedures remains rife. The 'best interests of the children' policy in most cases constrains the court from dismissing cases for non-compliance. Accordingly, the number of cases awaiting determination in the trial pool remains high.

There is a growing trend towards long cases, that is, exceeding five days. Most children's cases have one party who will be well served by retaining the status quo as long as possible and, as such, are happy to call unnecessary witnesses to protract the process. These problems, which are accruing in the Family Court, can be overcome only by the appointment of an additional judge.

The federal magistrates service has also developed a backlog because an increasing number of litigants elect to issue proceedings in that service because of the waiting list in the Family Court. I wrote to the commonwealth Attorney-General on 29 May on another matter and expressed the view that an immediate appointment of a judge to fill the vacancy caused by the death of Justice Robinson was essential. As yet, no appointment has been made. South Australian families do not deserve this treatment.

## ATTORNEY-GENERAL

**Ms CHAPMAN (Bragg):** Has the Attorney-General yet calculated the monetary value of the legal services provided to him personally by Chris Kourakis QC, and has he altered his parliamentary register of interests to record the monetary value?

**The Hon. M.J. ATKINSON (Attorney-General):** I will check whether that is so. I think I made a calculation and, as I recall, amended the parliamentary register. There should be an amended entry for both the barrister Chris Kourakis and the solicitor Tim Bourne, but I requested that information.

## HOMELESS PEOPLE

**Ms BEDFORD (Florey):** Is the Minister for Urban Development and Planning aware of the issue of the Adelaide City Council taking the belongings of homeless people in the West Parklands?

**The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning):** I thank the honourable member for this important question. I was very disappointed to hear that officers of the Adelaide City Council have been visiting the West Parklands during the day when homeless people visit other parts of the city and have been taking their possessions, including blankets—and all this in a week when we have had some of the coldest nights this winter. People should be aware that it is a criminal offence to take possessions without a lawful excuse, and I have asked for advice as to whether the actions of the Adelaide City Council are lawful.

To add insult to injury, when inquiries were made to the Adelaide City Council for the return of these possessions, the people involved were told to provide a list of these possessions before they would be returned. Many of the homeless people in the West Parklands have difficulty with literacy, let alone coming up with a list of what belongings they may have had. I am aware that a number of council workers are distressed by being asked to take these steps. The possessions of homeless people—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** They may appear valueless to some people, but often those small items represent the whole of their worldly goods. If we are talking about blankets in winter, it is a disgrace that this conduct is occurring. Whatever the legal position may be, one really must question this whole approach. The state government—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** —is playing a leadership role in relation to developing its response to the Adelaide dry zone. It has engaged—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** We get the foolish interjections of members opposite. This is a complex issue. It was being handled in a cooperative fashion between this state government and the Adelaide City Council, and there appears to have been a change in approach.

*The Hon. D.C. Kotz interjecting:*

**The Hon. J.W. WEATHERILL:** We have been doing many things. If the member for Newland—that well-known advocate for the disadvantaged—listens, she will hear the steps we are taking. The government has established a range of mechanisms to ensure collaboration between the Adelaide City Council, the Social Inclusion Unit, the Aboriginal community and a whole plethora of non-government organisations to identify measures that address the question of disadvantaged people within the Adelaide city community. I pay special tribute to the work of departmental officers under the leadership of the Minister for Social Justice, the Minister for Aboriginal Affairs, the Minister for Police and the Minister for Health, who have all been collaborating together to work in a variety of forums to develop a range of initiatives to grapple with this complex problem. Some of the initiatives include: the establishment of a 22-bed stabilisation facility; the trialling of a mobile legal unit (which commenced in May of this year); the development of a visiting health service—

*The Hon. D.C. Kotz interjecting:*

**The SPEAKER:** Order, the member for Newland! The Minister for Urban Development and Planning has the call.

**The Hon. J.W. WEATHERILL:** These initiatives have been developed by this government. Those opposite were prepared to play politics with the dry zone issue in the lead-up—

**Mr BRINDAL:** Sir, I rise on a point of order. The question must specifically seek information, and answers may not entertain debate. So far, we have listened to a diatribe on the Adelaide City Council and criticism of the past Liberal government, and that is debate. I ask you to bring the minister back to the substance of the question.

**The SPEAKER:** I do not uphold the point of order. 'Diatribe' is a pejorative word: I do not know that it describes the substance of what is being said. The minister, however, is not, as I hear it, presuming to put points of view in response to the answer. However, if he has finished, it would help question time to move on.

**The Hon. J.W. WEATHERILL:** Sir, there is a range of important information that needs to be put in response to the question. An important issue in this whole debate is to ensure that a plethora of agencies work collaboratively together. We need certain agencies and non-governmental organisations to be able to work closely with state government. A spirit of cooperation is not fostered by taking the possessions of homeless people in the west parklands. A spirit of cooperation is not engendered by such conduct. In fact, we have spent much of the time since the election in developing the sort of confidence that needs to exist between those various parties—confidence which, I must say, was shattered in the lead-up to the imposition of the dry zone within the Adelaide area. Those caring groups that look after vulnerable adults in the city knew that the motivation for the establishment of the Liberal dry zone was wedge politics. They understood that, and we have spent much—

**Mr BROKENSHIRE:** Sir, I rise on a point of order. I do not believe that that comment is parliamentary. It is certainly inaccurate. It was the now Minister for Tourism who was my biggest difficulty in getting the dry zone through, and I ask that that comment be withdrawn.

**The SPEAKER:** Order! The last part of the remarks that were made are simply that, not a point of order at all. They

engage in repartee which arises in consequence of the minister now debating the question. The minister is providing not additional information but rather opinion and, accordingly, I invite him either to state the facts of the matter or enable another question to be put to the ministry.

**The Hon. J.W. WEATHERILL:** Thank you, sir. I will return to the work that the current government, in careful collaboration with a number of ministers, is putting in place. As I said, the work includes:

- the establishment of a 22-bed stabilisation facility (a proposition that simply was incapable of being delivered by those opposite);
- the trialing of a mobile legal unit, which commenced in May this year;
- the development of a visiting health service;
- the development of an Aboriginal detoxification and community centre;
- the establishment of a transitional accommodation facility for homeless people in the inner city;
- the employment of an Aboriginal community constable in the Adelaide local service area;
- the Department of Human Services and the Adelaide City Council have developed an agreed memorandum of understanding to work collaboratively to tackle social issues affecting the city of Adelaide; and
- protocols for local policing officers about the way in which they respond to homeless people whom they find in the parklands and the way in which they put them in touch with services.

All those steps are an intelligent way of dealing with a complex problem. It is not assisted by taking the possessions of homeless people, which will only make our task so much harder.

## ATTORNEY-GENERAL

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is directed to the Acting Premier. Was there an investigation into whether the Attorney-General or any ministerial staff member offered inducements of any description to a person taking legal action against the Attorney-General?

**The Hon. K.O. FOLEY (Acting Premier):** The opposition has asked this question in a number of ways. I said yesterday that I would take the question on notice, which I have done. In a statement prior to question time, I outlined to the house the response at this point and I do not intend to add to it.

**The SPEAKER:** May it please all members, I come here neither to make friends nor enemies, but the attitude of the Acting Premier at the present time is contemptuous of the spirit of question time, at least. Either he knows the answer and provides it to the chamber or he does not and, if he does not wish to do so, he should say so plainly so that the house then can move on to decide what it might choose to do in dealing with the matter.

**The Hon. K.O. FOLEY:** Can I say, sir, that the statement I made prior to question time made it clear that the government does intend to provide further information to the house but we are acting on advice, and the advice is that further advice should be sought and, once that advice is sought and obtained, we will respond in full.

## HOSPITALS, REDEVELOPMENT

**Mrs GERAGHTY (Torrens):** My question is directed to the Minister for Health. What facilities will be constructed by the government in the next stages of the rebuilding of the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Lyell McEwen Health Service?

**The Hon. L. STEVENS (Minister for Health):** This is a major investment ensuring that our metropolitan public hospitals will be able to provide first-class facilities into the future. These works link with initiatives flowing from the generational health review. At the Royal Adelaide Hospital the current stage 2-3 is providing new emergency, intensive care, theatre, burns and cardiac treatment areas and imaging facilities. The next stage (stage 4) will focus on the redevelopment of inpatient ward facilities, outpatient facilities and clinical departments to complete the upgrade of direct clinical management areas.

At the Queen Elizabeth Hospital the current stage (stage 1) is providing 200 new inpatient beds to replace the outdated facilities and is due for completion in August this year with occupation of the wards expected in October-November 2003. Planning is now proceeding for the next stages (stages 2 and 3) to replace the facilities currently provided in the main tower and podium buildings, including emergency, imaging, theatres, intensive care, and outpatients.

At the Lyell McEwin hospital, the current redevelopment under stage A, which includes new intensive care beds, the cardiac step-down unit, and new engineering support services, is expected to be completed in August 2004. The next stage, stage B, of the redevelopment will comprise a new 60-bed mental health facility to enable the devolution of mental health beds throughout the system, as detailed in the Mental Health Reform Strategy; upgrade to existing wards in the Banwell and Joel buildings; and completion of works following stage A, including day surgery, outpatients and pharmacy.

The government has committed $222 million for these works: $130 million at the Royal Adelaide Hospital, $60 million at the Queen Elizabeth, and $32 million at the Lyell McEwin Health Service.

## ATTORNEY-GENERAL

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is again to the Acting Premier. Who provided advice that the Acting Premier should not answer questions in the house today? When will the house be informed of this legitimate information that is being sought?

**The Hon. K.O. FOLEY (Acting Premier):** As I said, I refer the deputy leader to my statement prior to question time.

## RAILWAYS, BELAIR LINE

**Ms THOMPSON (Reynell):** Will the Minister for Transport advise the house what work has been done to embankments along the Belair railway line?

**The Hon. M.J. WRIGHT (Minister for Transport):** I thank the member for Reynell for her question and for going way beyond her horizons. Considerable work has been carried out to remediate embankments on the Belair railway line. The cuttings and banks on the Belair line were created during the original construction of the rail line in 1883. Construction techniques at this time included blasting and only limited mechanisation. The majority of the work was

undertaken by manual means. To contain costs and workload, and to meet schedules, cuttings were constructed with steep sides and minimum clearances for rolling stock. The effects of time, weathering, and ingress of stormwater degraded the stability of a number of the embankments on the line. TransAdelaide, with geotechnical and engineering assistance, reviewed a number of the locations causing concern. The major sites identified for remediation last year were:

- Blackwood—one face between Main Road and Brighton Parade;
- Eden Hills—two faces just south of the Sleeps Hill tunnel;
- Lynton—four faces just north of the Sleeps Hill tunnel; and
- Belair—the face between Belair station and Upper Sturt Road.

Symptoms of instability were observed at each site, and there were risks of debris falling on the track. All sites have now been remediated and made safe. Safety risks were managed prior to completion of work by applying speed restrictions in certain areas.

## ATTORNEY-GENERAL

**The Hon. R.G. KERIN (Leader of the Opposition):** Can the Attorney-General give an assurance to the house that he has done nothing to breach the Ministerial Code of Conduct to which this government has promised to adhere?

**The Hon. M.J. ATKINSON (Attorney-General):** Yes, I can.

*Members interjecting:*

**The SPEAKER:** Order! I call the member for Napier.

## TEACHERS, ENTERPRISE BARGAINING AGREEMENT

**Mr O'BRIEN (Napier):** My question is to the Minister for Education and Children's Services.

*Members interjecting:*

**The SPEAKER:** The member for Napier has the call.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Government Enterprises, the Acting Premier and the member for Bright will shut up!

**Mr O'BRIEN:** Is there an update on the enterprise bargaining agreement that was made with the state's school teachers?

**The Hon. P.L. WHITE (Minister for Education and Children's Services):** I am pleased to answer this question and thank the honourable member for it. The state government values very highly the quality of its public school teaching work force and we—

*An honourable member interjecting:*

**The Hon. P.L. WHITE:** What did you say?

**The SPEAKER:** Order! The minister will ignore the member for Unley. I am trying to do likewise.

**The Hon. P.L. WHITE:** Yes, sir, I think I can ignore the member for Unley. The government appreciates that a well-motivated teaching work force has a direct impact on the quality of education (teaching and learning) in our schools and that investing in our teachers is an investment in the state's children and our future. To this end, the government last year negotiated an enterprise bargaining agreement with the Australian Education Union and the Public Service Association to provide extra security, additional staffing and fair wages for our teaching work force.

I am pleased to announce that arising from that agreement and funded in the budget is provision for a 4 per cent wage increase for our teaching work force that will come into effect in July 2003. On 4 July that increase of 4 per cent for all teaching staff will take effect so that teachers will see that increase in their pay packets on 17 July. Those working in children's services will receive theirs a day earlier. That investment, of course, builds on the 4.5 per cent wage increase awarded to teachers last year.

Overseeing that increase is the enterprise bargaining committee. The members of that committee are: Ms Margery Evans, the Executive Director, Strategic HR Management and Organisational Development; Mr David Mellen, Director, HR and Industrial Relations Services; Mr John Ward, Manager, Industrial Relations; Mr Neville Saunderson, Superintendent, Site Staffing and ICT Services; and Mr Stephen Conway, Institute Director. The committee was established to provide a more formalised and accountable process of enterprise bargaining implementation in the future and it is part of the wider certified agreement between the EAU and CPSU-PSA that will continue to cater for the financial needs and conditions of the education work force.

By ensuring that teachers across state schools and preschools are afforded these pay increases, we send a clear signal to our very valued teachers that their hard work and dedication in the classrooms of South Australia is very much appreciated.

## ATTORNEY-GENERAL

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Acting Premier. Who were the people independent of government referred to in his statement today as being satisfied that certain issues have been resolved?

**The Hon. K.O. FOLEY (Acting Premier):** As I said, we will be quite happy to provide that information in the context of my statement prior to question time.

## SBS RADIO

**Mr KOUTSANTONIS (West Torrens):** My question is to the Minister for Multicultural Affairs. What efforts have been made to improve access to information for culturally and linguistically diverse South Australians in the Riverland?

**The Hon. M.J. ATKINSON (Minister for Multicultural Affairs):** For many years, residents of the Riverland, supported by the member for Chaffey, have been calling on the commonwealth government to provide SBS radio broadcasts to the culturally and linguistically diverse communities of the Riverland. Alas, the commonwealth has so far failed in its responsibility to provide much-desired radio transmission services. During the state government's community cabinet meeting late last year held in the Riverland, I committed the government to supporting the local community and councils in the establishment of SBS radio services in the Riverland to help secure broadcasts to the region. This is a much needed service, as there are an estimated—

**The SPEAKER:** Order! The member for Bright is out of order. Indeed, no member should turn their back on the chair. The member for Bright may choose to sit next to those other honourable members with whom he is conversing, but no member turns their back on the chair. The Attorney-General.

**The Hon. M.J. ATKINSON:** There is an estimated 2 300 Riverland residents who speak languages other than English

in their homes, including Sikhs, Turks, Greeks, Italians and many others, while an additional 7 600 locals have non-English speaking ancestry. I share the concerns of many in rural and regional areas across South Australia who have limited access to SBS radio services because of federal funding pressures.

The high demand for extending the multicultural broadcasts has prompted SBS to initiate what it describes as a self-help scheme. Although the SBS television service has been extended to the Riverland area since July 2001, and SBS has indicated that the Upper Spencer Gulf is slated for an expansion of SBS radio, there are no plans to extend transmission to the Riverland. The establishment cost to get SBS radio in the Riverland is estimated at about $30 000, half of which could be offset with dollar for dollar assistance from the SBS Self Help Retransmission Subsidy Scheme.

The continuing maintenance, licensing costs and insurance needs to be provided by local government and the community. At the community cabinet, I offered to explore avenues to support the community with some establishment costs, subject to local councils or other community organisations committing to meet annual costs. I am told that the community has responded and formed a committee coordinated by the Renmark-Paringa Council. It is chaired by Renmark resident and recently appointed member of the South Australian Multicultural and Ethnic Affairs Commission, Mr Peter Ppiros, and includes the Riverland councils of Berri-Barmera and Loxton-Waikerie, as well as a representative from the Riverland Multicultural Forum.

Now that the committee has been established, I intend to honour my commitment and will make a one-off special grant of up to $10 000 available to this local radio committee, subject to SBS's supporting the effort.

The government considers that securing multicultural radio for the region will be an important boost to the local communities. It is a good step in improving access and information to South Australians, particularly those of non-English speaking backgrounds, in regional areas. I am pleased that it has wide-ranging support, and I am confident that the goal can be achieved. Indeed, I was pleased, while in the Riverland, to attend the Riverland Greek Festival, which was a splendid occasion, and also to attend the Sikh Temple at Glossop. I will be very pleased when they are getting SBS radio transmissions in Greek and Punjabi.

## ATTORNEY-GENERAL

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is again to the Acting Premier. In the ministerial statement today, the Acting Premier said that the government was advised last year that the action taken was appropriate. Therefore, what action was taken and by whom?

**The Hon. K.O. FOLEY (Acting Premier):** I again refer to the fact that I provided a statement prior to question time. Information will be made available when it is appropriate.

## 'BRINGING THEM HOME' REPORT

**Ms RANKINE (Wright):** My question is to the Minister for Administrative Services. Minister, how is the government responding to the recommendations from the 'Bringing Them Home' Report 2001?

**The Hon. J.W. WEATHERILL (Minister for Administrative Services):** The 'Bringing Them Home' report contains recommendations in relation to the identification and retention of records relating to Aboriginal and Torres Strait Islander people and their families. Since this government came to power State Records has issued an information sheet that will guide all government agencies in their efforts to identify these kinds of records. This in turn will ensure their preservation in the state archives and access by community members, which is a vital resource for family reunification. As well as continuing to provide a service to Aboriginal people through the search room at Netley State Records, the Aboriginal access team is increasing its efforts to reach Aboriginal communities throughout South Australia.

In the past few months the team has visited the Davenport community at Port Augusta, site of the former Umeewarra Children's Home, and the community at Gerard in the Riverland to provide information to those separated from their families as a result of past government policies. As well, State Records has signed a memorandum of understanding with South Australia Link Up, a community-based organisation devoted to assisting members of the stolen generation who wish to learn about their past and to be reunited with lost family members. This memorandum of understanding ensures ongoing and effective support for such initiatives through timely access to information for SA Link Up clients.

Aboriginal education institutions have visited State Records for sessions with the Aboriginal access team, and the team has visited educational institutions to provide information on their work in this area. The team has also been involved in Reconciliation Week initiatives, both within government and in the community, and their important work will continue.

## DONATIONS, POLITICAL

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Minister for Gambling investigate allegations of the receipt of donations disguised as raffle ticket sales during the Hindmarsh election campaign and stand aside his gambling adviser, Steve Georganas, the candidate who benefited from this raffle, until the investigation is complete?

**The Hon. J.W. WEATHERILL (Minister for Gambling):** The leader asked a very similar question yesterday and I refer to my answer. What I said on that occasion I repeat now: no information has been drawn to my attention that would warrant any further investigation.

*The Hon. W.A. Matthew interjecting:*

*The Hon. K.O. Foley interjecting:*

**The SPEAKER:** The Acting Premier and the member for Bright are on their last legs. The member for Giles has the call.

## AGED CARE

**Ms BREUER (Giles):** My question is to the Minister for Health. What are the details of aged care projects being completed and those currently being planned for country South Australia?

**Mr BRINDAL:** On a point of order, sir, I believe this identical question was asked in estimates of the Minister for Health, and I wonder therefore whether it is relevant.

**The SPEAKER:** The member for Unley raises an interesting question. However, estimates committees are not question time. The house may choose to disabuse me of my ignorance of the matter, but I was not aware that such a question was asked during estimates. Should the member for

Unley or any other member be able to demonstrate that point, I will reconsider that position, but meanwhile the Minister for Health has the call.

**The Hon. L. STEVENS (Minister for Health):** The government has supported a program of redevelopment of state funded long-stay, aged care beds and commonwealth licensed aged care beds to meet the commonwealth's 2008 aged care facilities standards and the provision of facilities for approved additional commonwealth beds. This has been funded through capital appropriation and the provision of loans to health units that have been successful in obtaining additional commonwealth aged bed licences. Recently completed aged care projects include additional—

**The Hon. DEAN BROWN:** On a point of order, sir, now that I have heard what the minister is saying, I can vouch for the fact that the minister gave this as a written reply to the house just yesterday. I read it last night. It was in reply to a question that I had raised earlier.

**The SPEAKER:** I have some recollection of the phraseology myself and, in the absence of any other or better evidence, I rule the question out of order. The Leader of the Opposition.

## DONATIONS, POLITICAL

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Minister for Gambling assure the house that he has not in any way been involved in accepting donations under the guise of raffle ticket sales in breach of the South Australian Lotteries Act? Can he inform the house of actions he took as a result of legal advice by the ALP secretariat on this very issue?

**The Hon. J.W. WEATHERILL (Minister for Gambling):** I have a great deal of difficulty following that question. I will take the question on notice, try to decipher it and bring back an answer.

## STATE FLEET

**Mr SNELLING (Playford):** My question is to the Minister for Administrative Services. What is the government doing to minimise the impact of its motor vehicle fleet on the environment?

**The Hon. J.W. WEATHERILL (Minister for Administrative Services):** This government is taking a number of initiatives to proactively address the environmental impact of its fleet vehicles. The SA government passenger and light commercial motor vehicle fleet currently has 1 015 alternate fuel vehicles, including eight state-of-the-art hybrid petrol/electric vehicles. This makes it the biggest state government fleet of alternative fuel vehicles in Australia. LPG and hybrid vehicles reduce greenhouse gas emissions and improve air quality and reduce smog. There is an additional benefit of on-selling the environmentally friendly technology vehicles to the general community via the government auctions at the end of each vehicle's useful fleet life.

The South Australian government has a driver training and education program. That program addresses smooth, safe, economical driving that leads to improvement in fuel economy. The program also contributes to the opportunity to reduce the number and severity of accidents, subsequently minimising the environmental impact of repairing vehicles. The government has worked closely with Australian vehicle manufacturers on issues such as dedicated and dual fuel LPG vehicles, most recently the dedicated LPG Mitsubishi Magna due for release on 1 July.

Computer-controlled diesel-engined vehicles are purchased wherever possible due to these environmental benefits. The evolution of the diesel engine has seen great improvements in fuel consumption and reduction in emissions due to finite controls over the fuel system that previous mechanical controls were unable to achieve.

The government has demonstrated a very strong commitment to addressing its obligations with respect to the environment. Comparisons with information from other state government fleets demonstrate that the South Australian government's commitment, in particular to LPG vehicles, is stronger than that of the larger state government fleets.

**The SPEAKER:** The member for Morialta.

**Mr Brokenshire:** Hear, hear!

**The SPEAKER:** Order! The member for Mawson does not need to give any spurs to the member for Morialta. She rises quickly enough. The member for Morialta has the call.

## MARBLE HILL

**Mrs HALL (Morialta):** Thank you, Mr Speaker. My question is to the Minister for Environment and Conservation. Has a directive been given to transfer responsibility for Marble Hill from Heritage SA to National Parks as from 1 July, and, if so, why?

**The Hon. J.D. HILL (Minister for Environment and Conservation):** Not by me it hasn't. Marble Hill is held within my Department of Environment and Heritage, and both Heritage SA and National Parks are within that department. If there have been some administrative changes internally to better manage it, that may well be the case. I will happily have this issue explored for the honourable member. I am not even sure that it is managed through Heritage SA, to be perfectly honest. I think it has always been within the national parks system. I think I have read this somewhere else; someone else has raised this issue, and I am not quite sure what the concern is. It is within the same department—whether the administrative arrangements have changed I am not entirely sure, but I will certainly obtain the information for the member.

## AUSTRALIAN DANCE THEATRE

**Ms THOMPSON (Reynell):** Can the Minister Assisting the Premier in the Arts inform the house of the government's support for the Australian Dance Theatre company?

**The Hon. J.D. HILL (Minister Assisting the Premier in the Arts):** As the Acting Minister for the Arts and the Minister Assisting the Premier in the Arts, I am delighted to take this question. I appreciate the Deputy Premier's offer to go into the detail, but I am happy to do it. The Australian Dance Theatre company is a very important South Australian company. It tours extensively, and it has an absolutely superb international reputation. Many people around the world have the advantage of seeing this theatre company perform. I am pleased to say that it also performs on an annual basis in South Australia, and it is well supported by government. The ADT receives a grant of $925 153 from the state government and $231 000 from the federal government through the Australia Council, giving it a total annual funding of $1.156 million. I am advised that this makes the Australian Dance Theatre company the best funded contemporary dance

company in Australia. The ADT also will receive additional funding this current year of $215 000 to assist—

**Mr BRINDAL:** Sir, I rise on a point of order. This is a matter that the minister presented to the house yesterday in the form of a ministerial statement, and he is repeating the answer that I think he gave to the house yesterday. It was given by someone on the front bench; whether it was this minister or one of the other ministers, I am not now sure, but I remember that it was talked about.

*Members interjecting:*

**The SPEAKER:** Order! I know that the minister made a statement along similar lines, but I am not sure that that is where the answer is taking us and the minister, therefore, may continue, in the belief that there is information he is providing that the house seeks, through the question that has been quite properly asked by the member for Reynell. The minister has the call.

**The Hon. J.D. HILL:** I must have a very faulty memory: I cannot recall such a thing.

*Members interjecting:*

**The Hon. J.D. HILL:** I admit it. One has many faults, but memory is one that is obvious to others. I know that my memory is not great, but I cannot recall at all making a statement yesterday about the ADT. I suggest that the member for Unley check, because I do not believe that I did.

**Mr Brindal:** Perhaps I'm reading your mind.

**The Hon. J.D. HILL:** It would be a great entertainment to the member if he did. The ADT received additional funding of $215 000 in this current year to assist it with its relocation and fitout to the Wonderland Ballroom in Hawthorn, which is in the member for Unley's—

**Mr Hamilton-Smith:** No, it's in mine.

**The Hon. J.D. HILL:** —I beg your pardon—the member for Waite's electorate: hence his great interest in this matter. I am advised that the company has the capacity to manage the reduction of $75 000 that has been announced in the most recent budget, which will result in its total funding still being well in excess of $1 million. The Premier has indicated his willingness to meet with the company early on his return (I think some time in early July) to discuss funding and other issues.

The member for Reynell has just pointed out that the statement yesterday about this matter, in fact, was made in the grievance debate by the member for Waite. I am very disappointed that the member for Unley has mixed up the member for Waite and me. I actually talked about regional theatres.

*Mr Hamilton-Smith interjecting:*

**The Hon. J.D. HILL:** I know that the member for Waite is flattered, but I am less so. It should be noted that the planned reductions are 8 per cent—

**An honourable member:** You've got more hair than him.

**The Hon. J.D. HILL:** —I am glad the member noticed that—of state funding in 2003-04, or 6 per cent of total funding, increasing to 18 per cent in 2004-05. There is a $75 000 reduction in 2003-04, then a further $75 000—

*An honourable member interjecting:*

**The Hon. J.D. HILL:** No, just listen. There is a $75 000 reduction in funding for the coming budget year, and that reduction will stay, and then a further—

**Mr HAMILTON-SMITH:** Sir, I rise on a point of order. I have let the shadow minister go on, but I must draw to your attention that there is a motion on the *Notice Paper* on this matter, notice of which I gave yesterday, calling on the government to reverse its $225 000 in cuts so that the ADT can be saved. It presently faces closure. The minister is pre-empting debate on the motion.

*Members interjecting:*

**The SPEAKER:** Order! To which particular notice of motion does the member refer?

**Mr HAMILTON-SMITH:** I refer to the *Notice Paper*, motions to be moved on the next Thursday of sitting, 17 July, motion No. 1—

*The Hon. P.L. White interjecting:*

**The SPEAKER:** Order! The Minister for Education and Children's Services will desist.

**Mr HAMILTON-SMITH:** Page 16 of the *Notice Paper*, notices of motion for Thursday 17 July, notice of motion No. 1.

**The SPEAKER:** Yes, it does pre-empt debate on the matter. The question, therefore, is out of order. The member for Morialta.

## MARBLE HILL

**Mrs HALL (Morialta):** Will the Minister for Environment and Conservation give a commitment to this house that consultation will take place with the Friends of Marble Hill prior to any directive being enforced to transfer responsibility for Marble Hill from Heritage SA to National Parks?

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I do not think I quite heard what the member was saying. I think that the member was asking me whether there will be consultation with the Friends of Marble Hill (and I know the Friends of Marble Hill) before responsibility for Marble Hill is transferred from one part of my department to another part of my department. The question assumes, of course, that that will happen. It also assumes that they are currently placed within Heritage SA. There are two assumptions there, which we will have to—

**Mr Brindal:** Explore.

**The Hon. J.D. HILL:** —explore, as the member for Unley says. I am happy to have that exploration occur, and I will ask my departmental officers to talk with Ernie and his more—

*Mrs Hall interjecting:*

**The Hon. J.D. HILL:** This is a departmental issue: I am not directing it. I will ask the department to talk—

*Members interjecting:*

**The Hon. J.D. HILL:** I will ensure that there is discussion between—

**The Hon. I.F. Evans:** You didn't sign off on it.

**The Hon. J.D. HILL:** No, that's true.

**The SPEAKER:** Order! The member for Davenport will get the opportunity—

**The Hon. J.D. HILL:** Throw him out, sir; he is outrageous. I will ensure that the Friends of Marble Hill are consulted about their future. I have no awareness of the issues that the member has raised, but I will certainly have it checked out, as I said to her, and find out exactly what is happening, before any decision is made about the shifting, bureaucratically, of Marble Hill from one bit of the department to another bit. God knows what impact that would make on it, but I will happily have proper consultation occur.

**The SPEAKER:** Can I say that I do hope that, if the funds are available for the restoration of Marble Hill other than from taxpayers, we would not pass over that opportunity.

## VOCATIONAL EDUCATION

**Mrs GERAGHTY (Torrens):** Can the Minister for Education update the house on vocational education subject choice in our government schools?

**The Hon. P.L. WHITE (Minister for Education and Children's Services):** I am happy to answer that question. The government provides a wide range of subjects designed to meet the diversity of needs of our students, their interests and their aspirations, and the most recently accredited vocational education and training subjects provide credit to both training certificates and the SACE. They include seafood operations, retail, business services, tourism operations and engineering applications.

The involvement of students in all curriculum evaluations to ensure relevance to students is of paramount importance and, as a result of student views, the accreditation of subjects of personal interest to students, such as psychology and philosophy, have been created and implemented. It is important to gain the approval and implementation of a policy which acknowledges that young people achieve significant learning opportunities by being involved in all kinds of community activities and which enables this learning to contribute to the SACE requirements. An example of the translation of this policy into practice was demonstrated during a recent fundraiser by the Royal Flying Doctor Service.

The stage 2 'Foods and the Community' students in a small country school volunteered to provide catering services for this event when it visited their town. This involved providing lunch for a total of 70 participants as they arrived, dinner for 180 participants and community members that evening and breakfast for 70 participants prior to their departure next year. The students did all the negotiation with the organisers, worked within an allocated budget, planned effectively to ensure that all the necessary supplies were provided from Adelaide by an appropriate time and then did all the cooking, serving and cleaning up.

Some of the students who wish to enter commercial cookery courses at Regency TAFE are also setting up folders to provide evidence of their involvement so that they can present them at interviews in the future.

**Mr BROKENSHIRE:** I rise on a point of clarification and a point of order, sir, and I seek your guidance. The Acting Premier, in his capacity as police minister, did advise the house about cuts to police recruitment, however, that documentation was not tabled. I understood that when a ministerial statement is made by a minister it is automatically tabled. As shadow minister for police, I would have liked that statement. I seek your ruling, sir.

**The SPEAKER:** It is a courtesy normally accorded to the house and I was not aware that it had not been on this occasion. Is there any reason why it was not provided?

**The Hon. P.F. CONLON:** I do not know, sir. It is ordinarily a matter of courtesy. There were a lot of small statements, I cannot imagine why it has gone. If the honourable member is not happy with the copy in *Hansard* we will get the honourable member a printed copy.

**The SPEAKER:** It will assist in avoiding quarrels if the practice is continued in the observance rather than the breach.

**The Hon. P.F. CONLON:** Yes, sir. In fact, I think there were about seven ministerial statements. The other six shadow ministers were provided copies. I do not know how this one was missed.

**The SPEAKER:** I do not see it as anything secret.

**Mr BRINDAL:** I rise on a point of order, sir. I would like your assistance to clarify for this side of the house standing order number 96. A question was asked today of the Minister for Urban Development and Planning in respect of homelessness. The minister responsible to the house for local government matters and to whom the City of Adelaide Act is committed is the Minister for Local Government. I just seek your clarification, sir: to whom should questions related to local government be directed?

**The SPEAKER:** Members know to whom they direct those questions. Can I point out to the house that I want to be helpful but I am not the coach. The standing orders are there.

## ESTIMATES COMMITTEES

**The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning):** I lay on the table a copy of a ministerial statement on estimates committees made earlier today in another place by my colleague the Minister for Primary Industries.

## SOUTH-EAST WATER ALLOCATIONS

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. HILL:** During estimates committee hearings on 23 June this year the member for MacKillop asked me on what advice did I revoke the $25 fee-in-lieu of levy operating in certain prescribed areas of the South-East. I have copies of the document here if members want it. I responded indicating that I had received advice from the department and from either the Chair or Chief Executive of the board that the funding package had been worked out through the Catchment Water Management planning process. I clarified the statement during the committee hearing, indicating that it was not clear whether the latter advice had been written or oral.

I asked the Chief Executive of the Department of Water, Land and Biodiversity Conservation to review the steps leading to the decision to revoke the fee-in-lieu of levy. I have received considerable advice on this matter since coming to office from the department and the board. This includes correspondence from the South-East Catchment Management Board in September 2002 seeking to retain the $25 fee option. Subsequently, I received advice from my department recommending that the fee option be revoked. I did not immediately accept this recommendation but had further discussions with the department.

I also asked that the department discuss the matter with the presiding officer. In the meantime, on 25 October 2002, the board submitted its draft catchment water management plan to seek my agreement to the board's commencing the final round of community consultation on that plan. The draft plan noted that provisions exist within the Water Resources Act 1997 to provide a rebate on levies for water (holding) allocations under certain conditions. However, the draft also stated:

> For the purposes of budgeting for this plan it is assumed that all levies are collected for water (holding) allocations.

The draft proposed that the rate at which the levy is collected be the same for taking and holding allocations. I draw the attention of the house particularly to that statement; that is a key statement. Throughout this period and up to mid December a number of informal discussions took place. One such

discussion was between myself and the presiding member. During this discussion the presiding member indicated a personal view regarding the holding levy. Following further advice from the department, I revoked the fee-in-lieu of levy option. This revocation was gazetted on 6 March 2003.

It is important to note that the South-East Catchment Water Management Board has twice voted in support of this decision regarding the holding levy. In its March meeting the board, by a majority vote, confirmed that it would not seek to have the $25 fee-in-lieu of water holding allocation levy option reinstated. This was reconfirmed at the April meeting of the board. I also received representations from the member for MacKillop and met with him to discuss this matter on 3 April 2003. Following this meeting I asked the department to consider alternatives for 2003-04, in particular the option of a differential levy.

I wrote to the member for MacKillop on 9 May 2003 advising him that I had confirmed my earlier decision to revoke the fee option on the basis that:

- it is important that the board's catchment water management plan is used as the basis for the levies for 2003-04. This will ensure the board receives the funding requirement to implement the plan.
- introducing a differential levy with a lower levy rate for water (holding) allocations will require either a significant increase in the levy on water (taking) allocations or a reduction in the quantum of levy funds collected.
- increasing the rate of the levy on water (taking) allocations will affect approximately 2 500 licensees This will impact across the whole region.
- legal advice suggests it would have been necessary to re-consult should I wish to reduce the quantum of levies collected in order to reduce the levy and water (holding) water allocations. There was no time for this if the plan was to be used for the basis of the levy.

I subsequently adopted the South-East Catchment Water Management Plan on 6 May 2003. It is unfortunate that the member for MacKillop has used my comments to the estimates committee earlier this week as the basis for his call for the resignation of the presiding member of the board. I have confidence in the board as a whole and particularly in its presiding member and the staff. However, the board has an internal issue to resolve. I am disappointed that some members of the board are seeking to undermine the excellent work that has been done to achieve a comprehensive, community-endorsed plan to manage water resources in the South-East.

It is every board member's right to dissent. Indeed, I will make this point: it is important that we have members on that board who have different points of view. We do not want a group of people who agree with the same point of view. It is important for every board member to express their view and it is okay for them to have different points of view. However, it is of concern that individuals choose to air their views publicly whenever those views are not supported by the majority of the board, or on occasions when those views are not supported by the majority of the board. However, it is disturbing that members would publicly express a lack of confidence in their board. I would say to members who hold these views that they should seriously consider their positions.

As a result of the efforts of the board and the department, we now have a very good understanding of the priority needs of the catchment. The levy, whether for a holding or a taking allocation, is not about water use: it is a means of raising funds to invest in catchment management.

Like much of South Australia, the South-East region has experienced a difficult period of adjustment in the management of its water resources in recent years. It now has in place a comprehensive catchment water management plan, developed and supported by the board.

The levy proposed by the plan, which includes a holding levy raised at the same rate as a taking levy, funds an achievable works program which will contribute significantly to the wise management of the water resources of the South-East.

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# GRIEVANCE DEBATE

## CRIPPLED CHILDREN'S ASSOCIATION

**Mr HAMILTON-SMITH (Waite):** I rise on the subject of the Crippled Children's Association and to bring to the house's attention a number of matters raised with me by constituents that I believe should be mentioned. I do so in the full acknowledgment of the outstanding work of the Crippled Children's Association. I commend the board, the management of the centre, the parents, and the supporters of the Crippled Children's Association, who do a marvellous job on behalf of those most in need, both by raising funds and also by administering services.

However, I have an obligation to raise some matters brought before me by constituents, and I do so. In particular, a petition has been given to me signed by over 200 people, urging:

> . . . the Crippled Children's Association to make an immediate name change to one that allows the clients the dignity they deserve and which better describes the vast range of their medical conditions. The word 'crippled' is offensive, undignified, and outdated.

I was to present this to parliament as a petition but, due to an inaccuracy in the way that the petition was assembled, I do so in the form of a grievance, and I will pass the petition on to the minister. It reflects the view of the signatories that the Crippled Children's Association should look at what they believe is a more appropriate name.

I have met with management of the Crippled Children's Association and discussed this issue with them. I point out to the house that management of the association has entered into a dialogue with its constituents and with its customers to investigate this matter in order to seek their advice, and the matter of the name of the Crippled Children's Association is under review, and an open process is going on.

However, my constituents have raised with me other issues that I seek to bring to the minister's attention. They have raised with me concerns about the way in which funds are raised on behalf of the Crippled Children's Association and whether the association is an efficient fundraiser. In particular, they have asked, if the Crippled Children's Association is the third highest recipient of government funding, why it is that it receives $9 million per year, when the Crippled Children's Association has, they claim, around $9 million worth of investments, with annual investment income over $1 million.

My constituents also drew to my attention an article in a periodical called *Action Packed*, volume 7, issue 3 in 2002, by Wendy Wakedyster, Director, Therapy Services at CCA, which indicated that CCA had made $2.8 million from the sale of some accommodation villas. They ask why that money is not being ploughed back into providing efficient and adequate services to clients, instead of spending $4.7 million on refurbishing the centre at Regency Park. These are views which have been expressed to me by constituents and which warrant further scrutiny by those with the full financial figures before them.

My constituents have stated the view that it appears to them that the CCA board is making decisions to diminish the number and types of services available to clients and that many anxious parents are wondering what other services will be affected in the future, given that adult services will cease to operate from the CCA at the end of June 2003. They have raised some other issues with me, and I undertook to bring them to this place. They centre on whether or not funds are being raised efficiently.

I think there are two sides to this story, both in terms of funding and in terms of the name of the CCA, and I will speak to the minister about this. I note that my constituents raised the issue on 891 ABC radio on 13 May, but I will enter into a dialogue with the minister and with the government. I will continue to talk with my constituents and to work constructively with the CCA to ensure that my constituents' concerns are addressed. I think that they raise questions that deserve answers, and I am sure that there are answers.

The CCA, its customers, parents and staff need to move forward in a constructive and cooperative way to ensure that the state has an effective and functioning Crippled Children's Association that is adequately funded and well representative of the needs of crippled children.

## INSURANCE, MEDICAL

**Mr RAU (Enfield):** Today, I rise to inform the house of a matter which again has its origins in my household, as do so many of my grieves. On this occasion, I have to report that my wife went to the Medibank Private office recently to attend to the payment of a bill, or the receipt of a payment, or whatever one does in these offices. She was confronted by a fairly officious individual at the counter who informed her that the insurance was overdue to be paid and that, as an indulgence, and on the undertaking that she would bring it into order very smartly, she would have her cheque attended to.

Mr Speaker, as you well know, these hothouse flowers, known as medical insurance companies, are established and given the right to extort money from the public by means of federal legislation. We all know that if anyone dare let their insurance lapse there are dreadful consequences, particularly if you happen to be over 30 years of age. This means that you cannot get insurance and, of course, there are all sorts of dreadful consequences which flow from that. So, these people are bullies and extortionists. However, I will move on.

My wife came to me this morning and said, 'We haven't paid our bill. It hasn't been paid, and we are out of insurance.' I am a methodical sort of person, and I checked our records. I have been paying quarterly for about 25 years, so I have a rough idea when the bills are due. The bills are paid at the beginning of each quarter, as one would expect them to be. The last bill, a copy of which I was able to find, indicated that I paid $462.80 on 21 March 2003 for a period stated on the invoice to be from 3 April 2003 until 2 July 2003, and that means, of course, that I have already paid insurance, which means, in turn, that it is current until 2 July 2003.

However, I found another piece of paper which arrived the other day and which demanded an additional amount of $173.70, stating that this was for a period from 23 June 2003 to 22 July 2003. They are demanding money twice for nine days. I have already paid for one quarter, and I have a receipt therefor. They are now trying to charge for this quarter again. Having made inquiries by telephone this morning, my wife was told that the rates had gone up, and that was why we were being charged more.

However, they are attempting to charge us (and, I presume, thousands of other Australians) retrospectively, when we have already paid their bill. If you have a contract, you are offered insurance, and you pay for a year, two years, or three years. It is all very well for them to increase the cost of your insurance when the period expires, but they cannot keep billing you retrospectively every time they up the rate. Otherwise, if there is an increase along the way, people who have taken annual car insurance would get a bill for the amount that they have not paid. It is absolutely ludicrous.

Some very deceptive advertising has been put into the marketplace by this outfit, Medibank Private, in the form of a little jingle, saying something like, 'I feel better now.' Well, I do not feel better now. I feel abused and ripped off. My suggestion to Medibank Private, and these other extortionists and mafia types, is that they should adopt an appropriate tune. I suggest perhaps the theme from *The Godfather*. I also suggest that, along with the theme from *The Godfather*, they should have Marlon Brando with his cheeks stuffed full of cotton wool as the advertisement instead of some benign, friendly-looking nurse. These people are robbers and, if they are robbing me, how many other people are they robbing? These people should have the decency to give back the money they have been stealing from others, and when they extort these ridiculous increases from people they should be content with getting them when the people next pay their bill, not trying to come back and have another chew on them for the money that they did not collect in the first place. This is a scandal—a disgrace—and the sooner it is dealt with, the better.

## MEDICAL SPECIALISTS

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** I wish to raise the situation involving medical specialists at Mount Gambier. The Minister for Health has destroyed specialist medical services at Mount Gambier by gross incompetence in the handling of medical contracts. Her objective throughout has been to cut surgery by up to 25 per cent in order to cut costs. The doctors defended the medical needs of their patients and refused to sign the contracts that meant their patients would have to go without appropriate medical treatment. The doctors were willing to sign existing contracts with additional coverage of higher medical indemnity costs. Last week, the minister tried to smear the doctors by claiming that they were greedy. She misrepresented the fact that the doctors have to pay for staff, medical indemnity and clinics in order to receive their payments.

I can now reveal how devious the government has been in these negotiations. In contract negotiations, the doctors were asked to reduce surgery by up to 25 per cent, which would have cut their payments accordingly. They are paid on

a fee-for-service basis. However, the negotiators offered to compensate for the doctors' payments with special allowances, on-call payments and other kickbacks so that the doctors would have minimal loss of salary but quietly agree to cut surgery dramatically. The government was willing to see sick people suffer. The doctors rejected the proposals, as it was against their social judgment and their medical ethics. I have had these facts confirmed through two independent sources. The doctors cannot speak out, as they are locked in by confidentiality agreements. Yesterday, the minister refused to release those doctors from those agreements.

The cost of this disastrous situation in Mount Gambier is now huge. The three general surgeons and two obstetricians will have stopped work at the hospital by the end of June. One of the four anaesthetists has left and another is on leave. The special physician has already left, and the medical director of the hospital has resigned and now lives interstate. I point out that 41 doctors have passed a vote of no confidence in the Minister for Health. Clearly, something is wrong. Despite the crisis, the minister has still refused to meet the medical specialists and try to resolve the situation. My concern is for the health care of the people of Mount Gambier.

## DOMESTIC VIOLENCE

**Ms THOMPSON (Reynell):** My remarks today concern some issues of domestic violence. Recently, the Prime Minister has been talking about changes that he might like to see to the Family Law Act to place greater emphasis on the role of fathers. In 1997 the Prime Minister talked with similar passion about his commitment to eliminating domestic violence. As a result of his passionate statements and no doubt his heart-felt message about the need to eliminate domestic violence, the Partnerships against Domestic Violence program was established, with $50 million available over five years. Some time down the track it is worth seeing what has happened to that money.

We can be helped in this by an article by Anne Summers in the *Sydney Morning Herald* of 26 May 2003, entitled 'Callous treatment for the victims of brutal acts', which states:

> What funds remain to fight domestic violence are not being spent where they are needed, writes Anne Summers. Last January the federal government pilfered $7.5 million from the Partnerships against Domestic Violence program and a further $2.5 million from the national initiative to combat sexual assault, all to help pay for the controversial and, many argued, superfluous anti-terrorist fridge magnet mail-out.
>
> The filching was spotted by the Labor frontbencher Nicola Roxon, who found the following gem buried in the Prime Minister and cabinet budget papers: 'Unspent funds relating to the women's programs are estimated to contribute $10.1 million to the National Security Public Information Campaign.' [Ms Roxon] described it as 'an absolute outrage' that this money was being diverted from providing 'protection and assistance to women and children who are the victims of domestic violence'.

And well she might. But there is more about the Prime Minister's commitment to domestic violence:

> In January, with five months of the budget year to go, it is judged that the money cannot be spent. This seems to be a recurring problem. Last year, the Partnerships against Domestic Violence. . . program was 'underspent' by $4.5 million.

The articles goes on to say that there have been some very useful initiatives in the area of indigenous family violence but that in the senate estimates on 11 February this year Rosemary Calder, then head of the Office of the Status of Women, advised that only $300 000 remained unspent of the $6 million allocated over four years to the indigenous family violence program. But the rest, says Anne Summers of the Partnerships against Domestic Violence program:

> . . . is looking pretty sick. In fact, there's not much activity. According to the. . . web site, there hasn't been a publication or a report since July 2001 and the last ministerial speech on the subject was in October 1999, by the long since departed Senator Jocelyn Newman.

In response to this, Senator Vanstone says that:

> . . . the full $50 million will be spent and 'this was reflected in the budget papers'. However, her women's budget statement says the government will provide only $5 million for [Partnerships against Domestic Violence] in the coming year and a mere $2.5 million in 2004-05. In other words, it will take two years of funding to replace the money pilfered from this year.

This is an absolute disgrace and most members present know that one of the reasons that there is disputation about the care of children following a marriage breakdown is domestic violence. Most members here know that many Family Court decisions do not give fathers access and are based on reports from psychiatrists which say that the anger exhibited by those men is such that it puts the children at risk. Many members here know that services to men for anger management and support have been identified by many of our local domestic violence services as being the most urgent need. What does the Prime Minister know about this subject?

Time expired.

## BAROSSA INFRASTRUCTURE LTD

**Mr VENNING (Schubert):** Many people have stated that they have been wronged by the current limitations put on irrigators but I bring to the attention of the house the grossly unfair way that the Barossa Infrastructure Ltd scheme (BIL) has been treated or is about to be treated. Besides the cutback in allocation which I will address later, the BIL has been badly mistreated in the allocation of water promised to run the scheme and upon which their financial basis is cemented. The BIL borrowed huge sums of money and invested heavily in water infrastructure throughout the Barossa Valley. This is a major private investment that has meant that the viticulture industry has continued to develop with greater flexibility to help feed the insatiable overseas appetite for our quality wine. Besides the borrowings, there were huge investments by growers in BIL. All of this was based on its receiving the 2 000 megalitres of water it was promised in 2000.

As this is an irrigation scheme, the only cash flow they have coming into the scheme is through the delivery of water to those who have joined the scheme. BIL was originally told that it was to be allocated 2 000 megalitres (2 gigalitres), with a final instalment due next Tuesday 1 July 2003, as their total scheme nears full utilisation. Other instalments were made as the scheme completed various stages. They have been allocated only 1 500 megalitres in total. This is gravely impacting on their ability to operate and plant, and therefore a valuable piece of private infrastructure is being put under huge financial pressure.

The water that BIL provides services many of these new developments across the Barossa Valley, the lifeblood of our wine industry. It is needed to keep young and growing vines alive. They were planted to keep our buoyant export drive progressing, as we cannot supply the world with enough of our quality wines that are produced in the region. In some

cases, these young vines would whither and die without the supplementary water they receive from the BIL scheme, something that the state and wine industry cannot afford.

Now, because the government is dragging its feet, the final allocation of the 500 megalitres has not been realised and, making the situation infinitely worse, their allocation is being cut back along with everyone else's, of course, with the water restrictions that are being imposed in the state.

BIL has built up the whole structure on receiving the amount of water they were promised, which was originally 2 000 megalitres. With the cutbacks and lack of allocation that now looks like being less than 1 000 megalitres, which is less than half of what the scheme was designed for and what the growers were expecting. I know that many will say that they will have to take their cut like everyone else, but when the cut amounts to over 50 per cent of what they had planned on it ends up being a bit rich. In fact, the banks will also be concerned, because they have backed the infrastructure costs.

I have a copy of a letter which was signed by the former deputy premier, who happens to be sitting in the chamber, and which states, in part:

> I have reviewed the Barossa Water Project proposal and, subject to my obtaining the additional allocation, your requirement for a five year lease of some 2 gigalitres of water annually could be accommodated, with the water expected to become available from 1 July 2003.

I also have a copy of a fax from Adelaide Bank to John Kerr of Capital Strategies, who was arranging the finance. It states:

> This facsimile confirms that the Bank will accept as stated in the letter from the. . . Deputy Premier as Minister for Primary Industries and Resources that this is a sufficient 'commitment' to qualify as a forward order when calculating BIL's leasing covenant.

So, there it is in black and white. The Minister for the River Murray (Hon. J.D. Hill) stated that we as a state needed to cut back by 20 per cent our use of the River Murray water, and we have no problem with that; I agree with that. In this case, they have lost over 50 per cent, so I plead with the minister: please, before you implement any water rationing, these people must get the full 2 000 megalitres of water; then implement the cut. I am asking for a true 20 per cent cut in BIL's case, because to talk of a 35 per cent increase is very severe. These people are using every drop that they have ordered, and to implement a true 20 per cent cut, as I know the minister is trying to do across the state, will mean that the BIL allocation would be exactly that: 20 per cent.

I can understand the anxiety and concern that exists out there, because many growers have put in thousands of dollars, which is private money, over five years. It is all in the bank, and for these things to happen is causing great concern, particularly because we had a drought last year and the plantings and the totals were down; we are also seeing an easing in prices. Sir, I know that you would understand, and I hope everyone else understands, the problem we have with BIL.

## TRADE AGREEMENT

**Mr CAICA (Colton):** An interesting battle is going on at the moment, and in this respect I refer to the economic war between the major economic groupings of the European bloc, the United States and the United Kingdom, and the Asian bloc, where China is emerging as a power. The economic and military clout of the US is being questioned, and its international response under the Bush neo-conservative administration has been to aggressively push for free trade under the mantle of globalism.

International opinion on the consequence of this is interesting. The Pew Global Attitudes Project, a survey of 38 000 people in 44 countries, which was followed up with detailed interviews of 16 000 people in 20 countries, has placed the US as the most unpopular country in the world, reflecting a large degree of disquiet. Free trade, as it is euphemistically called, was pointedly likened by one Japanese participant in an IMF conference to an alignment between the US government and corporations as 'US capitalism'.

The French government, in the aftermath of the Iraq war, has been a bit more savage in its criticism. France's defence minister has accused her US counterpart, Donald Rumsfeld, of 'supremacism' and US industry of following the logic of 'economic war'. Paul Kennedy, the Professor of History at Yale University and the author of *The Rise and Fall of Great Powers*, had some interesting things to say on the US government's attitude in a press article in the *Australian*. He said, in part:

> The President is pursuing policies such as increasing federal budget deficits and expanding the US territorial footprint into Asia.

He continued, referring to President Bush, as follows:

> He must listen to the millions in the global south on issues of poverty, the environment, migration, trade and US protectionism.

However, there seems to be no sign of abatement in the US position. Bob Zoellick, the US trade representative, sees the US free trade agreement, to quote Michael Costello in the *Australian*, as a 'global network. . . in which the US would be the hub and the other countries the spokes'.

*The Hon. P.F. Conlon interjecting:*

**Mr CAICA:** Did he say that to you, Patrick? Another exacerbating factor in this economic rivalry is the talk of the various regional economic groups, such as OPEC or the EU, adopting the Euro as the trading currency or the Asian bloc adopting an Asian currency instead of the US dollar. The US government is, no doubt, aware of this possible attack on its economic dominance.

At home, the Howard government has moved to more closely attach Australia's future to pax Americana as the guarantee of our security and economic strength. Big problems with this alignment concern our national identity and our international obligations as constrained by our alliance to a powerful friend and how this slants our domestic politics. The Free Trade Agreement, for example, throws up a worrying concern for the screen arts. Under this agreement, Australian or local content requirements will possibly disappear or will be pushed aside because of their inability to compete with cheaper imports. Australian culture will be even more defined by mainstream American mores. The reality of more expensive pharmaceutical products and easier access for American investors is another big concern.

There are important gains for the big players in the car industry and agriculture, but at the local level the General Agreement on Trade and Services (GATS) raises considerable problems for equity and service provisions. Free trade between unequal partners will come at a cost to us, and the cost in trade could be in China and Japan turning the ASEAN countries at Australia's expense.

It is also highly likely that Australia will be much more closely aligned to the US military and defence interests in the South-East Asian area. Although the Foreign Minister has denied it, US forces could be permanently based in Australia.

There are other worrying consequences. Through the aegis of trade and defence agreements, a supplicant Howard government, playing its international cards on freedom and tourism to an increasingly nervous constituency, could give little credence to address fair play to the refugee situation and union issues, although important public figures will be accorded justice. Compare the treatment of David Hicks and Mamdouh Habib, for example, to Bishop Hollingworth. Have the former two citizens been granted any sense of justice? What about the fate of the barley and grain exports and other Australian exports? In conclusion, the risk of such an alliance for Australia under the stewardship of the Howard government is of our becoming a vassal state.

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## STATUTES AMENDMENT (RENAISSANCE TOWER—GAMING AND LIQUOR LICENCES) BILL

Received from the Legislative Council and read a first time.

## NATIONAL WINE CENTRE (RESTRUCTURING AND LEASING ARRANGEMENTS)(UNIVERSITY OF ADELAIDE) AMENDMENT BILL

**The Hon. K.O. FOLEY (Deputy Premier)** obtained leave and introduced a bill for an act to amend the National Wine Centre (Restructuring and Leasing Arrangements) Act 2002. Read a first time.

**The Hon. K.O. FOLEY:** I move:

That this bill be now read a second time.

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

Leave granted.

In response to projected ongoing operational losses for the National Wine Centre, the State Government brokef18
red an arrangement with the wine industry during 2002 that aimed to provide a viable future for the Centre and remove the need for ongoing subsidies. Under the arrangement, the Winemakers' Federation of Australia (the Winemakers' Federation) was to lease the Centre from the Government for $1 a year and take responsibility for its management and operation.

The *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* was assented to in August 2002 to facilitate the transfer of the management and operations of the National Wine Centre to an entity controlled by the Winemakers' Federation but has yet to be proclaimed. Under the provisions of the *National Wine Centre Act 1997*, the Treasurer became the governing authority of the National Wine Centre and delegated his powers to a subsidiary of the Winemakers' Federation.

In late 2002, the Winemakers' Federation advised the Treasurer that the National Wine Centre could not be made to trade profitably on the agreed basis. At the request of the Winemakers' Federation, the Treasurer withdrew his delegation and appointed Ferrier Hodgson to take responsibility for the management and operation of the National Wine Centre, analyse and review those operations, and make recommendations on possible strategies and alternatives for the Centre.

In February 2003, the Government gave in-principle approval to a proposal from the University of Adelaide to use the National Wine Centre as a base for education and research in grape growing and wine-making as well as wine appreciation and marketing. Subject to finalisation of arrangements, the University is to pay the State Government $1 million to take over the Centre on a 40-year lease from 1 September 2003.

The University of Adelaide is committed to retaining the facility as the National Wine Centre. However, amendments are required to the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* to facilitate the operation of the National Wine Centre within the context of the University's activities and to effect the transfer of the National Wine Centre facilities to the University of Adelaide.

The Bill therefore provides for the University to use the Centre as a facility for tertiary education programs, and scientific or other research, relating to wine and other uses as appropriate to the functions of the University of Adelaide, as declared by the Minister. The Bill also provides for a lease term of 40 years rather than 25 years.

I commend the Bill to the House.

Explanation of Clauses

*Part 1—Preliminary*

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Amendment provisions*

These clauses are formal.

*Part 2—Amendment of National Wine Centre (Restructuring and Leasing Arrangements) Act 2002*

*Clause 4: Amendment of section 5—Continuation of dedication of Centre land*

Section 5(1)*(a)* of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* (the principal Act) sets out the purposes for which Centre land is dedicated under the *Crown Lands Act 1929*.

This clause proposes 2 amendments to section 5. The first amendment proposes to insert an additional purpose for which Centre land is dedicated; that is, as a facility for tertiary education programs, and scientific or other research, relating to wine.

The second proposed amendment is to insert a new subsection (1a) that will provide that, despite the purposes for which Centre land is dedicated (as set out in subsection (1)), the Minister may declare that a part of Centre land is dedicated for purposes appropriate to the functions or purposes of the University of Adelaide.

*Clause 5: Amendment of section 6—Minister may lease Centre land*

The proposed amendment is to change the term for which a lease may be granted or renewed from 25 years to 40 years.

**Mr HAMILTON-SMITH** secured the adjournment of the debate.

## STAMP DUTIES (RENTAL AND MORTGAGE DUTY) AMENDMENT BILL

**The Hon. K.O. FOLEY (Acting Premier)** obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. Read a first time.

**The Hon. K.O. FOLEY:** I move:

That this bill be now read a second time.

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

Leave granted.

In the 2002-03 Budget, the rental duty base was broadened to include commercial hire purchase arrangements. The anticipated revenue gain from broadening the rental duty base has not been achieved because of a shift in financing transactions from commercial hire purchase to chattel mortgages which attract a lower duty rate of 35 cents per $100 on the sum secured compared to a 1.8 per cent rate on commercial hire purchase arrangements.

To address this tax-induced shift in financing arrangements from commercial hire purchase to chattel mortgages, rental and mortgage duty rates will be amended.

The stamp duty rate on commercial hire purchase and other equipment finance arrangements for terms of not less than 9 months will be cut from 1.8 per cent to 0.75 per cent. Standard rental arrangements will continue to be taxed at a rate of 1.8 per cent. At the same time, the rate of duty applying to mortgages except those solely relating to the purchase or construction of a home for owner occupation will increase from 35 cents per $100 to 45 cents per $100. Residential mortgages for owner occupation will continue to attract a rate of duty of 35 cents per $100.

The reduction in the rental duty rate for commercial hire purchase from 1.8 per cent to 0.75 per cent will bring South Australia into line with New South Wales, Victoria, the ACT and Western Australia

(proposed) where a stamp duty rate of 0.75 per cent applies to commercial hire purchase.

The base broadening combined with a rate reduction for commercial hire purchase is also consistent with industry representations for stamp duty reform in this area. The Australian Finance Conference and the Australian Equipment Lessors Association have lobbied for many years for the inclusion of commercial hire purchase in the rental duty base at a lower rate of duty than the standard rental duty rate.

The move to differential mortgage duty rates for home mortgages for owner occupation, on the one hand, which will continue to be taxed at a rate of 35 cents per $100 and all other mortgages where the rate of duty will increase to 45 cents per $100 will be combined with the introduction of a proportional rate structure above a sum secured threshold of $6 000.

At present, a two tier mortgage duty structure applies above a $4 000 threshold.

Interstate precedent already exists for a dual mortgage duty rate structure. Western Australia has for some years applied a lower mortgage duty rate to home mortgages for owner occupation.

The net full year revenue impact of the original rental duty measure that was introduced in the 2002-03 Budget was $7.5 million compared to a net revenue impact of $4.5 million from the amended rental and mortgage duty measures to be introduced in the 2003-04 Budget, resulting in a full year revenue loss of $3.0 million.

These changes in duty arrangements will apply from 1 October 2003.

I commend the bill to the house.

Explanation of Clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides that the measure will come into operation on 1 October 2003.

*Clause 3: Amendment provisions*

This clause is formal.

*Clause 4: Amendment of section 31B—Interpretation*

Clause 4 inserts a number of new definitions into section 31B of the *Stamp Duties Act 1923*. The new definition of 'dutiable rental business' describes the forms of rental business that are dutiable under the rental duty provisions of the Act. 'Equipment financing arrangement' is defined as a hire purchase agreement or a contractual bailment (already defined in section 31B) for a term of not less than nine months under which the final payment is not required to be made earlier than eight months after the agreement is entered into. The definition of 'registered person' is removed and replaced by a definition of 'registered', which means registered under section 31E.

*Clause 5: Substitution of sections 31C and 31D*

The existing sections 31C and 31D are deleted and replaced with two new sections.

*31C.Jurisdictional nexus*

The rental duty provisions apply to a contractual bailment if the goods are, or are to be, used solely or predominantly in South Australia or the goods are to be delivered to the bailee in South Australia *and* are to be used outside Australia or are not to be used solely in any one Australian State and it is not possible to determine which State is to be the jurisdiction of predominant use.

If a motor vehicle is taken on hire under an equipment financing arrangement, the State in which the vehicle is registered will be taken to be the jurisdiction of predominant use.

*31D.Obligation to be registered*

Under section 31D, a person who carries on rental business consisting of or involving dutiable rental business must be registered irrespective of where the dutiable rental business is transacted and whether or not the person is resident, or has a place of business within, the State. The maximum penalty for failure to register is a fine of $10 000.

*Clause 6: Substitution of section 31F*

*31F.Lodgement of statement and payment of duty*

The existing section 31F is replaced by a new section that requires a person who is, or ought to be, registered to lodge a statement with the Commissioner each month. The statement must set out the total amount received during the previous month in respect of dutiable rental business. The statement must also set out the amount representing the component referable to equipment financing and the amount representing the component referable to other rental business. The person is required to pay duty equivalent to .75 per cent of the equipment financing component and, if the general rental business component exceeds $6 000, 1.8 per cent of the excess. (A distinction is made between equipment financing arrangements entered into before 1 October 2003 and those entered into on or after that date. A person is required to pay duty equivalent to 1.8 per cent of the component referable to an equipment financing arrangement entered into before 1 October 2003.)

The amount to be disclosed by the person in the statement required under section 31F(1) is to include amounts received for services incidental or related to the business but is not to include amounts received to reimburse, offset or defray liability to GST. An exception applies if an equipment financing arrangement provides that the financier is to be responsible for servicing the goods. In these circumstances, the cost of servicing, if separately charged, need not be disclosed and is not liable to duty. If the cost of servicing is not separately charged, a proportion of the consideration received by the financier that the Commissioner considers properly referable to servicing the goods need not be disclosed and is not liable to duty.

A person may apply in the approved form for permission to lodge statements and pay duty on an annual basis. The Commissioner may permit this if satisfied that the total amount on which duty is to be calculated for the ensuing 12 months is likely to be less than $120 000.

*Clause 7: Amendment of section 31I—Matter not to be included in statement*

This clause amends section 31I by replacing paragraph *(c)* with a new paragraph that is substantially the same in effect as the existing paragraph but is clearer and replaces the reference to 'not less than 1.8 per cent' with 'not less than would be applicable under this Act'. This amendment is necessary because there are now two different rates of duty payable under the Act in respect of rental duty.

Paragraph *(h)* of subsection 31I is no longer required because of the insertion of the new jurisdictional nexus provision (section 31C) and is therefore removed. The amendments to subsections (1a), (1b) and (1c) are consequential on other changes made to the Act.

*Clause 8: Insertion of section 31M*

*31M. Ascertainment and disclosure of place of use of goods*

A person who carries on a rental business may rely on a statement of a person who hires goods as to where the goods will be solely or predominantly used (or, in the case of a motor vehicle, where the vehicle will be registered) unless the person knows the statement to be false.

If the Commissioner finds that insufficient duty has been paid, the failure to pay the correct amount of duty is not a tax default under the *Taxation Administration Act 1996* if the failure results from reliance on information on which the person liable for the duty is entitled to rely so long as the correct amount of duty is paid within 3 months after the issue of a notice of assessment of the duty by the Commissioner.

A person who falsely represents that the goods the person takes, or proposes to take, on hire will be used solely or predominantly outside South Australia is guilty of an offence. The maximum penalty for this offence is a fine of $10 000.

*Clause 9: Repeal of section 31N*

The proposed repeal of section 31N results from the introduction of new sections 31C and 31D, under which a person who carries on rental business consisting of dutiable rental business (that is, rental business to which the Division applies) must be registered. Section 31N, which allows the Commissioner to enter into an arrangement with a person who carries on rental business in the State but is not required to be registered, is redundant because all persons who carry on dutiable rental business in the State are now required to be registered.

*Clause 10: Amendment of section 76—Interpretation*

This clause inserts two new definitions. Sections 76 falls within the part of the Act dealing with mortgages. 'Home' is defined to mean any residential premises. A mortgage is a 'home mortgage' if the mortgagor is a natural person and the whole of the amount secured by the mortgage has been, is being or is to be used for one of the three purposes described in the definition.

These purposes are:

1. The purchase of land on which a home that the mortgagor intends to occupy as his or her sole or principal place of residence has been, or is to be, built.
2. Building, or making additions or improvements to, a home that the mortgagor occupies or intends to occupy as his or her sole or principal place of residence.
3. Repayment of a loan previously taken out for one or more of the above purposes.

However, if the amount secured by the mortgage is to be used for some other purpose, the mortgage is not a home mortgage.

This clause also amends the definition of 'mortgage' by inserting two notes that clarify the meaning of the definition. In particular, it is now made clear that 'mortgage' includes an agreement that gives rise to a presumptive mortgage under section 10(3) of the *Consumer Credit (South Australia) Code*.

*Clause 11: Amendment of section 79—Mortgage securing future and contingent liabilities*

The amendment proposed to be made by this clause to section 79 is consequential on the introduction of a dual rate of mortgage duty.

*Clause 12—Amendment of section 81A—Duty may be denoted in certain cases by adhesive stamps*

This clause amends section 81A of the Act by substituting '$6 000' for the current reference to '$4 000'. This amendment is consequential on the amendment made to Schedule 2 by clause 13.

*Clause 13: Amendment of Schedule 2*

The relevant item of Schedule 2 is amended as a consequence of the introduction of new rates of duty.

*Schedule—Transitional provision*

The transitional provision clarifies the operation of the amendments made by this Act to contracts, agreements or arrangements entered into before 1 October 2003 (the day on which the Act will come into operation).

An amount received under or in respect of a contract, agreement or arrangement entered into before 1 October 2003 is required to be included in a statement to be lodged under section 31F of the *Stamp Duties Act 1923* only if it was required to be brought into account for the calculation of rental duty under the relevant provisions of that Act as in force immediately before 1 October 2003.

**The Hon. R.G. KERIN** secured the adjournment of the debate.

## STATUTES AMENDMENT AND REPEAL (STARR-BOWKETT SOCIETIES) BILL

**The Hon. M.J. ATKINSON (Minister for Consumer Affairs)** obtained leave and introduced a bill for an act to amend the Fair Trading Act 1987 and to repeal the Starr-Bowkett Societies Act 1975. Read a first time.

**The Hon. M.J. ATKINSON:** I move:

That this bill be now read a second time.

The purpose of the bill is to repeal the Starr-Bowkett Societies Act 1975 and to amend the Fair Trading Act 1987. The bill was introduced by the previous government, but had not passed both houses before it lapsed as a result of the general elections being called. The Starr-Bowkett Society is a type of building society that causes or permits applicants for loans to ballot for precedents or in any way makes the granting of a loan dependent on any chance or lot. The Starr-Bowkett Societies Act 1975 currently prohibits this activity, except in relation to a Starr-Bowkett Society that was registered under the previous act.

The act also prohibits trading or carrying on business as a society unless the person or body is registered under the act. After the deregistration of the last Starr-Bowkett Society, no further regulation is necessary except in respect of any possible offences and to prohibit trading or carrying on business as a Starr-Bowkett Society. For this reason it is proposed to repeal the Starr-Bowkett Societies Act 1975 and amend the Fair Trading Act 1987. The amendment to the Fair Trading Act will prohibit anyone trading or carrying on business as a Starr-Bowkett Society in South Australia, including balloting for loans. The maximum penalty for contravention of the prohibition is $5 000. I seek leave have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

*Clause 1: Short title*

*Clause 2: Amendment provisions*

These clauses are formal.

Part 2—Amendment of Fair Trading Act 1987

*Clause 3: Insertion of Part 8A*

This clause inserts a new Part in the *Fair Trading Act 1987* that relates to Starr-Bowkett Societies and the activity of balloting for loans. The new provisions prohibit the trading or the carrying on of a business as a Starr-Bowkett society or using the name 'Starr-Bowkett' (that is, a person or body that causes loan applicants to ballot for a loan, or makes the granting of a loan dependent on chance). There is an exception for an interstate Starr-Bowkett society, which may continue to do business with a member in South Australia if the member joined the society before moving to live in this State.

Part 3—Repeal of Starr-Bowkett Societies Act 1975

*Clause 4: Repeal of Starr-Bowkett Societies Act 1975*

This clause repeals the *Starr-Bowkett Societies Act 1975*.

**The Hon. R.G. KERIN** secured the adjournment of the debate.

## ADMINISTRATION AND PROBATE (ADMINISTRATION GUARANTEES) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to amend the Administration and Probate Act 1919. Read a first time.

**The Hon. M.J. ATKINSON:** I move:

That this bill be now read a second time.

The Bill amends the Administration and Probate Act 1919 to remove the requirement for administrators of vulnerable estates to provide administration bonds. This will be replaced with surety guarantees and a discretion in the court to appoint joint administrators, including perhaps a professional person such as an accountant or lawyer. I seek leave to have the remainder of the second reading explanation and the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

At present, the *Administration and Probate Act, 1919* provides that a natural person who is seeking to administer an estate vulnerable to maladministration must enter into an administration bond with the Public Trustee. An administration bond is required if the estate is considered vulnerable to maladministration because the natural-person administrator resides outside South Australia, or is a creditor of the estate, or because one of the beneficiaries lacks legal capacity.

An administration bond is an agreement between the Public Trustee and the administrator and his or her sureties. The administrator and his or her sureties, under the agreement, promise to pay to the Public Trustee the full value of the South Australian estate if the administrator fails in his or her duty.

If the administrator does fail in his or her duty, an interested party may apply to the Court to have the bond assigned from the Public Trustee to him or her. The interested party takes the place of the Public Trustee under the administration bond. The interested party may then sue on the bond to recover the value of the South Australian estate from the administrator and his or her sureties. The interested party then holds the money on trust for everyone entitled to share in the estate.

In recent years there has been a trend away from administration bonds in other jurisdictions. Victoria has abolished administration bonds, instead giving the Court a general power to require surety guarantees in any case it deems appropriate. The Western Australian law is similar. In New South Wales, both a bond and sureties are generally required in all administrations, but the Court may on application dispense with this or reduce the amount. In Queensland, administrators are in the same position as executors: neither a bond nor a surety is required.

The trend is therefore away from the somewhat fictitious exercise of assigning the bond so that the beneficiary can sue, and toward using the more direct protection of a surety guarantee. That is what this bill proposes to do. It removes the requirement for a bond with the Public Trustee and requires instead a surety guarantee. This is an

undertaking by a third party, for example an insurance company, that it will meet a person's liability should he or she fail in his or her duties as an administrator. The undertaking is only between the administrator and the person giving the surety, whereas administration bonds also include the Public Trustee as a party.

It has proven difficult, however, in recent times, for administrators to find sureties willing to guarantee the estate. The usual practice has been to arrange for an insurance company to act as surety at commercial rates. However, owing to changes in the insurance market, there is now no insurer trading in South Australia that is willing to act as surety for administration bonds. Sureties will only be available from private persons or entities willing to risk their own funds. Understandably, these are difficult to find.

The bill therefore also provides that the Court can dispense with the requirement for a surety guarantee and, if needed, appoint joint administrators as an alternative safeguard against maladministration of the estate. The Court might, for example, appoint two family members to administer the estate together, or it might appoint a family member together with a professional person such as a lawyer or accountant.

The joint administration provides a practical solution to the problem of administrators being unable to find a third party willing to act as a surety. Retaining the requirement for surety guarantees in the first instance maintains protection for estates vulnerable to maladministration, as potential administrators will need to satisfy the Court that it should exercise its discretion and dispense with the surety guarantee and, if needed, appoint additional administrators.

This bill therefore strikes a balance. It solves the practical problems of administration bonds and yet retains the protection for vulnerable estates against maladministration.

I commend the bill to honourable members.

Explanation of Clauses

*Part 1—Preliminary*

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Amendment provisions*

These clauses are formal.

*Part 2—Amendment of Administration and Probate Act 1919*

*Clause 4: Substitution of section 18*

*18. Administration guarantees may be required before administration sealed*

Sections 18 and 31 of the *Administration and Probate Act* currently provide for administrators to enter into bonds with the Public Trustee for the proper performance of their duties in the administration of estates. Section 18 deals with bonds in relation to the sealing by the Supreme Court of administration granted by a non-South Australian court. Section 31 deals with bonds in relation to administration granted by the Supreme Court. Proposed new sections 18 and 31 similarly relate to the situations of the sealing of a foreign grant of administration and the local grant of administration, respectively. The new provisions contain matching requirements for a surety to guarantee any loss that a person interested in the South Australian estate of the deceased may suffer in consequence of a breach of the administrator's duties in administering the South Australian estate. Such a guarantee will be required where the administrator is not resident in South Australia or has a claim against or interest in the deceased's estate or where a beneficiary is not legally competent or where the court decides that the circumstances are such that a guarantee is required.

The requirement for a guarantee does not apply to the Public Trustee or any Crown agency or trustee company.

The Court is empowered to dispense with the requirement for a guarantee or to order that the guarantee may be with respect to a sum less than the full value of the South Australian estate.

*Clause 5: Insertion of section 23*

*23. Power to appoint joint administrators*

Proposed new section 23 is intended to make it clear on the face of the Act that the Supreme Court may grant administration to more than one person. The inclusion of this provision is in the context of proposed new section 31 which contemplates that the grant of administration to more than one administrator might constitute a basis for the Court to dispense with the requirement for a surety.

*Clause 6: Substitution of sections 31 to 33*

*31. Administration guarantees*

*See* the explanation above relating to clause 4.

*Clause 7: Amendment of section 46—Land to vest in executor or administrator of owner*

This clause amends section 46 so that it is clear that where there is more than one executor or administrator, land passing in the deceased's estate will vest in the executors or administrators jointly.

*Clause 8: Repeal of section 57*

The repeal of section 57 is consequential on the change from the requirement for administration bonds to the requirement for a surety described above in the explanation relating to clause 4.

*Clause 9: Amendment of section 58—Proceedings to compel account*

The amendment proposed to this section is consequential on the change from administration bonds to sureties.

*Clause 10: Substitution of section 66*

This section is reworded so that it reflects the change from administration bonds to sureties.

*Clause 11: Amendment of section 67—Judge may dispense wholly or partly with compliance with section 65*

Subsection (5) is also reworded to reflect the change from administration bonds to sureties.

*Clause 12: Transitional provision*

A transitional provision is included to continue the operation of the previous provisions of the principal Act in relation to an administration bond held by the Public Trustee immediately before the commencement of the measure.

**The Hon. R.G. KERIN** secured the adjournment of the debate.

## SUMMARY PROCEDURE (CLASSIFICATION OF OFFENCES) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to amend the Summary Procedure Act 1921. Read a first time.

**The Hon. M.J. ATKINSON:** I move:

That this bill be now read a second time.

The Criminal Law Consolidation (Offences of Dishonesty) Act 2002 amends the Criminal Law Consolidation Act 1935 by reforming and consolidating offences of dishonesty. It has been proclaimed to come into operation on 5 July this year. The Offences of Dishonesty Act re-enacts the offence of robbery. Robbery will become an offence against new division 3 of part 5 of the Criminal Law Consolidation Act. Schedule 3 of the Offences of Dishonesty Act contains a number of consequential amendments to other acts, including amendments to the Summary Procedure Act 1921. The object of those amendments is to preserve the categories of summary, minor indictable and major indictable offences as they relate to the new offences of dishonesty, including robbery.

Alas, owing to a drafting error in the Offences of Dishonesty Act, those categories were changed when that change was not intended, so the bill restores what was the intention. The shadow attorney-general has indicated that the opposition will support the urgent passage of the bill through both this house and the other place. I thank opposition members for their support and seek the support of Independent members for the second reading of the bill. I seek leave to insert the remainder of the second reading explanation and the explanation of clauses in *Hansard* without my reading them.

Leave granted.

The offence of robbery carries a maximum penalty of 15 years imprisonment. The offence of aggravated robbery, where an offender uses force, or threatens to use force, in order to commit the theft or escape from the scene of the offence, or commits the robbery in company, carries a maximum penalty of life imprisonment.

These are serious offences and it was the Government's intention that all robbery offences would be classified as major indictable offences.

Section 5 of the *Summary Procedure Act* classifies various offences as summary, or minor or major indictable offences. Some offences are so defined by being listed in various schedules to the *Summary Procedure Act.* Schedule 3 and Schedule 4 offences are

defined in section 4 of that Act to mean certain specified offences, including a number of the old larceny offences.

Subsection 5(2)(*c*) of the *Summary Procedure Act* classifies, as a summary offence, a schedule 3 offence involving $2 500 or less, not being an offence of violence, or an offence that is one of a series of offences of the same or a similar character involving more than $2 500.

Subsection 5(3)(*a*)(iii) of the *Summary Procedure Act* classifies, as a minor indictable offence, a number of offences including schedule 3 and schedule 4 offences involving $30 000 or less, not involving violence.

Schedule 3 and 4 of the *Summary Procedure A*ct are repealed by Schedule 3 of the *Offences of Dishonesty Act*. The reference to Schedule 3 and 4 offences in subsections 5(2)*(c)* and 5(3)*(a)*(iii) of the *Summary Procedure Act* have been replaced with references to offences against Part 5 of the *Criminal Law Consolidation Act*.

No monetary threshold is specified for the offence of robbery as defined in the *Criminal Law Consolidation Act*. This means that offences of robbery which involve amounts of less than $2 500, or between $2 500 and $30 000, and which are not offences of violence as defined in section 4 of the *Summary Procedure* Act, may be classified, respectively, as summary or minor indictable offences.

Amendments to section 5 of the *Summary Procedure Act* are necessary to ensure that all robbery offences are classified as major indictable offences. As the *Offences of Dishonesty Act* has been proclaimed to come into operation on 5 July 2003, it is necessary that these amendments be passed by Parliament, and come into operation, as soon as possible.

The Shadow Attorney-General has indicated the Opposition will support the urgent passage of this Bill through both this House and the other place. I thank the Opposition for their support and seek the support of the independent members for the second reading of this Bill.

I commend the Bill to the House.

Explanation of Clauses

*Part 1—Preliminary*

*Clause 1: Short title*

*Clause 2: Amendment provisions*

These clauses are formal.

*Part 2—Amendment of Summary Procedure Act 1921*

*Clause 3: Amendment of section 5—Classification of offences*

This clause amends section 5 of the *Summary Procedure Act 1921* (the principal Act) by excluding robbery from classification as a summary or minor indictable offence. Robbery is only to be classified as a major indictable offence.

**The Hon. D.C. KOTZ** secured the adjournment of the debate.

## STATUTES AMENDMENT (ANTI-FORTIFICATION) BILL

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to amend the Development Act 1993 and the Summary Offences Act 1953. Read a first time.

**The Hon. M.J. ATKINSON:** I move:

That this bill be now read a second time.

The bill before us was tabled in the house in December last year and allowed to lie on the table over the summer break to give the Local Government Association, local councils and other interested parties an opportunity to look carefully at it. We have redrafted the bill to take account of comments that were received on this draft. However, the bill is much the same as the previous bill, which carries out the Labor Party's commitment to try to prevent the construction of outlaw motorcycle gang headquarters in South Australia and also to allow police to demolish the existing fortifications when they are excessive. I think that the opposition supports the principle of the bill and I wanted to give that explanation so that members of the opposition will understand when I seek leave to insert the remainder of the second reading explanation and the explanation of the clauses in *Hansard* without my reading them.

Leave granted.

When criminal organisations, such as those commonly referred to as 'outlaw motorcycle gangs', fortify premises, this poses a serious problem for law enforcement agencies and is an unwanted intrusion by these organisations into our communities.

If police officers cannot enter premises swiftly to execute warrants, for example, the criminals who occupy these fortresses are given an opportunity to conceal or destroy evidence of their criminal behaviour.

Members would be aware of the establishment of heavily fortified clubrooms by a number of these motorcycle gangs in residential areas. There have been violent attacks on these premises, involving firearms and explosives. In the worst of these incidents, people were killed as a result of a confrontation near one gang's headquarters in the city.

This Government believes firmly that law-abiding people should not be forced to share with violent criminals the streets in which they live. Our suburbs and towns should be havens for families, not for organised criminal gangs.

On 4 December last year the Government tabled a draft of the *Statutes Amendment (Anti-fortification) Bill* for public comment.

As members will recall, this Bill amended the *Development Act 1993* and the *Summary Offences Act 1953* to give effect to an election commitment of the Government to enact laws to prevent motorcycle gangs from turning their clubrooms into suburban fortresses and, where such fortresses have been constructed, laws to empower the police to demolish fortifications preventing their access.

The Government took the unusual step of tabling a draft of the Bill to ensure stakeholders, in particular local government, had an opportunity to examine the Bill and provide comments. Consultation has occurred and, as a result, a number of amendments have been made to the Bill.

Development Act amendments

Part 2 of the Bill amends the *Development Act 1993.*

Clause 4 amends section 4 of the Act to insert a definition of 'fortification', being the definition to be inserted into the *Summary Offences Act 1953* by the amendments contained in Part 3 of the Bill.

Further amendments to section 4 then incorporate the creation of fortifications into the definition of 'development'.

The effect of this will be that the construction of fortifications, as defined, will become a category of development within the meaning of the *Development Act 1993* and thus require development approval.

As the Government made clear when the draft Bill was tabled, these new laws are not intended to prevent or frustrate law abiding members of the public from taking reasonable steps to secure their homes, community or business premises. The definition of fortification has been drafted so as to include only those structures or devices that are either designed or intended to prevent or impede police access to premises or which actually do so and are excessive in the circumstances. The installation, for genuine security reasons, of common domestic or business security measures, such as standard security locks, doors, window screens, bars or alarm systems, will not be caught by these new provisions.

Clause 7 inserts a new section 37A into the Act.

Subsection 37A(1) provides that where a relevant authority (a council in most cases) has reason to believe that a proposed development *may* involve the creation of fortifications as defined, the authority must refer the application to the Commissioner of Police. Under subsection (2), the Commissioner must determine whether the proposed development creates fortifications as defined. The Commissioner is authorised, under subsection (3), to seek further information, such as technical specifications from applicants to assist him to make this determination.

Under subsection (5), having made a determination that a proposed development is fortification, the Commissioner must direct the relevant authority either to:

- refuse the application, if the proposed development consists only of fortifications; or
- in any other case, impose conditions on the proposed development that prohibit creation of the fortifications.

An applicant will have a right of appeal to the Environment, Resources and Development Court against a direction of the Commissioner. Subsection 37A(7) provides that the Commissioner, not the relevant authority, is the respondent to any appeal, but the relevant authority may be joined as a party with leave of the Court.

This provides a safeguard to ensure the Commissioner exercises his power of direction appropriately and that undue or inappropriate pressure cannot be brought against council officers.

Summary Offences Act amendments

Part 3 of the Bill amends the *Summary Offences Act 1953* to insert a new Part 16.

The provisions contained in Part 16 will authorise the Police Commissioner to apply to the Magistrates Court for an order, a 'fortification removal order', which is directed at the occupier or occupiers of fortified premises, requiring the removal or modification of the fortifications. If the order is not complied with, the Commissioner is given the power to have the fortifications removed or modified, and to recover the costs of doing so from the person or persons who caused the fortifications to be constructed.

The provisions allow for the owner or occupiers of the fortified premises to object to and ultimately appeal the issue of the fortification removal order.

Proposed section 74BB lays down the procedure to be followed by the Commissioner when seeking a fortification removal order, and specifies the grounds on which an order may be issued.

Under sub-section one, the Commissioner may apply to the Magistrates Court for the issuing of a fortification removal order. This application may be made, and heard, *ex parte*.

The Court may issue a fortification removal order only where it is satisfied that the premises named in the application are 'fortified' as defined, and either, the fortifications have been constructed or erected in contravention of the *Development Act 1993* or there are reasonable grounds to believe the premises are being, have been, or are to be used for or in connection with the commission of, to conceal or to protect the proceeds of, a serious criminal offence.

'Serious criminal offence' is defined, in proposed section 74BA, to mean an indictable offence or an offence prescribed by regulation.

The grounds on which the Commissioner seeks a fortification removal order must be verified by affidavit. To ensure continuing criminal investigations or the safety of police operatives or informants is not compromised, the Court may, having regard to public interest immunity, declare information relevant to the application to be confidential, thereby prohibiting its disclosure.

Under proposed section 74BC, a fortification removal order must contain detailed information including:

- the grounds on which the order was issued;
- a statement directing the occupiers of the premises to remove or modify the fortifications within the specified time (which must be no less than 14 days);
- a statement clearly explaining that unless the fortifications are removed or modified as ordered by the Court, the Commissioner is authorised to have the fortifications removed or modified, and may recover the costs of doing so from any person who caused the fortifications to be constructed;
- a person's right to object to the issuing of the notice.

A copy of the affidavit verifying the grounds on which the order is sought must be attached to the order unless the affidavit contains information declared by the Court to be confidential.

Under proposed section 74BD, the order must be served personally or by registered post on the occupiers and the owners of the premises. If formal service is not possible, it shall be sufficient for the Commissioner to cause a copy of the order to be affixed to the premises at a prominent place, at or near the entrance.

Proposed sections 74BE and 74BF provide the occupiers or owners of the premises with the right to object to the order by filing a detailed notice of objection with the Magistrates Court. On the hearing of a notice of objection, the Court must review the evidence presented by the Commissioner and the person objecting and determine whether, on this evidence, the grounds for making an order, being those set out in proposed section 74BB, are satisfied. The Court is authorised to confirm, vary or withdraw the order.

In addition, under proposed section 74BG, both the Commissioner and the objector have a right to appeal the decision of the Magistrates Court on a notice of objection to the Supreme Court. An appeal lies as of right on a question of law and with permission of the Court on a question of fact.

Once issued by the Court, the Commissioner may determine not to enforce a removal order, but must, under proposed section 74BH, lodge a notice of withdrawal with the court and serve a copy of the notice on all persons served with a copy of the removal order.

Proposed section 74BI provides for the enforcement of a fortification removal order. If the order has not been complied with, and all objection and appeal rights have been exhausted, the Commissioner may cause the fortifications to be removed or modified to the extent required by the order. In doing so, the Commissioner, or any police officer authorised by the Commissioner, may enter the subject premises without warrant and use any assistance or equipment necessary. To defray the costs associated with enforcing an order, the Commissioner may seize and dispose of anything that can be salvaged in the course of removing or modifying the fortifications, the proceeds of which are forfeited to the State.

The Commissioner may recover any additional costs as a debt from the person who caused the fortifications to be constructed. In the event that the owner of the fortified premises is an innocent party, in that he or she is not responsible for the construction of the fortifications, the owner may, under proposed section 74BK, recover the reasonable costs associated with repair or replacement of property damaged, owing to the fortifications or the enforcement of an removal order, from any person who caused the fortifications to be constructed.

Under proposed section 74BJ, any person who obstructs, interferes with or delays the removal or modification of fortifications, by either the owner or the Commissioner, is guilty of an offence and liable to imprisonment for six months or a $2 500 fine.

Schedule

In addition to the substantive amendments to the Development and Summary Offences Acts, the Schedule to the Bill further amends the *Summary Offences Act 1953* by dividing the Act into separate parts, replacing outmoded language and removing obsolete provisions.

Conclusion

The absence of laws either preventing the construction of, or authorising the removal of, excessive fortifications has allowed criminal gangs to construct fortresses in our suburbs and towns. This is something this Government will not tolerate.

These anti-fortification laws, once enacted, will be amongst the toughest in Australia. Criminals will no longer be able to conceal their illegal activities inside urban fortresses, safe in the knowledge that police and other law enforcement agencies are unable to enter.

The Police Commissioner will be able to prevent the construction of these urban fortresses. If constructed, he will be able to have the fortifications removed or modified.

Although these powers are extensive, they will be subject to appropriate review and approval processes. These processes will ensure the powers will be used appropriately and will not adversely affect ordinary members of the public.

Labor went to the last election with a promise that, if elected, it would enact tough new laws to empower police to deal appropriately with organised crime. The *Statutes Amendment (Anti-Fortification) Bill* delivers on this promise.

I commend the bill to the house.

Explanation of Clauses

PART 1

PRELIMINARY

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

*Clause 3: Interpretation*

This clause is formal.

PART 2

AMENDMENT OF DEVELOPMENT ACT 1993

*Clause 4: Amendment of section 4—Definitions*

This clause amends the definition section of the *Development Act 1993* by inserting a new term, 'fortification', which is defined by reference to the meaning of 'fortification' in Part 16 of the *Summary Offences Act 1953* (as inserted by clause 8).

The definition of 'development' is also amended by the insertion of 'the creation of fortifications' as an additional class of development.

*Clause 5: Amendment of section 35—Special provisions relating to assessments against a Development Plan*

The amendment made to section 35 by this clause establishes that a proposed development referred to the Commissioner of Police under section 37A on the basis that it may involve the creation of fortifications, will not be taken to be a *complying* development under the regulations and therefore will not be subject to the operation of subsection (1), by virtue of which a complying development must be granted a provisional development plan consent.

*Clause 6: Amendment of section 37—Consultation with other authorities or agencies*

This minor amendment to section 37 clarifies the meaning of subsection (1).

*Clause 7: Insertion of section 37A*

Section 37A applies in relation to proposed developments involving the creation of fortifications. If a relevant authority has reason to believe that a proposed development may involve the creation of fortifications, the authority must refer the development application to the Commissioner of Police.

The Commissioner is required to assess the application to determine whether or not the proposed development involves the creation of fortifications. The Commissioner must advise the relevant planning authority of the determination as soon as possible.

The Commissioner may request further information from the applicant before assessing the application.

If the Commissioner's determination is that the proposed development involves the creation of fortifications, the relevant authority must either refuse the application (if the proposed development consists only of the creation of fortifications) or impose conditions prohibiting the creation of the fortifications. The Commissioner is the respondent to any appeal against a refusal or condition under subsection (5) but the relevant authority may, if the Court permits, be joined as a party to the appeal.

PART 3

AMENDMENT OF SUMMARY OFFENCES ACT 1953

*Clause 8: Insertion of Part*

Clause 8 inserts a new Part into the *Summary Offences Act 1953*. Part 16 deals with the regulation of fortifications and the powers of the Commissioner of Police in relation to certain types of fortifications.

PART 16

FORTIFICATIONS

*74BA. Definitions for Part 16*

Section 74BA inserts some new definitions necessary for the purposes of this measure. Some key terms include 'fortification', 'fortification removal order' and 'serious criminal offence'.

*74BB. Fortification removal order*

This section provides that the Magistrates Court may issue a fortification removal order if satisfied, on the application of the Commissioner, that the application relates to fortified premises, and that the fortifications have been created in contravention of the *Development Act 1993*. An order may also be issued in relation to fortified premises if there are reasonable grounds to believe the premises are being used (or have been or are likely to be used) for or in connection with the commission of a serious criminal offence, to conceal evidence of a serious criminal offence or to keep the proceeds of a serious criminal offence.

An order under this section may be issued on an *ex parte* application and is directed to the occupier of the premises. If there is more than one occupier, the order is directed to any one or more of the occupiers of the premises. The order requires the named occupier or occupiers to remove or modify the fortifications.

The Commissioner must verify the grounds for the application in an affidavit and may identify certain information provided to the Court as confidential. If the Court is satisfied, having regard to the principle of public interest immunity, that the information identified as confidential should be protected from disclosure, the Court must order that the information is not to be disclosed to any other person, whether or not a party to the proceedings. A person must not disclose information in respect of which such an order has been made without the consent of the Commissioner unless the disclosure has been authorised or required by a court. A court must not authorise or require disclosure of information without first having regard to the principle of public interest immunity.

Proceedings in relation to an application under this section may be heard in a room closed to the public.

*74BC. Content of fortification removal order*

This section prescribes the information that must be included in a fortification removal order.

A fortification removal order must include—

- a statement that the fortifications must be removed or modified within a certain period of time, which must not be less than 14 days after service of the order;
- a statement of the grounds on which the order has been issued (although this statement must not include information that cannot be disclosed because of an order of the Court);
- an explanation of the right of objection under section 74BE;
- an explanation of the Commissioner's power to enforce the order under section 74BI.

A copy of the affidavit verifying the grounds of the application for the order must be attached to the order unless the affidavit contains information that has been identified as confidential and cannot be disclosed because of an order of the Court.

*74BD. Service of fortification removal order*

A fortification removal order must be served on the occupier or occupiers named in the order, and a copy of the order must be served on the owner (unless the owner is an occupier named in the order). Service of an order may be effected personally or by registered post. However, if service cannot be promptly effected, it is sufficient for the Commissioner to affix a copy of the order to a prominent place close to the entrance of the premises.

*74BE. Right of objection*

A person on whom a fortification removal order has been served is entitled to lodge a notice of objection with the Magistrates Court. However, a notice of objection cannot be lodged if a notice has already been lodged in relation to the order (unless proceedings in relation to the earlier notice are discontinued). The objector is required to include in the notice full details of the grounds for the objection and must serve a copy of the notice on the Commissioner personally or by registered post at least 7 days before the hearing of the notice.

*74BF. Procedure on hearing of notice of objection*

Proceedings in relation to a notice of objection must, if convenient to the Court, be heard by the Magistrate who issued the fortification removal order. After hearing evidence from the Commissioner and the objector, the Court must confirm, vary or withdraw the order after considering whether the grounds on which an order may be issued (as stated in section 74BB(1)) have been satisfied.

*74BG. Appeal*

A right of appeal to the Supreme Court lies against a decision of the Court on a notice of objection. The appeal lies as of right on a question of law and with the permission of the Supreme Court on a question of fact. Enforcement of a fortification removal order is stayed until the appeal is finalised.

*74BH. Withdrawal notice*

The Commissioner must file a withdrawal notice with the Court, and serve the notice on the owner and all relevant parties, if he or she decides that a fortification removal order will not be enforced.

*74BI. Enforcement*

If an order is not withdrawn by the Commissioner or the Court, or set aside on appeal, and the fortifications are not removed or modified to the extent necessary to satisfy the Commissioner that there has been compliance with the order, the Commissioner may take action to enforce the order.

For the purposes of causing fortifications to be removed or modified, the Commissioner, or an authorised police officer, may enter the premises without warrant, obtain expert technical advice or make use of any person or equipment he or she considers necessary.

The Commissioner may seize anything that can be salvaged in the course of removing or modifying fortifications. Anything salvaged under this section may be sold or disposed of as the Commissioner thinks appropriate. The proceeds of any sale are forfeited to the State. If such proceeds are insufficient to meet costs incurred by the Commissioner under this section, the costs may be recovered from any person who caused the fortifications to be created.

*74BJ. Hindering removal or modification of fortifications*

Under subsection (1) of section 74BJ, it is an offence to do anything with the intention of preventing, obstructing, interfering with or delaying the removal or modification of fortifications in accordance with a fortification removal order. Subsection (1) applies in relation to the removal or modification of fortifications by a person who is the occupier or owner of the premises (or is acting on the instructions of the occupier or owner) or is a person who is acting in accordance with section 74BI.

*78BK. Liability for damage*

No action lies for damage to property resulting from enforcement of a fortification removal order against the Crown or any person. However, an owner of premises is entitled to recover the reasonable costs associated with repair or replacement of property damaged as a consequence of the construction of fortifications, or damage resulting from the enforcement of a

fortification removal order, from any person who caused the fortifications to be created.

*74BL. Delegation*

The Commissioner's functions or powers under this Part may be delegated by the Commissioner to any police officer holding a rank not lower than that of inspector. Such delegation is subject to any limitations or conditions the Commissioner thinks it proper to impose.

*74BM. Application of Part*

Section 74BM provides that if the provisions of Part 16 of the Act are inconsistent with any other Act or law, the provisions of Part 16 prevail. This section also provides that an application for approval under the *Development Act 1993* is not required in relation to work required by a fortification removal notice.

SCHEDULE

*Further Amendments to Summary Offences Act 1953*

The *Summary Offences Act 1953* is further amended by the Schedule, which repeals the italicised headings that appear throughout the Act and substitutes Part headings. The new headings are substantially the same as the existing headings. However, these amendments have the effect of dividing the Act into separate Parts, which is consistent with the usual format of current legislation. The Schedule also makes a number of additional amendments of a statute law revision nature.

**The Hon. R.G. KERIN** secured the adjournment of the debate.

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

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

Motion carried.

## APPROPRIATION BILL 2003

Adjourned debate on motion:

That the proposed expenditures referred to Estimates Committees A and B be agreed to.

(Continued from 25 June. Page 2523.)

**The Hon. R.G. KERIN (Leader of the Opposition):** On the first day of the estimates process when I made my opening statement, I pointed out to the committee that there are still $967 million worth of cuts from last year's budget that have never really been explained or justified to the people of South Australia. The government has hidden behind parliamentary privilege and refused our freedom of information requests and, as of now, from last year, over 100 questions remain unanswered. Continuing in the arrogant way we are fast becoming familiar with, the Rann Labor government has once again thumbed its nose at its own commitment to open and accountable government.

Over the last couple of weeks, we have seen an unbelievable show of arrogance. In the time that I have been in politics, I have always thought that prime minister Keating was the most arrogant man I had ever seen, and the government that he ran set a new benchmark for arrogance. However, over the last 12 to 15 months, and particularly the last two weeks, a whole new standard has been set. The Premier and the Deputy Premier, in particular, make Paul Keating look like Harry Potter as far as arrogance goes. They are setting a new standard, and it is not helping our having open and accountable government in South Australia. In fact, it is well and truly denying the people of South Australia, and question time today was breathtaking in the arrogance displayed by ministers, their refusal to answer the simplest of questions and even to try to remember what members had done in the recent past, taking questions on notice and refusing to answer others.

Over the six days of estimates committees, 92 questions were taken on notice, so the tally of unanswered estimates questions is now nearly 200. It is the first time in the life of the South Australian parliament that there have been so many unanswered questions, and opposition and other party members are despairing at the fact that they will probably never see the answers. Once again, ministers have refused to answer our questions. They have beaten around the bush and taken them on notice. Usually, when ministers take questions on notice, members have to wait a little while for the answer. We have had to wait 16 months, and the attitude of this government is such that I doubt that we will ever see the answers that have been promised.

In addition, valuable committee time was wasted as ministers delivered long, drawn-out opening statements full of rhetoric but lacking in any detail whatsoever. We heard broken promises repeated and rehashed, usually backed by little or no money by a government more interested in media headlines than a budget directed at initiatives to reinvigorate this state. It is an arrogance that makes a mockery of a valuable part of the parliament's operations, which I know that you, Mr Speaker, have been quick to pick up on.

The public has a right to know that the appropriated funds are spent responsibly and in accordance with the policies that this government promised would be delivered. Despite the government's best efforts, or arrogant lack of effort, we have proved that this is a budget in which the government has not lived up to those policies or promises. We were told by both the Premier and the Treasurer that Labor's financial strategy would not require any increases in existing government taxes and charges or any new taxes and charges. But what did this budget deliver? A massive tax slug in across-the-board increases for all South Australians: all government charges have risen by 3.9 per cent.

In addition, there is the new Rann water tax. By tugging at the heartstrings of South Australians, government members came up with this idea: let us have a tax on water, because it is something that, if we use enough spin, we might be able to sell to the general public. My understanding is that, initially, they were not going to do that. I think that, initially, they were going to impose a salinity tax on irrigators. But when irrigators faced the situation of having cuts imposed, the government realised that what would be an enormous impost on those irrigators was not possible because of the circumstances that arose. I suspect that, all of a sudden, because they did not receive their $20 million that way, the government cobbled together what is well known now as the Rann water tax as another means of gaining the $20 million.

What we have seen of the Rann water tax is a revisit of Crown leases. I think there is a birthday party soon for the debacle that we have called 'the crown lease debate'. Basically, 12 months down the line, we are yet to sort it out or have the minister tell us what he meant when he introduced that tax last year. He had no idea what he had signed off on. Cabinet members had no idea what they were approving. They really did not know and, 12 months on, they still do not know enough about it to debate it. They did not consult on it; there were no regional impact statements. They had no understanding of what they were doing. It is an absolute mess. And, quite frankly, the water meter issue is heading down exactly the same track—$30 for households and $135 for businesses. They sat back and thought, 'We reckon that is saleable. People in South Australia are worried about the

River Murray. We can go out and sell it. You will all make a contribution.'

Frankly, all the government did was look at the surface and think, 'Here is $20 million; this will save us taking a cent out of the Treasury and putting it towards the River Murray above what has already been allocated.' They already had a commitment to join with the federal government and the other states to purchase water to go back in the river. So, there was a commitment that the Treasurer would have to find from Treasury. But this Treasurer did not want to part with one cent for the River Murray, so we finished up with the Rann water tax where, basically, they put their hand in the pockets of South Australians to make sure that the Treasurer did not have to find any of his money to go towards the river. Each of us is supposed to be so committed to the River Murray, but this government shows absolutely no commitment to it. However, it was an easy way of raising the money.

But what government members did not realise (as with Crown leases) was that a lot of people would pay much more than $135. We have farmers out there who have been droughted out in the last couple of years and who, all of a sudden, will receive 10, 15 or 20 bills for $135. I can remember at this stage last year standing here talking about Crown leases and looking across to the other side of the chamber and seeing bewildered looks on faces—surely no-one has more than one Crown lease! Did the three members who are here (and who are interested in the budget) realise just how many water meters some of these farmers have? Did they realise that some people have up to 30 of them? So, they will not pay $135; they will pay 30 times $135, which is an absolute disgrace. I will be interested to see the facial expressions (and the minister is playing cards over there, I think) when I tell them that I have some battling constituents who will have to pay $135 and who do not even have a tap or a meter on their properties. All they have is a pipe running underground past their properties. The government had no idea at all what it was doing.

As I said, once again, the Treasurer made sure, with respect to this water tax, that he did not have to find one cent to make good the promise that he made—along with others—that we would make a commitment to buying back water to put in the Murray. This government is not putting one cent forward. In fact, with what the Minister for Environment and Conservation has done to the dairy farmers in the Lower Murray swamps, this government is taking back money that was already committed to the river. That sends a shocking message upstream, and I think the government should be ashamed of that. The fact that the government has used this emotional issue to try to raise funds and duck its own responsibilities and commitments, I think, is a disgrace.

We have also seen the introduction of the jetty tax on professional fishermen. Once again, despite the Premier's promise of no new charges, and that no charges would be imposed in regional areas without regional impact statements, there has been no regional impact statement—just, 'Let us go out and tax the people who use the jetties.' What they did not realise is that most of the people whom they will tax do not use the jetties. The Minister for Transport (who obviously put this one forward) did not talk to anyone. They missed the mark. They have no idea. They are too arrogant to listen, too arrogant to answer questions, too arrogant to sign letters, and too arrogant to take bags home. The Minister for Transport got that one horribly wrong, and I hope that his colleagues are suitably embarrassed and sufficiently upset with the Minister for Transport to understand that he has made an absolute mess of that one. I heard last night that they have back-flipped on that one, I think, and put it on hold until they work out exactly what they did.

If only the minister had consulted. Their caucus must be getting sick and tired, knowing that, if ministers consulted, they would not be making the embarrassing mistakes that they are making. As usual, Labor is big on promises but short on delivery. We are still waiting for all the promises, and even on Crown leases we really are still wondering when, in fact, we will have a resolution with respect to some of these issues.

The government has also been, yet again, very short on law and order, and full of rhetoric. We have heard heaps on law and order, but there has been no money to back it up. All the announcements on law and order are measures that do not cost the government anything—it might cost other people something. There have been increases in fines, more cameras, and a whole range of initiatives that will cost South Australians more money, but when it comes to no extra police there is less money for crime prevention. Everything we hear about law and order is rhetoric. In reality, what we see, in a budget sense, is less and less. We gained some new police stations, but no police to go in them. It reminds me of that hospital that we found—

*An honourable member interjecting:*

**The Hon. R.G. KERIN:** —yes—down south that very much paralleled one that was seen in *Yes, Minister*. That is not the only area in which Labor's arrogance has been revealed. Labor's deal with the teachers' union means that the education system is $11 million worse off next year. Last year's budget has been underspent by $7 million, and projects that should have been finished have been listed for commencement way beyond what was announced initially.

In health, budget increases of about $125 million will not even keep up with inflation. Intensive care wards remain without nurses, and important redevelopment works at the Queen Elizabeth Hospital have been stalled for at least 12 months. People should know that the Rann government has allocated only $900 000 towards a $600 million project at the QEH. We keep hearing announcements, but this government has not made any commitment; that was a commitment by the previous government. This is the second year, with respect to that project, that they have made big announcements in that area without any work being carried out. This government is so arrogant that it thinks people will not notice. Labor said that the project will be completed in 2007 but, so far, it has not spent a dollar there. And that is not the only example: we have talked about the fire truck example—renouncement after renouncement. What is put up as a wonderful initiative of $9.7 million is actually a $500 000 cut of a three-year old project.

In aged care, we have seen invaluable federal funding forfeited. The opposition joins with nearly every other South Australian who, a couple of weeks ago, pulled out the calculator and tried to work out how this government could not understand that, when federal money was coming down, if you put some forward, $1 earns $2. I have heard the Minister for Social Justice interviewed several times on this matter, and I am sure that the penny has not dropped (and I do not think that the Treasurer understands this, either) that, when one receives matching funding, $1 from the state equals $2 that the state can spend.

I think that is missing. We heard, 'Oh, no; our priority for our dollar is somewhere else.' But in areas of very high need

the government was not willing to find a dollar to spend two, and the elderly of South Australia are paying the penalty for that. If only this government would listen to the member for West Torrens, who is the only man who really understands economics. He can actually use a calculator. I am sure that the member for West Torrens should be working much harder to convince his front bench that one plus one actually equals two and that the government should be making more use of the money this wonderful, generous federal government offers to this state government for services to the public.

At the moment, the public is missing out because the member for West Torrens—who is the only government member who can add up—has been too preoccupied with other issues. The government would not match the federal government's offer with respect to aged care and we will pay the penalty. We will be $3.1 million down in federal funding every year. That is a very cruel decision and government members' own constituents and elderly relatives can only look at them and shake their head in shame. Labor's contempt is not just confined to the city, as I said. Certainly, followers of the regional media will know that people in regional South Australia have seen through the ignorance and arrogance of this government in terms of regional communities.

One thing that was picked up is that more money will be spent on the Art Galley and the State Library than will be spent on the entire capital investments within the primary industries and resources, arts and tourism portfolios outside of Adelaide.

*An honourable member interjecting:*

**The Hon. R.G. KERIN:** The whole lot. We hear this government talk loud and clear about export growth yet, as far as export growth is concerned, this government does not understand where its bread is buttered and what is making this economy grow. This government has turned its back on a range of issues in regional areas, which is where export growth has been created. We have seen cuts to the Regional Development Infrastructure Fund which, as acknowledged in the government's own budget, resulted in $88 million worth of investment last year. Last year the government spent about 10 per cent of what we had been spending previously.

Now the government is taking $2.5 million out of it each and every year. It has about halved what was committed to the Regional Development Infrastructure Fund. Not only will this state's export performance pay the penalty but also will our regional communities, as well as the economy. We see other areas also cut, such as the food programs that have been so successful. We can have as many economic development summits, reviews, committees, conventions, or whatever else the government wants to put forward, as we like, but if the government is going to be so damn arrogant that it will not listen to anyone in the state then there is not much point having all these forums.

The government has got to learn to get beyond its arrogance and listen to what people have to say and consult with people who know a hell of a lot better than it does. We have an incredibly arrogant leadership team who do not understand beyond the media what the people of South Australia and industry want in this state. Behind that, we have a cabinet which is not only arrogant and inexperienced but lacks a range of skills around the table and does not consult. How many examples have we seen in the last 12 months of no consultation? I could list them but I would keep members here too late. I will not even start to list them because there are so many.

The Minister for Environment and Conservation probably leads the pack but there are many others. The Minister for Transport is right up there. We could go through the whole lot. Again, if the government is not going to consult with communities then at least consult with the member for West Torrens. He has had a lot of worldly experiences, and it shows. If it had consulted with the honourable member it would have at least spoken to someone about the issues being brought before the cabinet. As I said, I think we are seeing Australia's most arrogant and cocky government ever.

It is not willing to be accountable. They do not even put up the guise of being accountable. We have all seen the Treasurer, who says, 'I'll answer whatever questions I want.' Yesterday there were two straightforward questions. They were not hard yesterday. You just had to open your mind and think about them a bit, but they were taken on notice. Today, the Treasurer was up and down like a toilet seat. He did not answer anything. He just got up and sort of refused to answer a question and sat down again. Got up, refused, sat down again! That is the sort of arrogance that people are well and truly starting to notice. As I said, the government is not willing to be accountable. It is not willing to answer questions; and, often, the leadership group will not even take decisions to cabinet let alone caucus. Decisions do not even get to cabinet level.

*The Hon. I.F. Evans interjecting:*

**The Hon. R.G. KERIN:** Some of the decisions that have not gone to cabinet are quite amazing. I think that we have had a pretty successful estimates period in terms of finding the government out. We have caused a few backflips along the way. We hope now, as a result of public pressure that arose at the start of estimates, that the kids at Cora Barclay Centre will get some justice. This Treasurer, who understands only headlines, has had a fair dose of them over the last week or so. We are now seeing, with respect to the Cora Barclay Centre, the public demanding and, day by day, the Treasurer is gradually shifting towards what may be a fairer deal for these kids. This decision affects not only the students but also their families.

**Mr Brokenshire:** And the staff.

**The Hon. R.G. KERIN:** And the staff, who are all absolutely dedicated to their cause. Why should they have to go through this sort of process? If the government had understood and if it had consulted before it made the mean decision it made, we would not be faced with this drip, drip, drip to get across the line and achieve a decision that is in any way fair to the people involved with Cora Barclay. I hope now that public opinion—and a bit of media pressure, which they do understand—is moving the government towards some sense. We also had the consultancy issue last week, and in a couple of ways that was very worrying.

There are a couple of big questions. The really big question is: what was this government hiding when it spirited through cabinet in March an increase in the level for consultancies where the details had to be released? The level was increased from $50 000 way up to $500 000. I asked the Premier, I think, six times why it had been done and I got no answer. The Treasurer, in the estimates committee, was extremely arrogant about it. Action occurred only when the government realised that the media was incredibly interested in this. Remember, it was a cabinet decision. Normally, executive government operates differently in the state but the Treasurer, over a very quick sandwich, decided that they would get a bad headline. Rather than go from $50 000 to $500 000, he said, 'We slightly miscalculated and it should

have been $25 000.' He has taken it back to $25 000. The first question is: what were they trying to hide? The second question is: after cabinet made the first decision—and they must have had very good reasons for lifting it to $500 000—why would the Treasurer take the decision back to cabinet for it to be reduced to $25 000?

There is a really important question of process as to whether or not the Treasurer and the Premier trust the rest of cabinet to make proper decisions and whether they are willing to go through the right process of running decisions past cabinet in the first place, let alone overruling cabinet at the stroke of a pen or the gobble of a sandwich. That issue is magnified by another decision. One week we had the Treasurer saying that the bridges of Port Adelaide would not be opening bridges because he did not have any money.

The horrible Liberal government had left him no money! He could not afford to pay for the bridges to open at Port Adelaide. We gave him the opportunity to tell us if that matter had been to cabinet, because our information was that it had not been. I asked him in this place, and he refused to answer the question. From that, we can only assume that it did not go to cabinet. On that famous Monday afternoon, the Premier realised that he was going to have to go to Port Adelaide. He was going to have to face 500 or 600 of his own people, many of them Port Adelaide barrackers, local residents and constituents of the member for Hart. That made him nervous.

He also heard that television crews would be there because they were interested in this decision. Reporters from the *Advertiser* would also be there. So, all of a sudden, mid afternoon, the penny dropped with the Treasurer that he would be facing an angry crowd at Port Adelaide and that he would have a bad headline heading his way the next morning, with live crosses back to TV news about the angry crowd berating the government. So, without going to cabinet, is it worth $20 million to $30 million to stop a bad headline? Is it worth $20 million to $30 million to avoid a bad cross live from Port Adelaide, where the Treasurer is under real pressure?

It is to be remembered that, in the previous week or so, the Minister for Social Justice had been to the cabinet table trying to get some money for child protection. When we said that the Treasurer should give her more, he said that it would be fiscal vandalism to give the minister money to help with child abuse, even when it had been pointed out that foster children were being left in unsafe situations because of a lack of resources. He has allowed that to happen and yet, when he had to face a bad headline, we know that the Premier and perhaps the leader of the house (although we are not sure) made the decision that it was worth $20 or $30 million to avoid a bad headline.

The issue of child protection is not worth a few hundred thousand dollars, but a bad headline is worth $20 million to $30 million. So, without going to cabinet, we believe, it was all turned around. That asks a very serious question about process, proper executive government, the propriety of the position of Treasurer, the way that the cabinet operates, and the very credibility of this government.

When the member for Mitchell left the Labor Party, he said, with a lot of credibility, that is not about what is right, or about Labor principle: it is about what is the best media headline. I think the member summed it up very well. He also spoke about three bullies. This issue is yet again further proof of what he was saying—that at this end of the bench, in the first three seats—

**The Hon. I.F. Evans:** Sensitive New Age bullies!

**The Hon. R.G. KERIN:** That's right—the phrase 'sensitive New Age bullies' has been suggested. I have to think about whether that is absolutely correct, but it is probably not far off the mark. How arrogant are these three people, who can absolutely ignore what the Westminster system of government is about. These three are so arrogant. They are thumbing their noses not only at the parliament and their colleagues but also at the people of South Australia. Quite frankly, we and the people of South Australia are sick of it. A lot of people sitting on the government side of the house, both on the front and back benches, are also heartily sick of the arrogance shown by the leadership group of this government.

So much of that arrogance is shown in the priorities of this budget, in the way it was sold, in the way that estimates committees were handled, and in the way that this government is treating the people of South Australia. I think that what we have seen is the estimates committees reinforces what we already knew: that this government is not interested in accountability or in being an open government. A lot of questions are hanging in the air at the moment about where this government is heading. I hope that they start to listen to their colleagues and also to the people of South Australia.

**The ACTING SPEAKER (Mr Snelling):** I call the member for Flinders. Does the deputy leader wish to speak? No-one was rising for the call. I was about to close the debate.

**The Hon. DEAN BROWN:** I think the Acting Speaker has a list in front of him.

**The ACTING SPEAKER:** I called the member Flinders several times.

**The Hon. DEAN BROWN:** If the order—

**The ACTING SPEAKER:** Order! In any case, it is members' responsibility to rise to get the attention of the chair, and the Speaker has so ruled a number of times.

**The Hon. DEAN BROWN:** I rise on a point of order. I point out that I spoke to the Speaker just a short time ago and pointed out the change in speaking order. The Speaker was in the chair, and he had the changed order.

**The ACTING SPEAKER:** The deputy leader wishes to speak. The member for Flinders.

**Mrs PENFOLD (Flinders):** I am sorry; I did not hear the Acting Speaker call. I was under the impression that I was not the next speaker.

Our communities are ageing, with the baby boomers reaching retirement and people living longer than ever before. Aged care facilities are stretched to the limit. Older people are staying in their homes, both by choice and also, in some cases, by necessity, as there is nowhere for them to go. These people need support to stay in their homes. In my community, they are supported by families, friends, community, volunteers and organisations, assisted in part by Home and Community Care (HACC) funding.

I wish to draw the attention of the house to a letter from Aged and Community Services' Chief Executive Officer, Mr Trevor Goldstone, to the Hon. Mike Rann. This sums up the problems and feelings out in the community that this Labor government is not giving our elderly the attention and funding that they need and deserve. The letter states:

> Dear Premier, ALP aged care policy and HACC funding. I seek to share our concern with the recent decision of your government not to fulfil its election undertaking in supporting the elderly, frail and disabled in the South Australian community. Additionally, we are

concerned at the implications of this decision in terms of the perception that the ALP has developed a position that seems to undervalue older people in our community and their need to access the support required to maintain their dignity and quality of life. It is our understanding that the HACC funding round includes an offer to states relating to a growth component, which is available if the funding is matched by the state on the relevant proportional basis, a commonwealth contribution of 62 per cent, with a state government contribution of 38 per cent.

Furthermore, it is our understanding that your government has elected not to meet such growth funds. That is, by not allocating $1.9 million in state funds, a total growth pool of $5 million of additional HACC funding is lost. This decision will significantly reduce the availability of HACC services to older and disabled South Australians.

From a demographic and population health perspective, it is clear that our community is rapidly ageing. Indeed, compared to the national average of 12.2 per cent, South Australia has over 14 per cent of the age of 65 years. This portion of the community will continue to dramatically increase in the coming years. This leads us to a conclusion that an appropriate and well targeted expansion of HACC services now will be invaluable in meeting the dramatically increasing needs of our community, both now and in the coming years.

I am sure, however, that we do not need to bring this information to your attention. Indeed, I quote segments of the position provided to the community at large by the ALP prior to the last election, as stated in 'Labor's plan for older South Australians', specifically under the subtitle 'Home and Community Care (HACC)':

> The availability of growth funding from the commonwealth will be central to funding the existing unmet need and growing demand for home and community care services for frail older people and younger people with a disability in South Australia. It will be a priority for Labor to ensure that future agreements with the commonwealth address unmet and growing demand. Because South Australia has a higher proportion of older people compared with other states, there is a strong case for funding at above the national average levels.

The service sector in its advocacy role has actively sought and lobbied the continued growth of HACC to the government of the day. The sector also sought clear position statements from all major parties regarding their policy position in key areas for the state election in 2002. Lea Stevens attended an ACS SA&NT election forum at the time and reaffirmed the above policy to the sector and the media.

Prior to the Liberal Party coming to office in the 1990s, HACC funding for South Australia had fallen behind the maximum funding offered by the commonwealth government because the former ALP government had made a decision not to take the opportunity to grow the HACC program by providing matching funding. The subsequent Liberal governments did match HACC funding growth opportunities but, to our disappointment, did not catch up the lost ground suffered in this state because of the previous ALP government period.

Recent media coverage, e.g., Channel 10, Minister Key, in response to issues raised about why the government has not matched the available commonwealth funds for the services to the elderly in the community, identified, in essence, that the government's priorities were for other areas (not the elderly), e.g., 'child protection, homelessness, etc.', and by implication the government does not have a priority for the growing needs and service issues for the elderly.

We acknowledge the needs of these other areas and those who fall within these groups. However, we do not see their needs should be resourced at the expense of the needs of the elderly. This is a bewildering position of the government and contradicts the mandate it was given through the election success based on its policy platform position.

Our calculations indicate that your decision to forgo growth in HACC will equate to approximately 800 elderly South Australians being able to access HACC services over a 12-month period. The indexation of current services will only allow for the current client base to be maintained. No growth in HACC services effectively means that either no new clients will receive services or the current services will need to be more tightly rationed to encompass the predicted additional client growth.

We believe that an additional outcome of this decision is that more elderly people will go to hospital earlier, as they will not receive the support in their own homes that could, indeed, prevent such presentation to a hospital. The financial impact of this will be far greater than the growth funds you have elected not to apply.

We are also dismayed that an important oral health project for older people in the community and nursing homes has had its funding withdrawn at a time when it has gained enthusiastic support across the community, aged care sector and the dental health sector.

Premier, in commentary post the budget presentation by Treasurer Foley on ABC Radio, there was discussion around the extent of 'padding' in the budget (I think the term used was 'headroom' allocation), clearly implied to mean the level of contingency within the state budget for unexpected needs, etc. I assumed this level was within the hundreds of millions for such contingency issues.

We are concerned about the lack of priority emerging in ALP policy outcomes for the elderly at both state and federal levels. At state level we observed that:

- For at least the second time in HACC history a South Australian ALP government has not matched the commonwealth HACC growth fund option, causing the level of support of the elderly in this state to fall behind the service level options available in other states.
- This position signals further opportunity for the federal government to also consider abandoning these growth funds in future years. In this event your government will not be in a position to argue against such an outcome because of its non-matching of funds available this year and its implied rationale of low priority and, therefore, low need.
- We note the move away from a minister of the ageing in this state and see the subsequent impact in the lack of outcomes for the elderly in this government's policy directions relative to other government program areas.

Premier, I seek a response to two specific matters:

(a) That you revisit your government's seeming lack of priority on the needs of the elderly and that you seek to use the contingency amounts in the state budget to provide the relatively small amounts (approximately $1.9 million) needed to match the commonwealth HACC funding on offer and, in doing so, deliver the election promise that you offered the community in June 2002.

(b) That you review what culture change has occurred within your government at all its levels and seek some answers as to why the needs of the elderly have become a low priority for the ALP subsequent to its election. What has been allowed to cause an outcome where the needs of the elderly are not considered to be of social significance sufficient to warrant a priority for 'inclusion' within government policy outcomes?

The reality of HACC services is that it provides an opportunity for a large number of elderly and disabled South Australians to receive the basic level of in-home care that assists the maintenance of independence, dignity and choice.

Yours sincerely, Trevor Goldstone, Chief Executive Officer.

The Labor government will lose the federal funding now and into the future. It will be redistributed to other states whose elderly are no more deserving than ours, and I ask the minister and the Premier to take note of the letters they are receiving and to take action to ensure that HACC funding is not $3.1 million down every year hence because of the low priority of our aged population.

I go from one end of the aged spectrum to the other. I wish also to draw the attention of the house to a looming medical indemnity insurance situation that is unbelievable and was also not addressed in the recent budget. It is summed up in today's Port Lincoln *Times* article by Natasha Ewendt entitled 'Born in Adelaide. . . ' which, while it refers to Port Lincoln, applies equally to the availability of obstetrics services across the whole of the remote Eyre Peninsula. Miss Ewendt writes:

> There may not be the pitter and patter of tiny feet in the Port Lincoln hospital maternity ward for much longer if changes are not made to the new medical indemnity insurance options. Port Lincoln doctors say they may stop delivering babies because the new insurance options received this week will leave them uninsured and personally at risk for up to 14 years after treating a child. Doctors have been given until July 16 to choose their insurance cover, but some may give up obstetrics because indemnity insurance options do not offer more than 10 years of cover for private patients. GPs

face action for damage caused to children up until that child turns 18 plus seven years, which means they need a minimum insurance option of 24 years, including pregnancy. Adults can file a claim seven years after treatment. Under the proposed new insurance options, if a claim is made more than 10 years after treatment the doctor will be uninsured and have to pay the damages—which could be up to $20 million.

Eyre Peninsula doctors received their list of insurance options from the Medical Defence Association of South Australia yesterday, just three working days before the previous insurance deadline, telling them that they have until July 16 to choose their cover provided they fill out an extension form before June 30. But according to Tumby Bay doctor Graham Fleming, while doctors are covered indefinitely for public hospital outpatients, private cover is only offered for 10 years. This would make it impossible for doctors to practise obstetrics. 'At this stage I don't think I'll be continuing with obstetrics,' he said. 'Doctors are expected to take the risk and they won't. That leaves them with the option of leaving town if they want to keep practising obstetrics—possibly the state. Other states have this sorted out. It's just South Australia that could suffer because of this.'

If local doctors give up obstetrics, pregnant women will have to travel to Adelaide for treatment at teaching hospitals, Dr Fleming said. Teaching hospital doctors were covered indefinitely, unlike private doctors. . . The federal government had to change its law to extend private cover to at least 25 years. . . This was unlikely to happen before July 16, so many doctors across the state would give up obstetrics for the year and hope the law was changed before next year so obstetric practice could resume.

Port Lincoln Health Services medical services director Richard Watts said he had not yet received his list of options and had to read them before he decided whether he would practise obstetrics. He said it was not likely doctors would take the risk, as they could be up for millions of dollars if a case was presented for someone treated over 10 years ago. 'You can't cover yourself for $20 million' Dr Watts said. Port Lincoln doctor Christine Lucas said she had not read her options, and did not know if she would continue obstetrics, but many local doctors were reviewing their obstetric practice. 'Most of us are considering whether or not we should go on with it', she said. 'If I had to give it up I will be disappointed, because I really enjoy it and I've done it for a while.'

Dr Fleming said he hoped the extension would give him enough time to choose his insurance and have it approved. Dr Fleming and Dr Watts said next year the federal government must provide doctors with their options much earlier. 'They do this every year—its ridiculous,'. . . 'It's pretty appalling,'. . . In the meantime the state and federal governments had to solve the 10-year cover problem, known as the 'tail' to allow doctors to practise obstetrics.

Local doctors are discussing their options in a Rural Doctors' Association teleconference today. I call on the Minister for Health to help find a solution for Eyre Peninsula, an area the size of Tasmania which will soon be a baby-free zone. In my view, that will be a disaster.

Already, Ceduna—a remote town with a population of more than 3 000 people and the baby capital of Eyre Peninsula—has had years without a full obstetrics service. This situation has put huge pressure on the people living in the area and has put lives at risk, despite the wonderful service provided by the doctors and nurses who have been forced to work under these conditions. The cost in money and emotional capital, as families are separated sometimes for months while mothers travel to Adelaide or other accredited hospitals to give birth, is incalculable. If we are to keep our young people in the country regions, this situation must be reversed as quickly as possible.

**Mr HAMILTON-SMITH (Waite):** I will spend my 20 minutes concentrating on the portfolio areas for which I was responsible during the estimates committees. However, I want to open with some general remarks about the budget for my constituents and for those who will receive this *Hansard* report.

First, it is a most disappointing second budget from this government. There are significant new tax measures: the water levy—River Murray tax, shall we call it; the extra stamp duties and charges (I think the Treasurer has reaped in an extra $600 million, in effect, as a consequence of the property boom and other measures); and the very cynical pokie tax that was introduced—the so-called super profit tax in the last budget that has again reaped a bounty for the government in this financial year. That tax is significant not because it is a pokie tax but because the Hotels Association was given an ironclad promise by the Treasurer that they would not be charged, but the hotels were betrayed.

So, it is a taxing government, and it is not delivering on its promises. Health and education, as a percentage of budget outlays, have in fact decreased. The families of South Australia have been conned by this government. It is not a government whose priority is health and education: it is a government whose priority is spin, management of careful accounting fiddles and cynical power at all costs.Where the money is going is anyone's guess but, clearly, the main place it is going is towards paying off the unions in the form of excessive pay rises beyond that required, which will consume tens of millions of dollars more than ought be the case. We will see that unfold as the budget papers specify when those wage increases are up for review and when they will be paid.

Clearly, the government is losing control of the books and, clearly, it is finding it necessary to tax excessively because it is not coping with the business of paying its accounts. It is not coping with the business of balancing its books. That is why we are in this situation of having to artificially portray a scenario where there are black holes; where there is some sort of funding crisis; where, suddenly, we are extremely poor and we have to go through this savage economy in order to survive. It is a completely artificial world of the government's own making.

I ask members opposite to contemplate this for just one moment: where might this government's budget be if it still owned ETSA? Let me tell members opposite where the government might be if it still owned ETSA: the government would have nearly $10 billion worth of debt, and it would need to service that debt. The government would also be in the position of having to fund hundreds of millions of dollars of electricity infrastructure development, for which it would need to budget. The returns from the assets would stand well short of the capital involved in providing the services predicated. In fact, the government would be in a mess if it still owned ETSA. The Treasurer must sit down every night at home and thank his lucky stars that he has inherited record low debt levels; that he does not have to fund that exhaustive infrastructure investment; and that that problem is off his books. In fact, the Treasurer inherited an outstanding set of accounts.

Of course, this is a Labor government riding on the back of a vibrant national and state economy. Unemployment is at historic lows, and interest rates are at record lows. Members opposite would have enjoyed significant increases in their house prices. In fact, by all accounts, business confidence is at an all-time high, no thanks to the federal and state Labor Party but thanks to the good management of the Howard federal government and the Brown and Olsen state governments. So, it is almost a case of a team of gorillas being able to run the economy at the moment. Provided they did not make too many mistakes, they could probably cruise along quite successfully. In fact, someone argued that we do have

a team of gorillas running the state. Things are in remarkably good shape, making this budget even more remarkable.

The view I put to the house is that the member for Mitchell was right when he left the Labor Party, following the Hons Terry Cameron and Trevor Crothers in another place, who also left the party following the party's abandonment of its former members in the House of Assembly, three of whom departed at the last election. Perhaps they are all right: perhaps it is a Labor Party that has lost its soul. It is a Labor Party that no longer knows what it stands for. It is desperately trying to be a conservative party, and that part of the Labor Party that has a conscience is desperately trying to call out for help, while the more cynical and more vicious Right of the party is desperately trying to reinvent itself as some sort of an arch conservative, fiscally responsible Labor Party. The Labor Party is literally ripping itself in half, and I think we are in for a very exciting few years to come.

Getting back specifically to the budget, I was interested to attend rallies at the Flinders hospital when the government threatened to close the prenatal unit. I am interested to see the decreased spending as a percentage of budget outlays on health. I am interested to see the debacle over the Cora Barclay Centre for Deaf Children, which has been hung out to dry by this government. I have been interested to see no real tangible improvements in education, and I have been interested to see the number of schools that have had their rebuilds cancelled.

It really is a government that is not delivering and, of course, governments with no principle do not deliver. It is also a government with no plan. We have had plenty of committees, plenty of conferences, plenty of consultation, but nothing tangible. We have had the Economic Development Board produce a framework, and we still await the government's strategic plan.

*Mr Caica interjecting:*

**Mr HAMILTON-SMITH:** Members opposite say that it is the foundation of a plan. I hope they do not have to wait another 10 or 15 years for a plan to evolve from the foundations like some Phoenix rising from the ashes. What we really need is some direction. Government departments are in chaos. That really brings me to the Department of Business, Manufacturing and Trade. I had the pleasure of running the budget estimates for that department, although it is not normally one of my portfolio responsibilities. It is a very good example of a branch of government that is in total chaos. If one talks to anyone in the Department of Business, Manufacturing and Trade, this is what they will tell you. They will tell you they have had no direction for 18 months, that they do not know whether they are coming or going, and that they have been asked to write concept and position paper one after another.

If they are in the Centre for Innovation, Business and Manufacturing, they will tell you that they have been reorganised three times; nobody knows who is doing what job; that people are in acting appointments; and that half the good people are gone and of those who remain none know what the future holds. The place is leaking like a sieve, nothing is being done, and hardly any proposals have been put to the Industries Development Committee. Industry attraction funding has been slashed in this budget to the point where very few new proposals are being initiated. Thank God we have a vibrant state and federal economy, otherwise this state would be in dire straits.

Compare that for a moment to the context in 1993 when the Liberal government took over, inheriting Labor's chaos and when things had to be done. Industry had to be attracted here as it was abandoning the state in dollops, thanks to Labor's ruin. Radical steps had to be taken, and they were taken. By and large they were very successful. In fact, the pleasant circumstances we have inherited are a consequence of that hard work, but this government is doing nothing.

On tourism, for which I am responsible, I had the pleasure of taking the minister through estimates. It was the most arrogant and demeaning set of budget estimates. Within the whole period of estimates the opposition was given an opportunity to get up only 16 questions. Why did we get up only 16 questions? Because the minister hid for the entire period behind dorothy dixers from her own side, the answers to which were well prepared, and went on for ages. However, we got up 16 questions in the period allotted and I should be thankful for that.

What did we find? We found for the second year running that the minister has delivered ruin. We had $16 million worth of cuts last year and the minister wants to argue about that. She noted during estimates that I had had a briefing from her CEO, the capable and well admired Bill Spurr, which indicated that the cuts were a lesser amount. It is true: we did have a meeting, and an argument was put to me that the cuts were a lesser amount. I suppose it all depends on how you look at the books. Certainly, in the tourism budget there was $16 million less in expenditure, and for some mysterious reason the Clipsal 500 was moved to the Treasurer, but apart from that money was cut and not reinvested.

Throughout budget estimates the theme of the minister's responses was that, because we have rebuilt the roads on Kangaroo Island, because we have finished certain infrastructure projects, because we have sunk the HMAS *Hobart*, and because we have run the Year of the Outback (and of course we cannot run it again), the funding for them is no longer needed, so there can be a net reduction in the tourism budget. The minister's logic is that there is no need for new roads to be developed in, for example, the district of my colleague the member for MacKillop, or for new lookouts, signage or new infrastructure developments. There is no need for new tourism infrastructure developments because the ones we have done have been completed, so the money will be taken away. We have sunk the HMAS *Hobart*, so there is no need to conceive of new tourism investments that might deliver outcomes for the industry.

We have run the Year of the Outback, so there is no need to consider a further Outback festival or further events that might stimulate tourism businesses or create accommodation opportunities. This is the minister's logic: we have already done it, it is completed, so we can take away the money and do not need to provide any more. At this rate, will the last person out of tourism please turn off the lights or the last person out of the SATC please switch off the lights and cut off the water? As each event is run and each tourism infrastructure initiative is completed, there will be no need for any new ideas, so we will just close down the whole show. I encourage those reading *Hansard* to go through the minister's answers to my questions, of which I can send out copies, and one can see that that is the recurring theme.

We had the debacle of the on again/off again horse trials—a reckless and foolish decision by the minister to cancel the event without having done her homework and without having consulted with those who know, without having adequately reconnoitred the alternative venues, without having considered the impacts on the Olympic Games preparation, and at the last minute of the eleventh hour she had to do a double

backwards somersault with a triple pike, reinstate the funding and solve the problem of her own creation. What an absolute mess!

If arrogance was the fodder of tourism, it would be in great shape under this minister. However, it takes more than arrogance and showmanship. It needs hard work, dedication and ability to argue your case in cabinet; an ability to conceive new ideas and to carry them forward and win those arguments; and, an ability to build rapport with constituents in your industry and show some promise for the future. None of that is evident. These budget estimates have shown that to be so. There is a cloud over future events, marketing investment and tourism infrastructure, and in fact it is raining heavily on tourism at the moment.

To move on to the arts, the Premier's performance was equally arrogant. The Premier was adamant that he was God's gift to the arts budget, but under close questioning he was forced to concede that the cuts he has programmed into the arts budget over the next four years exceed the new initiatives he has promulgated by about $1.16 million. So, there is no new money—it is all coming out of the hide of existing arts agencies. I will not repeat step by step each of the new initiatives and each of the areas he has axed, because most of the arts industry already know that the most significant and savage of the cuts is the $3.8 million to be removed from grants and subsidies.

Members opposite need to talk to youth, community and Aboriginal arts groups because a number of them have approached me, and they are very concerned because they will not get the funding they need to run the sort of events they need to run. They will be smothered. They have been crushed by the Premier in an effort to get up his new ideas. His new ideas are great—the opposition has no problem with them—but let us be genuine and honest about it. If we are to have new initiatives, let us fund them with genuinely new money.

I draw to the attention of readers of *Hansard* the answers that the Premier provided to a number of questions asked of him. I asked him to note the imminent collapse of the Australian Dance Theatre, which cannot survive if confronted with the $225 000 worth of cuts that the Premier has inflicted upon it, and it is on the public record saying that. I asked him to note that when pushed in estimates and I asked him to justify his claim that arts funding had increased by 5 per cent using the budget papers, but the Premier could not do so. He flicked the question off and said, 'We'll get you a briefing.' When you have all your experts, advisers and staff in the estimates room around the table and you cannot answer a simple question about justifying claims about increased budgeting, it raises serious questioning. I, along with the industry, wait to be enlightened.

There are significant reductions in expenditure within the arts. One of the Premier's main defences, as members will note from the questions, is, 'Well, let us confuse the issue of capital expenditure and recurrent costings.' The Premier's argument is that the opposition and industry are getting it all wrong thinking that there are cuts to the arts because when the Liberals were last in there was a lot more expenditure on capital works and, now that it is no longer in office, it confuses the figures. He makes a very good point. That is correct, and tens of millions of dollars of arts capital funding was provided by the former Liberal government. We rebuilt the Art Gallery, the State Library and the South Australian Museum. We rebuilt the Festival Theatre. There is nothing in the way of arts capital funding by this government. So, in a way he is right: he proves my point, and I thank him for it. But he is also wrong if he thinks that the industry and the opposition will be fooled into believing his accounting fiddle.

It is quite apparent that, even when taking into account transactions regarding capital investment, there has still been a very real decrease in recurrent terms in arts funding—$3.26 million last year and $1.2 million this year—by his own admission but it goes much further. The opposition will hold the Premier, as Minister for the Arts, and the Minister for Tourism to account for their budget. We will contact every arts agency in the state and every tourism small business we can reach and we will make sure that they understand where the money is coming from.

This is a cynical budget. The estimates have been dealt with by the government in an arrogant and dismissive way. The government has attempted to conceal the truth, to be frank, to a large degree regarding the detail and the impact on the ground of their cuts. The government is abandoning some of its core constituents in its actions in the arts and tourism, and it will be held to account. The government needs to think seriously about its next budget. It needs to do something more for tourism and it needs to do something more for the arts. Most importantly, we need a vision and the vision needs to be funded.

Time expired.

**Mr WILLIAMS (MacKillop):** I hope that I have time today to get on to a range of matters and also to speak about the arrogance of this government, particularly several ministers, but ministers in general, and the way in which they approach the estimates process, the budget process and the governance of South Australia.

First, I want to spend some time talking about an issue that has arisen in my electorate in recent times, which I raised in the estimates committee with the Minister for Environment and Conservation, particularly given his responsibility for water resources. I will touch also on the minister's statement to the house earlier today. I will spend a little time bringing to the attention of the house the facts behind what has occurred to 1 100 of my constituents who were affected by the stroke of the pen of this minister.

This issue concerns 1 100 water holding licences in my electorate which are now subject to a full water levy. Prior to the action taken by the minister earlier this year, those licensees had the option to pay a $25 statutory fee in lieu of paying the full levy if they could demonstrate that they were not holding their licence out of production or holding it away from somebody else who would use it for production. Section 122A was inserted in the act at the time that holding licences were created, and that gave licensees the ability to pay this $25 statutory fee if they could demonstrate to the minister that, for a substantial part of the year, if not for the whole year, they had tried to trade their licence, either on a temporary or permanent basis, but no demand for that trade existed. That was a fair and reasonable way to handle the levy system with regard to those licences.

Holding licences confer on a licensee nothing more than the right to apply for a full water allocation—a water-taking licence—at some future date. They do not give automatic right to a water allocation, and they do not give the holder at some future date the ability to automatically exercise a right to irrigate their land. All it confers is the ability to apply, and they have to go through a process which includes a hydrological survey to ensure that there is availability of the resource.

These licence holders do not receive any benefit from the licence and have no guarantee that at any time in the future they can receive a benefit from that licence. As a consequence, several years ago when the holding licences were created, the parliament inserted section 122A to allow a $25 statutory fee to be payable if there was no demand in that water management area for a licence, which was being held up by the existence of a holding licence.

Earlier this year, the minister revoked the ability of those licensees to apply for that $25 fee in lieu, which was a poor piece of administration on the minister's behalf. What is worse is the way the minister came to that decision and the lack of due process, and that is the kindest interpretation I can put on what has happened. When it came to my attention that the minister had taken that action, I spoke to him and he told me that he had acted in that way only because the catchment board in my electorate asked him to do it. I thought that was pretty strange. Mind you, I do not have 100 per cent confidence in that catchment board and it does some strange things from time to time, but I was surprised that it had asked the minister to revoke section 122A of the Water Resources Act.

Over the ensuing weeks, I did a bit of homework and I went through the minutes of the catchment board. Lo and behold, I found that, at the meeting in August 2002, the catchment board passed a motion calling on the CEO to write to the minister, saying that the board wished to retain the $25 fee in lieu of paying the levy. At the subsequent meeting in September, it came to the attention of a number of board members that the letter the CEO had written to the minister did not fully follow what they had asked him to do. So, at the September meeting, the board reaffirmed its attitude that it wished the minister to be notified that it wanted the $25 fee in lieu of the levy arrangement to be retained.

On 6 March this year, the gazettal notice indicated that the minister, as of that date, had revoked section 122A. The first time the catchment board became aware of that action was when a letter from the chief executive of the minister's department was tabled before the catchment board on 19 March this year. On 19 March, the catchment board became aware that on 6 March the minister had revoked section 122A. The letter also stated that, on 14 March, the minister had written to all water holding licensees.

The minister told me that he did this only because he had been asked to by the catchment board, but that did not add up. The catchment board had a motion on its books saying that it wanted the exact opposite, and it was not aware of the minister's actions until after he had taken the action and until after he had written to every licensee in the South-East, some 1 100 of them. As an aside, in a letter to me in reply to some concerns I had on this matter, he said that, because he had received only 40 phone calls on this, he did not think there was much concern. If any member of this place had 40 phone calls on an issue from their 22 000-odd electors, they would think there was some concern in their electorate. But this minister obviously judges that, if there are only 40 telephone calls from 1 100 constituents—or 1 100 concerned persons—there is not much angst out there; there is not much going on. But that is just an aside.

I raised the matter with the minister in the estimates committee, and he said to me, in answer to my question, that he took the action he did not because the catchment board had asked him to but because either the CEO of the catchment board or the Chairman (he could not remember which) had asked him to. This is where due process has broken down. The catchment board is a statutory board, and it has a formal process. It had been through the formal process and written to the minister, asking him to retain the $25 fee. But, on the advice of either the Chairman of the catchment board or the CEO, on 6 March, the minister overturned the desire of the catchment board. There is something reprehensible in the way in which that process has been gone through.

Over the last couple of days, since the minister revealed this information in the estimates committee on Monday, I have called on the Chairman of that catchment board to tender his resignation, because he has obviously given advice to the minister on which the minister has acted and which is quite contrary to the express wish of the catchment board. The minister came into the house today and gave a lengthy ministerial statement, trying to paper over and rewrite the history of this matter and make it look as though everything is above board. In fact, he acknowledged that he did receive correspondence from the catchment board in September, seeking to retain the $25 fee option.

But, of course, that is not what his bureaucrats wanted—and the minister knows very well that that is not what his bureaucrats wanted, because the minister sat on the select committee into these matters with me during the time of the last parliament. He knows exactly what happened. He knows why we introduced these holding licences, and he knows full well that the bureaucracy was not behind them at the time, and still is not. He fully understands that the bureaucracy will try to undermine the will of this parliament. I am pleased that the minister has come into the chamber. He fully understands (and we have had plenty of conversations and correspondence on this matter) that the bureaucracy has been trying to undermine the will of this parliament ever since we handed down the reports of the two select committees on which we served. The minister in his ministerial statement today said:

> Throughout this period [late last year]. . . a number of informal discussions took place. One such discussion was between myself and the Presiding Member [the Presiding Member of the catchment board]. During this discussion, the Presiding Member indicated a personal view regarding the holding levy. Following further advice from the department, I revoked the fee in lieu of levy option. This revocation was gazetted on 6 March 2003.

I am not sure what the minister is saying here. Is he saying that he took the action to revoke the fee in lieu of the levy option because of the presiding member's personal view? Is that what he is saying? That is why I called on the presiding member to offer his resignation yesterday, because that was my understanding when I looked at the matter. The way I saw it was that the minister had taken action to impose a substantial tax on 1 100 of my constituents (and some of them are constituents of the member for Mount Gambier) because of a personal view of the presiding member of the board.

In his statement, the minister went on to say that the action was in line with the catchment board's water allocation plan. The water allocation plan is developed through, again, a statutory process, and I have a copy of a very lengthy document—the draft allocation plan—which was circulated throughout the South-East late last year. I cannot say how many pages the document contains, because the numbering system is so confusing, using as it does at least three different numbering systems. However, I suggest that it contains several hundred pages. There are a couple of things in this document that allude to what the minister referred to in his ministerial statement.

I know that members of the catchment board were unaware of some of the things that are written in the draft document. I am not praising those members for that one little

bit, but it is a very wordy document. Sir, I can assure you that water holding licensees in general—the 1 100 of them whom I am trying to protect—did not, one by one, go through every page of this document. Might I read from this document, under the heading 'Water based levies', as follows:

> Provisions exist under the Water Resources Act 1997 for the minister to provide a rebate on levies for water (holding) allocations where the licensee can demonstrate that the allocation has been made available for trading on the market in a bona fide way for a substantial part of the year.

It continues:

> For the purposes of budgeting for this plan it is assumed that all levies are collected for water (holding) allocations.

If that is not ambiguous, I do not know what is. The last sentence is what the minister claims he has based his decision on. That is highly ambiguous; it is hidden away in the several hundred pages of this document; and I defy the minister to convince this house that that has been developed and adopted through a consultation process and that all the stakeholders were aware of that one line in that document.

The minister in his statement today has tried to indicate that he took a lot of advice before making this decision. I wish to quote from an article in the *Border Watch* of last Friday, 20 June. It is an article about a Farmers Federation regional meeting that was held at Lucindale on Wednesday last week. Kent Martin, who is the South Australian Farmers Federation Natural Resources Chairman, had this to say:

> But the reality is the minister said to me on Monday night [that is Monday night last week] that 'if that (catchment board) vote had gone the other way, I would have done what the catchment board asked of me.'

The vote he referred to was taken on 19 March, when the minister had already revoked section 122A of the Water Resources Act on 6 March and had written to all 1 100 licensees on 14 March.

I think the minister needs to do several things. First, he has to stop making decisions based on the personal advice of the chairman or presiding officer of the boards that he administers. I think he would be a lot better off if he went back and looked into what the whole board had decided by substantial motion. That is the advice that he should be following. The minister should go back and revisit this issue and provide relief to those 1 100 licensees. The same article quotes a Mr Varcoe, who was at the same SAFF meeting on Wednesday last week. Mr Varcoe was talking about his water holding licence. The article states:

> Yet Mr Varcoe said he received 'nothing' for his money—it did not allow him to irrigate and it did not guarantee he could one day irrigate on his own property.

I also wish to quote from a letter published in today's *Naracoorte Herald*, headed 'Water fees $25 to $450', as follows:

> I am writing to you concerning the new increase in fees for water holding licences to come in effect next year. The fee has gone up from $25 to $450 a year in my case. This will vary from farmer to farmer but, as you can see, it is a huge increase for a product I derive no income from. The idea of taking up a water holding licence was to retain the right to use this water allocation some time in the future without incurring a financial burden. The Minister for Environment and Conservation has instigated this increase to water licences to be used whatever the cost. It seems stupid to be talking about water restrictions in Adelaide while encouraging the excess use of water down here. I will be refusing to pay the new fee and feel that many more local landholders will be doing the same. I feel that this issue is one we must make a stand on. I will be willing to help anyone else with the same view.

The letter is signed, 'Scott McLachlan, Naracoorte'. I reject the minister's claim that 40 phone calls shows that there is not much concern out of 1 100 licensees. I feel sorry for the constituents that you represent in your electorate because if you need substantially—

**The ACTING SPEAKER (Mr Caica):** Order! The honourable member should direct his remarks through the chair.

**Mr WILLIAMS:** Thank you, sir. I feel sorry for the minister's constituents if he needs more than 40 phone calls on an issue before he thinks there is a problem. I can tell members that if I get more than two or three phone calls on a generic issue I think that something is going on and I will investigate it. But this minister does not take any notice of 40 phone calls out of a population of 1 100. That means that he would take more than 400 phone calls from his constituents before he would think there was something going on in his electorate. I think that is rubbish.

My constituents are calling on me to represent them and asking me to do several things, one of which is for me to see the South-East Catchment Water Management Board take up its responsibilities and go through due process. They are calling on me to ask the minister to ensure that that happens. As I suspected when I started my contribution, I will not have time to address a number of other matters. However, I would probably repeat what many of my colleagues have said; but do I hope that the minister takes note of what I said and redresses what he has done.

**The ACTING SPEAKER:** The honourable member's time has expired. I wish the honourable member a happy 50th birthday for tomorrow. The member for Kavel.

**Mr GOLDSWORTHY (Kavel):** I understand that the arrangement is that the house will adjourn at 6 o'clock. I will therefore keep my comments reasonably brief so as not to delay the house past 6 p.m. I know that members are keen to get home to their families. I was very pleased to be a member of the estimates committee that investigated the portfolio area of Treasury and Finance, together with my parliamentary colleagues the member for Davenport and the member for Morialta. I found the estimates committees to be a very worthwhile process, particularly looking at the Treasury and Finance portfolio area.

I regard it as being interesting and informative, and it certainly gave me further insight into the budgetary process. I certainly look forward to being part of that committee next year. Notwithstanding that, at times the Treasurer's conduct could be described as churlish and less than gracious but, looking past that, my time on that committee was seven hours, which was a fairly long haul. I attended from 11 a.m. to 8 p.m. with some time off for lunch, and so on. I also found being a member of the other estimates committee quite worth while. Some issues are emerging from those estimates committees on which I would like to expand further.

I know that I have spoken about these matters in the house previously, and I will continue to canvass these issues in the house, as well as writing letters to ministers, asking questions and making speeches until these issues are resolved. I believe that it is my responsibility, as the elected member for Kavel, to bring those issues to the attention of ministers by a number of means. The first point I would like to raise is the matter of a feasibility study that has been requested for the Birdwood High School. As a result of questions raised in the Education and Children's Services portfolio area of the estimates committee, the minister did confirm that a feasibility study

for Birdwood High School is to be funded and is to take place in January next year.

I am a fair man, as members would know, and I commend the minister and her department for making that decision. This issue has been on the agenda of the Birdwood High School and the Birdwood Primary School. Some work is being done to look at combining the resources of those two schools. This issue has been on the agenda for a number of years—well and truly before I came into this place in February last year. The member for Schubert certainly would be aware of this issue because he represented the Birdwood district before the redistribution a number of years ago.

**Mr Venning:** And I'm getting it back.

**Mr GOLDSWORTHY:** Indeed. The honourable member says that he is going to get it back, and he is. Come March 2006 that district will return to the electorate of Schubert, which I personally regard as being somewhat unfortunate, because I have valued representing that part of the Hills over a four-year period. As I said, that issue has been on the agenda and, through a series of representations, the department and the minister have agreed to fund the feasibility study, and that was confirmed in the estimates committee. Through the chair a question was asked that raised the issue.

As a result of the astute manner in which the shadow minister for education goes about her business, she understood the issue. She asked a subsequent question and the minister absolutely confirmed that the feasibility study is to take place in January 2004, which is tremendous news for that school's community and the district for which, obviously, the school caters. I continue my comments regarding the Oakbank Area School. I have raised this issue previously and, as I said, I will continue to raise these issues until we see some resolution of them. Two or three years ago we saw significant funds spent on the redevelopment of the Oakbank Area School, notwithstanding that the redevelopment was a Liberal government initiative.

The school was not able to secure quite enough funds to complete the total redevelopment of its infrastructure. Some issues are outstanding, such as toilet facilities and the like. I will continue to campaign on the school's behalf until we see those funds allocated and those facilities upgraded. There are also issues at the Woodside Primary School and I have spoken about this on previous occasions. The community at that primary school does a tremendous job in managing the available resources. Some quite significant landscaping work has been undertaken, which really has enhanced the environment in which the school children learn and play. Obviously, there is further work to be done at Woodside Primary School. It has gone through the planning stage and a feasibility study for redevelopment at the school, and it is awaiting funds to be dedicated for a revamp of its site, some new buildings and a redesign of the site to come to fruition.

I urge the government, the minister and the department that supports her to focus continually on this issue and not to push it aside, or to put the feasibility and planning study on a bench or shelf somewhere to collect dust. I urge the minister and her department to keep this issue on the agenda, so that those children at Woodside Primary School will benefit from having decent facilities in which to learn.

I now turn to transport issues in the electorate that I have the privilege to represent, and I raised several in the estimates committees. Again, these are issues that I have raised previously and they concern traffic in and around the township of Mount Barker. I refer to the draft transport plan that the Minister for Transport's office issued several months ago.

I attended a community forum held for the Hills and Fleurieu region at the Town Hall in Strathalbyn. I raised a couple of issues at that meeting, and our local Hills paper, the *Courier*, picked up on those. I understand that an article has been written about that meeting and the issues that I raised. They reported on those this week, which is definitely encouraging. However, to expand further on this issue, I want to quote from the draft transport plan which is on page 50, and I raised this in the estimates committee. In relation to freight transport, the plan states:

> The focus for freight transport needs to be moved away from towns in the Adelaide Hills to make better use of investment at the Monarto interchange on the freeway and between Murray Bridge and the Sturt Highway.

You do not have to be a genius to understand that the focus should be on freight transport, which needs to be moved away from towns such as Mount Barker, Littlehampton and Hahndorf. No doubt, the member for Heysen, who is sitting next to me, shares those concerns, because semitrailers and the like move through her part of the Adelaide Hills, and they may necessarily need to be bypassed or re-routed around some of the towns in her electorate. The plan continues as follows:

> North-south freight will be attracted away from Mount Barker through targeted rural road investments. This will eliminate in the short term the need for both the Mount Barker bypass and an additional access to the South-East Freeway.

I raised this matter in the estimates committee, and I referred to that page in the draft transport plan in the context of the enormous residential growth in the Mount Barker, Littlehampton and Nairne areas. I asked:

> Have any funds been allocated to carry out any preliminary study work on a second interchange at Mount Barker?

The minister's response was, 'The short answer is no.' Well, anybody knows that no means no.

**Ms Bedford:** What part of 'no' don't you understand?

**Mr GOLDSWORTHY:** That's right. The member for Florey asks, 'What part of "no" don't I understand?' Well, there is nothing in the word 'no' that I do not understand.

*Mrs Redmond interjecting:*

**Mr GOLDSWORTHY:** Indeed. The member for Heysen says this does not match, and she is right on the money: it does not make sense. The draft transport plan says that north-south freight will be attracted away from Mount Barker through targeted rural road investments. At the community forum at Strathalbyn I asked that particular question. I asked what roads had been identified outside Mount Barker or skirting Mount Barker that should be looked at for this targeted rural road investment fund. The person facilitating the forum said, 'We think we will use the new Monarto interchange.' I am a bit puzzled and perplexed about that because it was said at the forum that the Monarto interchange will attract heavy freight vehicles from the Langhorne Creek area. That is all fine and dandy, but we have heavy transport coming from Strathalbyn, Flaxley and Echunga—not the Langhorne Creek area, but the Southern Vales area. That is not necessarily going to—

*An honourable member interjecting:*

**Mr GOLDSWORTHY:** I will close on this point, because I am being wound up. In conclusion, the Monarto interchange will service the Langhorne Creek area but it will not service traffic coming from Strathalbyn, Flaxley or Echunga (the Southern Vales). Transport operators will not

come up from Strathalbyn to the Wistow intersection, turn right, head to the eastern part of the Hills, go to Monarto, come back and head up to the Barossa. Truckies just will just not do that. They will say, 'Sorry, Joe.'

**Ms Chapman:** Why not?

**Mr GOLDSWORTHY:** The member for Bragg has raised an interesting question; because you do not travel two sides of a triangle to get to a point. Transport operators are all about time and money, and time means money to them. I know this plan is only a draft, but I think Transport SA officials really need to go back to their desks and understand that you do not travel two sides of a triangle as the shortest route from one point to another. With those final words, I am happy to close my remarks.

Motion carried.

**The SPEAKER:** The question is that the remainder of the bill be agreed to.

Question carried.

Bill read a third time and passed.

## ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE BILL

Received from the Legislative Council and read a first time.

## ADJOURNMENT

At 6 p.m. the house adjourned until Monday 14 July at 2 p.m.

# HOUSE OF ASSEMBLY

**Wednesday, 25 June 2003**

# QUESTION ON NOTICE

### FESTIVAL CENTRE

154. **Mr HAMILTON-SMITH:**

1. For each facility managed by the Adelaide Festival Centre:

(a) How many times was the venue hired out during each year 2000 to 2003, respectively;

(b) What are the details of any confirmed booking to the end of 2003 and how many local technical personnel will be employed in each production;

(c) How many equipment hires for on site productions occurred during each year 2000 to 2003, respectively; and

(d) How many items were hired to users of the facility, how many items were hired for external use and what associated revenues were raised during each year 2000 to 2003, respectively?

2. How many full-time, part-time, casual, contracted and temporary staff, respectively, are currently employed at the centre and what are their roles?

3. How many overtime hours were paid by the centre during each year 2000 to 2003, respectively?

4. How many exhibitions of local art and craft are planned at the centre to the end of 2003?

**The Hon. M.D. RANN:**

1. (a) The Adelaide Festival Centre manages four venues. Total hirings for the years 2000 to 2003 for these venues are detailed in the following chart:

| Year | Festival Theatre | Dunstan Playhouse | Space | Her Majesty's Theatre |
|---|---|---|---|---|
| 2000 | The breakdown of hirings for individual venues is not available for this year. Total hirings across all venues was 946. | | | |
| 2001 | 265 | 219 | 209 | 97 |
| 2002 | 256 | 228 | 269 | 138 |
| 2003 (to May) | 110 | 78 | 65 | 64 |

1. (b) There are 30 confirmed bookings for these venues from now to the end of 2003, each employing up to 50 local technical staff, as detailed in the following table:

| Venue | Performance | Length of season | Crew Numbers |
|---|---|---|---|
| All venues | Cabaret Festival | 3 weeks | 50 |
| Festival Theatre | Cabaret, The Musical | 5 weeks | 14 |
| Her Majesty's | Barry Humphries | 1 week | 8 |
| Dunstan Playhouse | Myth Propaganda & Disaster in Nazi Germany | 3.5 weeks | 4 |
| The Space | Robinson Crusoe | 3 weeks | 2 |
| Festival Theatre | ASO Young Performance | 2 nights | 3 |
| Her Majesty's | Certified Male | 2 weeks | 4 |
| Dunstan Playhouse | Proof | 3 weeks | 4 |
| Festival Theatre | Dead Man Walking | 3 weeks | 20 |
| The Space | Who's Afraid of Virginia Woolf? | 4 weeks | 4 |
| Her Majesty's | Wakakirri | 1 week | 7 |
| Festival Theatre | Rock Eisteddfod Challenge | 1 week | 9 |
| Festival Theatre | Catholic & Public Schools Music Festival | 2 weeks | 9 |
| Festival Theatre | The Ring—rehearsals | 8 weeks | 45 |
| Dunstan Playhouse | Snow Queen | 2 weeks | 4 |
| Dunstan Playhouse | Flying Blind | 2 weeks | 5 |
| Dunstan Playhouse | Scapin | 3 weeks | 4 |
| Festival Theatre | ASO Masters | 2 nights | 3 |
| Festival Theatre | ASO Showtime | 2 nights | 6 |
| Festival Theatre | Sacred Heart | 1 night | 6 |
| Festival Theatre | Rostrevor College | 1 night | 6 |
| Festival Theatre | Australian Philharmonic Orchestra | 2 nights | 6 |
| Festival Theatre | Cabra College | 1 night | 6 |
| Festival Theatre | St Aloysius School | 1 night | 6 |
| Festival Theatre | St David's Concert | 1 night | 6 |
| Festival Theatre | St Andrew's | 1 night | 6 |
| Festival Theatre | King's Baptist Grammar | 1 night | 6 |
| Her Majesty's | Desalyne Dance | 1 night | 5 |
| Her Majesty's | Mighty Good Talent School | 3 nights | 5 |
| Her Majesty's | Norwood Ballet Centre | 1 night | 6 |

1. (c and d) The theatres are each equipped with standard lighting, sound and staging equipment. However, venue hirers occasionally request that additional equipment be installed for productions and, in these circumstances, the equipment is normally either arranged directly by the client or toured in with the productions. The Adelaide Festival Centre Trust sometimes organises equipment for a hirer and passes the charges on to the hirer.

Revenues raised from external hires were:
2000-2001 $269,090
2001-2002 $303,232
2002-2003 $318,440 (year to date).

Details of the numbers and revenues raised from individual items of equipment hired would need to be extracted from copies of individual invoices to hirers. These documents are held in off-site storage and can be recovered if required.

2. There are currently 326 employees engaged by the Festival Centre, as detailed in the following table:

| Department | Permanent | Contract | Part-Time | Casual |
|---|---|---|---|---|
| Corporate Communications | | 1 | | |
| Programming | | 7 | 1 | 6 |
| Performing Arts Collection | 1 | 2 | | |
| Education Department | | | | 2 |
| Venue Sales (Theatre Hiring) | | 2 | | |
| Marketing | 1 | 10 | | |
| Production—Sound | 4 | | | 19 |
| Production—Lighting | 5 | | | 19 |
| Production—Mechanist | 4 | | | 35 |
| Production—Wardrobe | | | | 12 |
| Production—Administration | 1 | 4 | | 10 |
| Car Park | | | | 2 |
| Front of House—Performance | 1 | | | 54 |
| Front of House—Administration | | 2 | | |
| Gift Shop | | 1 | | |
| BASS | 22 | 6 | 10 | 22 |
| Workshop—Dry Creek | 4 | | | 9 |
| Workshop—Gepps Cross | 3 | | | 1 |
| Organisational Development | 3 | | | 4 |
| Building Services | 3 | | | 1 |
| Mechanical Services | 5 | 1 | | |
| Cleaners/Gardeners | 3 | 2 | | |
| Financial Planning & Systems | 7 | 4 | | |
| PC Computing Services | 2 | | | |
| Administrative Assistants | 3 | 1 | | |
| Director Corporate Services | | 1 | | |
| Director Venue Ops & Services | | 1 | | |
| Director Programming/Marketing | | 1 | | |
| Chief Executive Officer | | 1 | | |
| Totals | 72 | 47 | 11 | 196 |

3. Overtime hours paid by the Centre have been:
2000 20,847 hrs
2001 14,305 hrs
2002 15,736 hrs
2003 11,929 hrs (to 31 May 2003).

4. A total of 10 visual arts exhibitions are planned at the Festival Centre from now to the end of 2003.