HOUSE OF ASSEMBLY

Monday 13 October 2003

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

CASEY, Hon. T.M., DEATH

The Hon. M.D. RANN (Premier): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Tom Casey, former member of the House of Assembly and of the Legislative Council, and places on record its appreciation of his long and meritorious service and, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

The late Tom Casey served nearly 20 years in this parliament—10 in the House of Assembly and then 9½ years in the Legislative Council. He was first elected as the member for Frome in a by-election in November 1960 after the death of Mick O'Halloran, the long serving Labor opposition leader. He was very much Mick O'Halloran's protege. He only won this by-election by a handful of votes—

An honourable member interjecting:

The Hon. M.D. RANN: Eleven, I am advised from across the chamber. His personal following ensured that he went on to win the seat three times before moving to the Legislative Council and representing Central District No. 1, when there was a different system for electing the Legislative Council.

Thomas Mannix Casey was born in Quorn in 1921 and lived in what was then the seat of Frome for a great deal of his life. He joined the Labor Party when he joined the Australian Workers Union in 1939 as a shearing shed hand. He played football for North Adelaide, and before that was a prominent country cricketer, track and field athlete and also a very successful swimmer. He enlisted in Peterborough and was a lieutenant in the Australian Infantry during World War II. He was discharged in April 1946 and was a grazier in Peterborough before he entered parliament.

In his maiden speech, Tom Casey told the house that his constant attention would be given to his duties, both in the interests of the people of Frome and also of the Labor movement. He described himself as a man of the land and was always concerned with causes important to the regional community and, indeed, the rural sector.

Tom was very much country Labor. Like his father, he was a grazier, and his political base was the Peterborough Hotel, which was owned by the family. In that maiden speech he lamented the population drift away from the regions to the city. At the same time, he saw a strong future in the regions, telling the house, for instance, that the Flinders Ranges could become South Australia's major scenic tourist attraction. There were not very many people saying that type of thing back in 1960. As a backbencher in 1965 Tom Casey introduced a private member's bill, which was passed and which established the TAB. That was an incredibly controversial act at that time.

Tom Casey was first elected to the ministry in 1968 with the support of the then premier Don Dunstan. He was one of the few members (in terms of the government benches) at that time who had a real connection with rural South Australia. During his parliamentary career, Tom held the portfolios of forests, agriculture, lands, irrigation, repatriation, tourism and recreation and sport. As the minister for agriculture, he forged important links overseas, and he brought an important rural and regional perspective to Dunstan's cabinet.

Tom Casey initiated South Australia's hay export business to Japan. After visiting Japan to look at beef production, he came back to Australia convinced that there was a major market for South Australian hay. Tom also fostered the export of South Australia's dryland farming techniques to the Middle East. He was the first minister for agriculture to visit the Middle East and, being an excellent ambassador, formed important links and laid the foundation for this important trade.

The 1970s were an important time for agriculture in South Australia and, under Tom's leadership, the then department for agriculture became known nationally and internationally for its research. He also introduced many other reforms, including the abolition of market restrictions on the sale of margarine, reform of the orange growing industry and reform of the Gepps Cross abattoir.

I first met Tom when I came to Adelaide in 1977 to work for the Dunstan government, and I know that Don Dunstan and Des Corcoran greatly valued Tom's support and contribution over the years. He knew the country and had a natural rapport with rural people. He was always seen at country shows, sometimes, I am told, up to his knees in sheep or cow manure—but, importantly, he always knew the difference! He was a great mate to the farmer, he was a great mate to the shearer and he was a great mate to the meat worker.

Tom Casey also had a great sense of humour—and you have to remember that people across Australia take for granted positions such as minister for the environment, minister for tourism and minister for recreation and sport. I think that Tom was in very many ways a pioneer in all those portfolios. Newspaper clippings from the time show him dressed in his cricket whites, and also playing cricket at Adelaide Oval. In 1979, he was presented with an honorary third degree black belt in tae kwon do. He had to smash roof tiles with his bare hands, and then planks of wood with his elbows, to earn this qualification—something that, perhaps, we could have a parliamentary scheme about! As minister for sport, at the age of 57, he dared football star Mick Noonan to a competition in shotput, and won. Mick was 26 and Tom was 57. Tom retired from parliament in 1979, during the time of the Corcoran government.

Tom Casey had a great sense of humour. He was a decent bloke, a great family man and he was liked equally, I think, by both sides of politics. He was someone whom people from all sides of politics liked and respected. The last time I met Tom, I was aware that he had been battling cancer for many years, and I know that it has been an enormous trial to his family. That battle was, again, conducted with his customary great sense of humour. He was laid to rest in his beloved Peterborough. On behalf of the government—the Labor Party—I extend my deepest sympathies to Tom's wife Margaret and to his children and grandchildren.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party, I second the Premier's condolence motion and express our regret at the passing of Mr Tom Casey. Mr Speaker, I ask that you convey to Mr Casey's family our deepest sympathies and gratitude for the role that he played as a member of the South Australian parliament, and the commendable contribution that he made to South Australia over many years. It is my privilege now to represent the electorate of Frome, as Tom Casey did. Tom proved himself to be a dedicated and well-respected member of

parliament in his service to both the House of Assembly and the Legislative Council.

In the light of his numerous achievements, it is evident that Mr Casey was a tireless worker, who was renowned for promoting a vast number of worthy causes on behalf of his constituents and the community at large. In his maiden speech to the house, Mr Casey expressed a keen interest in the development of infrastructure, our education system and the rural industries upon which the prosperity of our state is still very much dependent. Mr Casey's passion for these issues achieved a great deal for South Australia, including improved water and electricity supplies to rural areas, better transport facilities and roads, and greater access to school facilities for country students. Mr Casey also realised the importance of the state's agricultural produce entering into and succeeding in the international market. He travelled extensively throughout South-East Asia, the Middle East and North America in order to foster and promote trade links with these regions.

A constituent of Mr Casey once referred to him as 'an active and approachable man whose heart for the people was evident in his efforts to travel regularly throughout his vast electorate, developing a great rapport with those residing within its boundaries'. Upon his departure from the House of Assembly, the Speaker stated that Mr Casey was a member who held a good record and had been an able debater at school. It certainly rendered him an invaluable asset to the Labor Party. Comments such as these truly confirm that a member has successfully fulfilled his duties as an advocate for the people whom he represents.

The efforts of Tom Casey are well remembered throughout the Mid North, particularly by the people of the Peterborough region, who have fond memories of Tom Casey and the enormous contribution he made to the community on the sporting field, in business and in a whole range of activities. He is very much a respected person throughout the Mid North. I am sure all members present will join me in paying respect to the late Mr Casey and acknowledging the very worthy contribution he made to the state.

The Hon. M.J. ATKINSON (Attorney-General): I first met Tom Casey on St Patrick's Day in 1990. We walked together, and from that time Tom contacted me if he had a problem he wanted sorted out with the state government; and I contacted him each year to ask him to attend the annual general meeting of the Blackwood-Belair ALP Sub Branch. When I was following politics in the late 1960s, I was interested in Labor's holding a seat such as Frome, in which the biggest town was Peterborough. It also included the transshipping town of Terowie and the Leigh Creek coalfields. Tom Casey won the seat in a by-election in 1960 by 11 votes after the death of the Labor leader Mick O'Halloran, who had been an MP since 1918.

An honourable member interjecting:

The Hon. M.J. ATKINSON: It is something for Gunny to aim at. Indeed, Tom told me that, when he won the preselection and had to contest the by-election, he found that the entire Labor Party machine was just a personal machine for Mick O'Halloran and there was not a great deal left after Mick's death with which to campaign during the by-election. When Labor was trying to introduce one vote-one value by eliminating country electorates with enrolments that were tiny compared with metropolitan electorates, Labor tried to make some exceptions—one of which was Frome. The Liberals Boyd Dawkins responded in debate: 'Come Tom Casey, tell us true, is the Constitution Act for you? For if it is, then what a shame that it does not bear your name.' Both Tom and I have had Lambs working for us. My chief of staff is Andrew Lamb. Andrew's father, Jon, who is now best known for his Saturday morning gardening program on ABC 891 and for his gardening column in the *Advertiser*, worked as Tom Casey's press secretary.

Tom Casey was an affable, genuine bloke. He was the son of a publican, who later became a grazier. Tom had the gift of the gab. He was also a flamboyant pianist. If there was a piano in the room, Tom could not resist tinkling the ivories. On one international tour, after a day of meetings, the official party would wind down in a restaurant or bar. If Tom was in the party and there was a piano in the room, he would want to have a go. Sometimes bar managers or the resident pianist would need some convincing to let a bloke from Australia take over proceedings. It may come as a surprise to some members—as it did to me—that proprietors of licensed premises the world over do not automatically surrender the use of their musical instruments just because you claim to be a minister in the South Australian government. Tom would charm his way through any resistance; the tougher the resistance, the more ordinary would be the manner of his playing for the first few bars. Once the manager or pianist had disappeared, he would surprise everyone by stepping up with a display that was brilliant and flamboyant, and by the end of the evening the whole place would be joining in singing, clapping and cheering, with Tom Casey at the centre.

At one point during Tom's tenure as minister for agriculture, South Australia was faced with the worst locust plague for 50 years. Tom Casey was from Peterborough, and any boy from pastoral country knows how devastating locusts can be. He knew that something had to be done. There were only so many things mortals can do in the face of a plague of locusts, but Tom had the whole agriculture department drop everything to deal with the problem. Every available officer was sent out baiting and spraying to stop the hoard before it ate the entire harvest. In the second half of the 1970s, the Dunstan Labor government had one enemy greater and more vicious than the locusts, and that was the editorial policy of the Adelaide's afternoon newspaper, *The News*. So, with the Royal Show in full swing, and the state's agricultural and horticultural delights on display, a staff writer for *The News*, one Rex Jory, wrote a lead story with the headline, 'Locusts to invade Adelaide: Government powerless to stop them'. The Labor government was faced with embarrassment. Tom went to the media to reassure the state that the locusts would not invade Adelaide, and the next day locusts were nowhere to be seen!

The media story changed from the government's inability to defend its capital city to the minister's wisdom and foresight: disaster was averted and some wondered if Tom Casey had prophetic powers. There was nothing supernatural about Tom Casey. He had been a grazier before entering parliament and had the commonsense to call the Bureau of Meteorology just before his press conference, so Tom was one of the few people in the state who knew that a major wind change was highly likely to blow the entire swarm out to sea.

The Hon. G.M. Gunn: They all landed out by Flinders Island.

The Hon. M.J. ATKINSON: They landed out by Flinders Island, the member for Stuart tells us. Tom Casey was a successful agriculture minister whose legacy is still with us. In the late 1960s and early 1970s, South Australia's department of agriculture was at its peak, with strong

leadership and world renowned expertise. Our dryland farming technology was cutting edge. Many export markets were fostered because Tom Casey was able to see the potential for exporting that expertise.

An example of this foresight is our export of hay. The idea of selling hay to the Japanese was not Tom's, but he recognised the potential and championed the cause. The farmers who did not like innovation derided him, but Tom was observant and listened to what people were saying. He kept pushing it, recognised good ideas and was able to convince others to make it happen. Today, selling hay overseas is a major export.

Tom Casey led pioneering tours to the Middle East on behalf of our agricultural and livestock industry. Relations between the western industrialised countries and the Middle East were not good in the aftermath of the Yom Kippur War. Tom Casey's affable nature resulted in good relations with Middle East government and traders. Tom Casey's tenure as agriculture minister and his own personal intervention led to an export market of primary importance for South Australia: livestock, farming equipment, irrigation systems, fertiliser and farming technology.

Younger members may not recall that there was a national scheme imposing quotas on the production of margarine. The dairy industry was worried about competition from the new wonder spread. In response, the Country Party and the Liberal Party imposed upon the Australian people what can only be described as an outrageous piece of agricultural socialism. The dairy industry got away with it for years. Everyone knew the quota had no basis in economic theory, but the conservative parties were not prepared to upset the dairy farmers. Ken Wriedt, Whitlam's agriculture minister, wanted to convince the state governments to abolish the quota and so reduce margarine prices for Australian households. His only Labor colleague at the council of ministers was our Tom Casey. Casey saw the potential for South Australia's oil seed industry, so he promised Ken Wriedt that he would move to abolish the quota. The Liberal and Country Party states combined to stop Tom's motion being discussed. Tom's response was to call his own press conference and, to the astonishment of his ministerial counterparts, to the horror of the dairy industry and to the lasting benefit of Australian consumers, he announced that South Australia would go it alone and that, from the next week, all margarine quotas in South Australia would end. The constitution absolutely prohibits restrictions on trade between the states, so one state could produce as much margarine as it liked and sell it anywhere in Australia. So that was the end of the scheme—Casey's announcement was a bluff that had exactly the right effect. Tom Casey's legacy is a thriving oilseed industry in South Australia that earns millions of export dollars selling its world class products.

Tom Casey was not a traditional Labor man. He had his detractors in the party at times. His city-based cabinet colleagues did not understand where he was coming from and he regularly got knocked off in cabinet but his genuine, easygoing, sometimes dogged nature would see him prevail on other matters, persuading people from all sides of politics of the merits of an innovation. Tom Casey worked to make South Australia a better, fairer and more prosperous place. He represents the very best of a great Labor era. Vale Tom Casey.

The Hon. G.M. GUNN (Stuart): I rise to support the motion moved by the Premier. The late Tom Casey represented a very large part of my current constituency and was highly regarded by people in the outback of South Australia. He was one of the last Labor country members of parliament who really understood rural issues. His family is associated with the Peterborough Hotel, and when I first represented Peterborough the silverware in the dining room still had the Casey initials on it. One of the interesting things about Tom Casey was that when he became a member he bought a Pontiac car so that he could travel the long distances, and when I first became a member of parliament he told me, 'Get a good motor car, and the first thing you should do is get in the boot with a torch, and get someone to shut the boot so you can find any holes and block them up so that the dust won't get in.' That was very good advice. I did not get a Pontiac motor car—the honourable member for Schubert's father had a Chevrolet—but in those days the roads were not as good, and with the huge distances that Mr Casey had to travel he needed a strong, solid motor car. I think it was good advice.

His family still live at Amelia Park, where he farmed, which is situated between Peterborough and the Barrier Highway, and I would like to extend my condolences to his son John and to the family, whom I know particularly well. Mr Casey gave me a lot of good advice when I became the member for Peterborough because there were a few issues around Peterborough that he was very interested in, and I think he may have had some difficulty in relation to them in the cabinet. From time to time it was suggested to me that perhaps, if I felt so inclined, I may care to raise this particular issue. I understood the message that was being conveyed to me, and we had a good relationship.

There are other stories that I could tell. In relation to one campaign where Mr Casey was campaigning against me when I had two Labor candidates, his grandchildren were coming to school with my stickers on their schoolbags—which was a particularly interesting set of circumstances. However, I would like to endorse the comments made by the Premier, the Leader and others. Tom Casey was a good member of parliament, he worked hard for the people in rural and regional areas and it is a great pity there are not other Labor members of parliament who have the same understanding and appreciation of rural South Australia.

The Hon. J.D. HILL (Minister for Environment and Conservation): I also rise to support this motion. I did not know Mr Casey very well. In fact, I met him only after he had retired from this place when I was an organiser of the Labor Party and requested his support, during either the '85 or the '89 election, to come into the party office along with former retired ministers to staff the phones to request donations and support from various sectors of our support base. He did this willingly, with good humour and good grace, and I thanked him for it at the time and am grateful for the support that he was able to give.

As has already been said, Tom Casey had a rural background: he was born in Quorn and he worked in Peterborough. He joined the Labor Party in 1939 when he first joined the AWU, and he was a good sportsman. We have heard all of these things before. He was elected to this place in 1960. He was a very pragmatic member of parliament, and that pragmatism was revealed at the time of his election when it was pointed out (somewhat notoriously) that until he sought preselection he had been paying the LCL a regular stipend. When he was sprung in relation to this, he said:

> I became a subscriber to the Liberal and Country League through business association with my father in the Peterborough Hotel. But

I have never voted for the LCL, I have always supported the ALP and was a close personal friend of the late Mr O'Halloran.

I guess that indicates that, in order to succeed in business in the country in those days, one had to support the LCL—and I do not think things have changed very much. In fact, I recall at the time of the election when the member for Schubert was elected that an outspoken shearer who stood as a Labor candidate was also elected. He told me after the election that his income had declined by about 50 per cent after the election because people who needed shearers would not employ him.

Tom Casey was obviously very pragmatic. He served for nine years as a minister, which was a long time, and his last ministerial appointment was for a brief period of six weeks as minister for the environment. In his opening speech, as has already been mentioned by the leader, he raised a whole range of issues in relation to his electorate. I was fascinated to read in his maiden speech reference to the north-south railway line—a reference, I guess, to the Darwin to Adelaide railway line—and he also talked about power supply and the need for water. I will briefly read some comments from his address in reply, particularly in relation to power supply. Tom was talking about the need for power at Cockburn, saying:

It [Cockburn] is situated on the Peterborough to Broken Hill railway line and is on the border of South Australia and New South Wales. At present—

I am sure the Minister for Energy would appreciate this—

the power supply to that town is cut off at 9 a.m. every day except Monday, when it is left on until 10 a.m. to assist the housewives with their washing. It is not restored until 4 p.m. in the winter and 5 p.m. in the summer, except on Mondays when it comes on at 1.30 p.m. to help the housewives complete their ironing.

I commend this policy to the Minister for Infrastructure. He also said in relation to water:

In Quorn, Hawker and the surrounding areas of the northern plains, the vital need, as is the need in the whole of Australia, is water.

Things have not changed very much in all that time.

As the leader said, Tom was also very interested in links with South-East Asia. In that regard, he was well ahead of his time. Tom travelled extensively to South-East Asia, and I was interested to read that in 1974 he had just returned from a seven-week overseas trip to South-East Asia—the good old days! When he returned from that trip, he advocated that we should engage in the live cattle trade with Japan. So, it is interesting to see how the issues—

Mr Brindal interjecting:

The Hon. J.D. HILL: Well, he went further than just South-East Asia. It is interesting to see how the issues have not really changed. Mr Speaker, I would like to add my condolences to those of my colleagues, and I would appreciate your passing them on to his family. We will miss Tom Casey; his passing is a great loss.

Mr VENNING (Schubert): I also rise to support the motion of condolence by the Premier which has been endorsed by my colleagues. As has been said, Thomas Mannix Casey was born on 12 March 1921 and he died only a few weeks ago on 25 September. He was first elected as the member for Frome when he won a by-election on 5 November 1960. He was a good friend of my father and our family; I knew him, and I respected him. He served briefly in 1968 as minister for agriculture and forests. He was and still is unique in this parliament, because he was the only Labor minister of agriculture who was ever a farmer.

Tom served the people of Frome from 5 November 1960 until 14 May 1970 when he was elevated to the Legislative Council in another by-election. The question was, and still is: why did he change houses? We know that the then Premier of the day, Don Dunstan, prevailed upon him to change houses, but the question was and still is (and the family still does not know the answer) why he changed, because he was a very good local member. Maybe they could see the electorate changing and feared that he would be lost—because he was a very good member; a unique member of the Labor Party; and, being a farmer, a very good minister.

On 2 June 1970, once again, he was made minister of agriculture and forests, which post he held until 10 June 1975. He was a good minister and never forgot his background. He was a regular visitor, as has been said, to country shows, and he was a great talker and very popular figure. From that date until 15 March 1979 he held the portfolios of lands; irrigation; repatriation; and tourism, recreation and sport. He proved—and we have had this debate many times in this house and in our particular party—that agriculture and land should always be together, and he certainly did very well having them both in the same portfolio. For a short period (from mid March to the end of April 1979) he was again minister of lands, repatriation and the environment.

Tom was a great Catholic and a true conservative member of the ALP. He said in his maiden speech:

I believe that Christian education for our youth is the greatest bulwark to communism the free world has.

He was a very devout man who attended mass every day when his health allowed. Outside parliament, as has been said, he was a very good grazier. He loved his sheep and the outdoors. He was an ex-serviceman, the father of six children and played football for North Adelaide, being one of the youngest ever league players at the time. He was a prominent country cricketer, field athlete and swimmer. He was also a valued member of the parliamentary bowls club.

Tom, knowingly—or unknowingly, as the minister said a while ago, and my father would often chiack Tom about it—subscribed to the LCL prior to entering parliament, with the endorsement of the Labor Party. I do not think that will ever be emulated. Also, he was quoted as saying that one of the biggest obstacles between South-East Asia and Australia is the lack of shipping. How true that statement was and still is. He promoted agriculture, and the department thrived under his stewardship. It was not like it is today: no doubt he would regret that fact, as do I. He was a good member, a good minister and a good bloke. I join my colleagues in extending my and my family's sympathies to his wife Margaret, son John, their other son and their four daughters.

The Hon. M.J. WRIGHT (Minister for Transport): I rise to support the motion also. I first met Tom Casey in the early 1970s when my father entered parliament. As has already been said, the former member achieved a lot throughout his life, and that has been acknowledged by a range of speakers. Tom worked at the Port Adelaide Wool Stores after finishing his education at Rostrevor, then went bush and worked as a roustabout. He joined the Australian Workers Union in 1939 when he was a shearing shed hand. He is one of the few individuals who has represented both houses of parliament—the House of Assembly and the Legislative Council. The member for Schubert posed the question: why did he enter the Legislative Council? Perhaps we do not have

to look for the answer because the answer is simple: Don Dunstan asked him to do so.

The Premier referred to Tom Casey's having introduced a private member's bill for the introduction of the TAB. I do not think we should underestimate this. The introduction of the parimutuel system in South Australia has formed the basis for the revenue of the racing industry since its introduction. The result of that introduction, of course, is the stake money, and about 90 per cent or more of the revenue for the racing industry comes from the TAB. The racing industry owes him a great debt, and he was, in this area and in a range of other areas, a man before his time.

His great sporting prowess has also been referred to by a number of speakers on both sides, whether it was playing league football for North Adelaide, tennis, or a range of other activities. That was an easy talking point for me as a young person playing a lot of sport. Tom always took a great deal of interest in the people he met, and I will always respect that. Certainly, I enjoyed his company and I know that my father did also. One thing I do remember—because they actually played against each other on a number of occasions—is that Tom brought his sporting prowess to the parliament. The member for Schubert mentioned that he played bowls, but he was also a great snooker player. Members might like to know that he was the champion here in the parliament in 1963 when he won not only the doubles but also the singles championships.

Tom won the championship in 1967, in 1968 (when he also won the doubles) and in 1969. I think all members of the parliament will recall Tom as a very decent human being. I guess that it could be said—and I suppose that, in one way or another, members opposite have said this (and maybe I should not be saying it)—that when Tom first entered parliament he was recognised as the only ALP member who could speak with authority on rural matters, and he did so very eloquently for a long period of time. Reference has been made, of course, to his ministerial responsibilities.

Amongst other portfolios, Tom was a minister for agriculture in both Dunstan governments, as well as holding the tourism, recreation and sport portfolio. I also pass on my condolences to the family. Obviously, as a young person growing up, it was a pleasure for me to meet with Tom Casey on a regular basis. I learnt more about the bush as a result of those discussions, and I appreciated the interest he took in me as I was growing up.

The SPEAKER: I, too, join other members who have spoken to this motion in offering my condolences to the surviving members of the Hon. Tom Casey's family, his wife Margaret and the other members. I first met him at Peterborough in 1962, after I had not long graduated from Roseworthy. I did not ever expect him to remember that, but he later told me that he had not forgotten it and recognised me immediately when I met him as minister of agriculture in the early 1970s; and, he reminded me of it again shortly after my election on one of the many occasions that he had chosen to visit the parliamentary library.

I endorse the remarks that have been made by the Premier, the Attorney-General and the Leader of the Opposition for not only the accuracy of the detail, in historical terms, of those activities in which he was involved but also, and in addition to activities, the accomplishments of the man. Were it not for the fact that the Labor premier of the time felt, for reasons still unclear to me, so strongly opposed to the notion of the head of state being a monarch that the word 'sir' had to be stricken from the language of politics we would be lamenting the loss of Sir Thomas Casey and not just the Honourable, and that is an object of regret.

Tom was a great man of the people. I knew him to be so. He was a natural at everything he did. He was loved by his family and by those who knew him, regardless of whether they supported the views he may have been expressing at the time, and seldom did they have strong reason to differ from his views and the arguments he put, and always put, so persuasively. I also know from personal insight that this applied not only across urban and rural South Australia but also in other places where one might have expected him to have succeeded with his ability to entertain spontaneously in public houses or elsewhere.

In Japan, of all places, the toughest and most conservative society on earth to break into and to be accepted, it takes a long time to generate on, and Tom Casey did it in a trice. He had scores of Japanese rolling on the floor in great merriment shortly—within an hour or two—of their having met him where he was trying to get across the points on our behalf as a state about the necessity for freer access for our products and for their markets being an advantage for them. He did not set out to do that. The first thing he did was win their hearts by entertaining them in a fashion that I have seen no other man capable of doing any time in my life, and I have seen a few try. That was the measure of the man. He could relate to anyone, in any circumstances, anywhere.

I would say of Tom that it was not only his advocacy in eloquence but also his advocacy in competence and simple clarity that made him so popular with so many at once. With that, I shall pass on the remarks which honourable members have made today to his widow and family in expressing our regrets at his passing and in acknowledgment of a great life to be celebrated. I ask all members to join me in acknowledging and passing the motion in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.43 to 2.53 p.m.]

STANDING ORDERS SUSPENSION

The Hon. M.D. RANN (Premier): I move:

That standing orders be so far suspended as to enable me to move a motion in relation to the Bali tragedy.

Motion carried.

BALI BOMBINGS

The Hon. M.D. RANN (Premier): I move:

That on the first anniversary of the Bali bombings this house expresses its sympathy to the families of those who lost loved ones and to those others still bravely confronting their injuries and memories; and further that this house calls on the leaders of nations in our region and throughout the world to work together to fight hatred and intolerance and work for a lasting peace.

Yesterday, every Australian was united in grief on the first anniversary of the Bali bombings that took so many Australian lives. Thousands of people in Adelaide came together yesterday to honour those who died or were injured on that terrible day. There are still no words to describe how we have been changed by what happened one year ago. For South Australians, this terrorist attack was so much closer to home geographically and emotionally. Terrorism had struck at a

place where our young people played, a place we parents thought was a safe haven in an increasingly troubled world.

There were nearly 3 000 South Australians in Bali on that day. Some 202 people were killed in the bombings, 88 of whom were Australian. Many more Australians were seriously injured and many, many Balinese people also died and were injured that day. They were the very people who had opened their arms and hearts and their beautiful island to Australians for so many years, and we grieve for them, too.

We especially grieve with Mr Ibrahim Sammaki, who lost his wife Undang that day. Their two young children are still in Bali, and I would like to make special mention of the help provided to us by the new federal immigration minister, Senator Amanda Vanstone. She personally helped arrange for Mr Ibrahim to be released from the Baxter Detention Centre so that he could attend the private memorial service yesterday. I met with him yesterday and he still suffers terribly at being separated from his children, who are effectively now orphans. I firmly believe it is time for compassion in this case.

As South Australians we grieve because four of those who were killed were our own—Bob Marshall, Josh Deegan and Angela Golotta. One other victim, Tracey Thomas, was living in Perth, but was a South Australian at heart. They have huge extended families—mothers, fathers, sisters, brothers, uncles, aunts, cousins, grandparents, friends and neighbours—who are still broken-hearted at their loss. That pain, of course, is felt over and over because their grief has no end. It does not heal. One does not get over the loss of those we love the most. No-one who has not been through it can know its enormity. No-one who has not waited out that long night and the days that followed can know years on how little words mean. We were bound together as a community and as a nation by 12 October 2002. It was a unanimity of shock and grief; a unanimity we could have done without; a night we would rather not remember, but one that is now forever part of our story. It was an awful bonding of loss and love that made us, cruelly and sadly, wiser and kinder as people. We were tested in the most horrific of circumstances, and Australians passed that test with compassion and honour. We know so well the stories of holiday-makers who were not in the Sari Club that night but who rushed to Sanglah Hospital to help. Members of the media, especially the *Advertiser*'s Colin James, became so much more than observers of the unfolding human tragedy. Colin became, in effect, an advocate and friend to those grieving families, and he deserves to be saluted for his extraordinary efforts on behalf of local families following the Bali bombings.

Here in South Australia we rallied around to embrace those who were hurt and those left behind. When news of the bombings first broke, the state government immediately began organising help for the victims, the survivors and their families. We contacted the Office of Foreign Affairs and minister Alexander Downer and immediately offered the assistance of South Australian doctors and nurses. The Royal Adelaide Hospital sent three medical teams to Darwin on two chartered Lear jets. Dr Bill Griggs, Dr Peter Sharley and Dr John Greenwood and their teams immediately began treating the injured who were retrieved by the Royal Australian Air Force from Bali; and, without a second thought, their colleagues at the Royal Adelaide Hospital worked double shifts to cover for them. Five people spent months in the Royal Adelaide Hospital Burns Unit recovering from their injuries. Once again, I thank those doctors and charge nurse Sheila Kavanagh and their teams for all their care and support for those patients.

One of them was Sturt footballer, Julian Burton. A few days after the bombing, health minister Lea Stevens and I visited the Burns Unit and met Julian. He was so badly hurt that it was all he could do to give us the 'thumbs up'. When I was at the hospital in July to open the new Burns Unit, Julian said:

> . . . it takes staff, family, friends, and sometimes even the good wishes of complete strangers to make it through the experience I had.

He had repaid that support by establishing the Julian Burton Burns Trust to raise money for the Burns Unit. Josh Deegan's father Brian has turned his personal tragedy into a passionate determination to seek the truth, to seek justice and to gain assistance for the victims' families. He is also trying to help Mr Ibrahim's two children and has visited them personally in Bali. In the immediate days after the bombing last year, South Australian doctors, nurses, police, counsellors and other support workers gave their all. The Queen Elizabeth Hospital set up a dedicated trauma counselling service under the supervision of Professor Sandy McFarlane, who is a world renowned expert in post traumatic stress disorder.

The head of South Australian Mental Health Service, Professor Margaret Tobin, spent her last hours organising help for other people involved in the Bali tragedy. Of course, she was tragically killed two days after Bali as she was organising counselling and other support services for those arriving home from Kuta and for the families of the victims. Tomorrow, we will be planting a tree in Hindmarsh Square to commemorate and celebrate Margaret's life. I was so pleased that Professor Tobin's husband, Don Scott, was able to attend the private service yesterday for the families of the Bali victims.

South Australian police officers also played a very important part in the Bali effort. Members of the missing persons section were involved in making initial contact with the families of those who were missing. Fourteen South Australian police members from various specialist areas were deployed to Bali to assist with the disaster victim identification process. Those specialists often worked under the most extraordinarily difficult conditions and contributed significantly to the successful identification of 199 of the 222 victims.

In recent months, SAPOL members have provided major input to the enhancement of Australia's disaster victim identification capability. In the days after the attacks in Bali, without even a public appeal, the Red Cross Blood Bank in Adelaide was inundated with donors. South Australians gave generously to help victims and their families. In the weeks after the bombings, the brave members of the Sturt Football Club helped the Red Cross to raise money in honour of their mates, Bob and Josh.

Adelaide radio station SAFM organised what it called the 'Shoebox of Love', a collection for orphans of Bali. South Australians, including schoolchildren, donated more than 22 000 shoeboxes filled with personal items, and these were distributed to 38 orphanages on the island. It was a national crisis and we all played our part as Australians.

So, today, let us honour those who died, those who were injured, those who have lost loved ones, those who worked to serve and to save us and those who help us heal. Words, of course, are never enough. But they are a beginning. It may be a year, but it is early days yet. So let us open our hearts to a renewed empathy for those families who have lost loved

ones and for those others still bravely confronting their injuries and their memories. They are in a process years' long of coming to terms with the unspeakable, the irreversible, the cruel and the unknown. We offer them our continued support on that journey of healing.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party, I certainly support this motion. This anniversary is a time to reflect and one for the memories of those who lost their lives and to comfort their families and friends. It is also a time to honour and reflect on the many acts of heroism we have heard of and which have restored our faith in the human spirit and which have assured us that the Anzac spirit is alive and well in yet another generation.

The last 12 months have been incredibly hard for the families and friends of those who lost their lives on 12 October 2002. Whilst we see this date as changing Australian history forever, it was personally devastating for many. South Australia lost three wonderful people in Bali. The senseless nature of the Bali bombings has left many unanswered questions, making the grieving process even more difficult for the families.

The Premier and I were both honoured to take part in Angela Golotta's funeral service. It was an incredibly moving service, filled with the very obvious love that her family had for a beautiful young lady. Whilst a very sad occasion, it was incredible to witness and to experience the manner in which hundreds of people were so tightly bonded in their shared love and respect for Angela.

The Sturt Football Club was very much the public face of the Bali tragedy in South Australia. A week before Bali I was among the many who saw Sturt, against the odds, celebrate a great win in the SANFL grand final. They were also celebrating not one but two Magarey medals, and the club was on an incredible high—and that is about as good as it gets for a footy club. It was terrific to see the club celebrating what they so richly deserved. For the club and its members, Bali was absolutely devastating. Those of us at the Sturt memorial service and at Josh Deegan's service will never forget the incredible bond amongst that group of young men who were battling to believe what had happened, let alone try to understand what had happened. Brian Deegan's tribute to Josh at his service was an enormous help to the players and everyone else who was present. He spoke passionately of Josh's innocence, his trust and love of people, and how Josh felt that he had never been happier than he was on that trip to Bali. Josh was just embarking on life's journey—his was a tragic loss and he is enormously missed by his family and friends.

Sturt also lost one of its icons in Bob Marshall. Whilst Bob was the oldest of the victims, there was no doubt that he was having a great time in Bali celebrating his beloved Sturt's success and sharing it with a group of young men for whom he cared greatly and who in turn held Bob in enormous respect. Bob was an incredible family man, and the Sturt Football Club was a key part of the Marshall family's life. Bob is an enormous loss to his family, the club and our community. The Sturt Football Club and their leaders can be very proud of how they stuck together and helped each other out. The courage and efforts of another Sturt player who survived the bombing, Julian Barton, is an example of the virtually defiant reaction of courageous people to this senseless attack and the establishment of the Julian Barton Burns Trust is but one of many positives that have followed from the victims of Bali. Who will ever forget the return, triumph and retirement of Jason McCartney. It was a great moment in Australian sport and makes you very proud to be an Australian, as Jason typified the response of so many survivors.

The Bali bombing was an absolute tragedy, a senseless act of terrorism to be forever condemned. Australia's reaction has been terrific—this was a true test and many people responded superbly. Our survivors in Bali performed many heroic acts amongst the confusion and chaos which followed the bombing. The response from our burns unit people was immediate, professional and compassionate. Medical, police, transport, counselling and many other services responded well and as a community we pulled together in response to a totally unexpected and senseless act. We again offer our sincere condolences to those who lost loved ones. We congratulate and thank the many who have helped those families through a most difficult year and we also thank those whose heroics have made us proud and given us great hope for the future. We hope the sacrifice made and the courage shown will be a positive force in the fight against hate and intolerance and contribute to a lasting peace in our region. Mr Speaker, the Opposition wholeheartedly supports the motion.

Mr HANNA (Mitchell): A year ago a nightclub in Bali was bombed. Many Australians, including South Australians, were killed, and the Premier and the Leader of the Opposition have given some of the details regarding those South Australians who were taken from us at that time. I wholeheartedly endorse the sentiments expressed by the Premier and the Leader of the Opposition.

The Premier has moved a motion which has two aspects to it. He has expressed sympathy to the families of those who lost loved ones and to those others who are still bravely confronting their injuries and memories. It was an appalling incident and every one of us feels sympathy accordingly. The second aspect of the motion put by the Premier is a call on the leaders of nations in our region, and throughout the world, to work together to fight hatred and intolerance and to work for a lasting peace. The Premier has made a fine point in that motion in referring to the hatred and intolerance of those who perpetrated this horrible incident. They are fundamentalists and extremists, and it is difficult to see a place for such people in a liberal democracy, and we are people who wholeheartedly endorse the principles of liberal democracy. The pain and grief of the families involved must be foremost in their hearts and minds, and we commiserate with them.

As members of the House of Assembly in South Australia, we also think about why it happened and what we can do to ensure that it does not happen again in the future. I refer to the perpetrators of this incident as fundamentalists and extremists, because it is important that we characterise those people as undemocratic. However, their particular religious faith is not the relevant point. I feel the need to make this point because my brothers and sisters in the Muslim community in Adelaide do not adhere to the values of those extremists who perpetrated this horrible incident.

Honourable members: Hear, hear!

Mr HANNA: I note that members concur with the sentiments I am expressing. This is an important point to make, because it is all too easy to characterise people wrongly. The point is not their faith but the fact that they hold extremist and fundamentalist views and, what is more, are prepared to kill in order to get their way politically. Those values are abhorrent to us.

Finally, I would like to say that in the Australian context the answer is most certainly not continually to erode the liberties that we enjoy, our privacy and the privileges that we have as citizens of a relatively prosperous and free country. We have rights and privileges which we enjoy as citizens of Australia and, in my view, the way to fight the sort of absolutism and extremism of the perpetrators of the Bali incident is not to become like them. All of us in the national and provincial parliaments of Australia have a responsibility to safeguard the rights and privileges which we enjoy. Otherwise, we are taking a step towards the closed monocultural society for which groups like Jemaah Islamiyah are prepared to kill.

The SPEAKER: I note the motion which the Premier has put before the house. It quite properly expresses sympathy to the families of those who have lost loved ones and others who are still bravely confronting their injuries and memories of the occasion. More particularly, in its conclusion the motion states that the house calls on the leaders of nations in our region and throughout the world to work together to fight hatred and intolerance and work for lasting peace. In order for us to be able to do that, we need to understand what both the Premier and the Leader of the Opposition have alluded to and what the member for Mitchell has just said. Those sentiments I am sure are understood by all of us and we can relate to them.

However, we also need to understand that the values that enable us to argue the toss about the direction of our policies within the framework of our liberal democracy (to which the member for Mitchell quite appropriately drew attention) are not values which the majority of people living on this planet are entitled to think are their right, because of the way in which they have been governed, and therefore they do not understand what we are talking about. For us to be able to make some headway in dealing with the fight against hatred requires us to understand where it comes from, why it is there, and why our views are in disharmony with the views of those other people who seek to ensure that on their territory, as they see it, our conduct is according to their rules, not ours.

Whilst nothing any Australian was doing in Bali or has been doing in Bali was thought to be or said to be or reported as being in any sense unlawful within the law in that country at that time, it was nonetheless seen by millions of Indonesians as being immoral and very offensive to their beliefs. That is how the perpetrators gained their mistaken belief that they were entitled to perpetrate the heinous acts that they did and, until we understand that and come to terms with what causes it to be so, we will not be able to deal with the root cause of the hatred which gave rise to that murder and terror. That is what remains.

The assistance that they need and that we need to provide for them, if we are to live in a world less troubled by hatred and intolerance and more likely to produce peace, is assistance with education. We need to ensure that our behaviour in the meanwhile, whenever we go somewhere else, is not just behaviour that we think is acceptable in terms of the daily mores within which we conduct ourselves—remembering that we live in a multicultural society that is already more tolerant of a greater range of beliefs and a greater range of values within the law than any other society in the history of humanity. We need to ensure, then, that our behaviour is sensitively measured not to be offensive and that we do not take for granted the fact that we can do as we wish within the framework of our values without it seemingly causing offence to some others.

Be alert and be careful. Be compassionate and be understanding. But it is also important for us to question the level of that understanding and knowledge against which we say we understand so that we truly can be aware and ensure that we do take the least costly option of finding that reduced hatred, relieved intolerance and enhanced prospects for peace. I commend the Premier and the Leader for the remarks they have made, and the member for Mitchell for his support of them, and I invite all members in the chamber to join me in a minute's silence in supporting them.

Motion carried.

SPEED LIMIT REINSTATEMENT

A petition signed by 339 citizens of South Australia, requesting the house to urge the Minister for Transport to immediately take action to reinstate the 110 km per hour speed limit on the road between Jamestown and Spalding, was presented by the Hon. G.M. Gunn.

Petition received.

POLICE NUMBERS

A petition signed by 75 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.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 35 to 44, 46, 48, 56, 57, 64, 81, 85, 124, 125 & 145.

ADELAIDE WOMEN'S PRISON

In reply to **Hon. R.G. KERIN** (27 May).

The Hon. J.D. HILL: The Minister for Correctional Services has advised that:

The department is aware of the need to fill correctional officer staffing vacancies at the Adelaide Women's Prison, and has been actively engaged in a trainee correctional officer recruitment program for the institution.

Twenty new officers will commence training for metropolitan positions on 30 June 2003. Of these, nine will be allocated to the Adelaide Women's Prison. These new officers were ready for placement in the institution in the middle of August 2003.

Further recruitment intakes are planned for October 2003 according to staffing needs at the time.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table the annual report of the Auditor-General for the year ended 30 June 2003.

Report ordered to be published.

PAPERS TABLED

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

Pastoral Board of South Australia—Report 2002-2003

Upper South East Dryland Salinity and Flood Management Act—Report 2002-2003

SCHOOL RETENTION RATES

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

Leave granted.

Mr Brindal interjecting:

The SPEAKER: Order! If the member for Unley wants an early minute he will persist in that direction. By reflecting on the proceedings of the house in that manner to this point, the member shows his gross disrespect for what other members have already said and by what he has already done himself in acknowledging the condolence motions and the other sympathies that have been expressed. The Premier.

The Hon. M.D. RANN: One of the first references that the government asked of the social inclusion initiative, chaired by Monsignor David Cappo, was to find out what is needed to dramatically raise school retention rates. In 1993, South Australia was leading the country in terms of our children staying on at school. I am advised that we had retention rates of around 90 per cent. However, I am told that the school retention rate dropped to around 56 per cent under the previous Liberal government. Currently, only two-thirds of our young people who start year 7 stay at school to complete year 12.

The number of Aboriginal young people finishing year 12 is even lower, and some schools in both metropolitan and regional areas of our state have very poor school retention rates. It is clear that students must have an incentive to complete 12 years of schooling. They must feel that what they are learning is enjoyable, worthwhile and relevant to them and their future lives, and also gives them the best chance of securing a good future for themselves, with real jobs and real careers.

One of the first initiatives of this government was to raise the school leaving age in South Australia from 15 to 16 years, the first time it had been raised in 40 years. However, we recognise that more needs to be done, and we have acted on that. After consultations with more than 1 200 people including young people, teachers, government agencies, local government, community organisations and business, the Social Inclusion Board has provided to government a plan to raise school retention rates and to help provide every young person with the opportunity to make the most of his or her talents or potential.

The government has now committed to $28.4 million to implement this Making the Connection strategy. We are putting real dollars and real action into the issues surrounding early school leaving. The reforms that will come of this strategy will mean a more modern school curriculum that is more relevant and attractive to young people. We know that we will need cooperation across government departments and also partnerships with young people, schools, families, local communities, employers and business. Of course, members opposite will be aware of the work done for the Salisbury High School in its embrace of business and the world of work and also, I understand, the relationship of OneSteel in Whyalla in terms of local high school students in that city.

Five key initiatives will be implemented during the next 12 months in one of the most significant efforts in many years to reverse the decline in school retention rates. $13 million will be provided to help school dropouts, young offenders and those being frequently suspended or excluded to get back into learning. A mobile team of teachers, youth workers, family practitioners and mental health workers will assist school counsellors and student mentors to work with young people who fall into this category. $7.5 million will fund initiatives in communities with some of the worst retention rates in the state. Schools, businesses, local councils, community groups and government agencies will be encouraged to come together as networks to find local solutions to barriers to learning. These might include school-based childcare for young mums, life skills programs or student mentoring from local business identities. Young people will be encouraged to engage in community-based activities such as being a volunteer with the CFS or Meals on Wheels, with the government providing $1.5 million in funds.

This School Without Walls initiative will recognise valued learning that takes place outside the classroom as part of the secondary education certificate. Effectively, more young people will be encouraged to volunteer in their communities and become involved in community planning and decision making. Student run forums will be held across the state as part of the investigation into ways to make schools and the subjects offered more interesting, fun and relevant to young people's lives and young people's futures.

These forums will not be just talkfests, with the government committing $5.3 million to address the outcomes. The government will act on what young people tell them. To assist Aboriginal students studying SACE, $1.4 million will be allocated to provide accommodation and school holiday mentoring programs as part of efforts to encourage them to complete school. Programs run by the schools already excelling in the area of Aboriginal education will be extended across the system.

Under the leadership of the Minister for Education, the Inter-ministerial Committee on School Retention and the Social Inclusion Board will monitor the actions and evaluate their impact on our schools. At the Economic Development Summit, held earlier this year, participants identified education as an absolute priority for our economic and social wellbeing. Through the work of the Social Inclusion Initiative—and I thank Monsignor David Cappo and the board, and also Minister White—the government has recognised education as a priority and has provided the resources to make a real difference to our young people and the long-term prosperity of our state.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT

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

Leave granted.

The Hon. M.J. ATKINSON: In April 1995, after the High Court decided an appeal called Ridgeway in favour of the accused, parliament passed the Criminal Law (Undercover Operations) Act 1995, with the support of both sides of the house. The object of the legislation was to place the law of police undercover operations on a legislative footing and to ensure certainty in the law. The High Court ruling on police entrapment of drug dealers and other criminals had created uncertainty for the police and the courts. As honourable members may be aware, one of the safeguards that was built into the legislation—legislation which extended police powers—was that there should be notification of authorised undercover operations to the Attorney-General and an annual report to the parliament. I am pleased to assure the house that the system is carefully adhered to, both by police and by my office. The details of these notifications form the report that

the statute requires me to give to parliament. I now seek leave to table that report.

The SPEAKER: The honourable the minister does not need leave. He can table it, and it is so tabled.

The Hon. M.J. ATKINSON: The legislation is working well. There have not been any South Australian court decisions in the preceding 12 months on the legislation or on this specific aspect of Ridgeway of which I am aware. I am in a position to assure honourable members that the legislation is working as it was intended, and that no difficulties have appeared in its effective operation. The law in this area appears to be well settled now. Honourable members should be aware that, as a result of the agreement of the Council of Australian Governments on terrorism and transborder crime, in April this year, work has begun on a nation model for controlled operations legislation. The aim of this work is to make a nationally uniform law that would allow controlled operations across jurisdictional boundaries. Serious criminals do not respect state and territory borders, nor should the law. State law should be capable of dealing with transborder crime. This topic will come to the parliament when we have settled a bill. Work is well advanced. I expect that a report with a draft bill will be made to the next meeting of the Standing Committee of Attorneys-General.

EXPORTS

The Hon. R.J. McEWEN (Minister for Industry, Trade and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: It is timely that I provide the house with an update on South Australia's export performance and an overview of the government's initiatives to boost our export capability. The latest figures released by the Australian Bureau of Statistics indicate that the value of South Australia's overseas goods exports fell by 12.4 per cent in the year to August 2003, compared with the year August 2002. The value of South Australian exports for this period was $8.05 billion. The United States remains the most important single country export market for South Australian products, followed by Japan, New Zealand and China. The European Union, in total, ranks in terms of its export market importance equally with the United States, with the Middle East market almost as significant to us as the US and the EC markets.

Several factors were responsible for the decline over the last year in the state's export performance. The impact of the value of exports from three separate influences—the drought, the SARS virus and the 16 per cent appreciation of the Australian dollar over 12 months—have been substantial. With our crop production severely reduced by drought, South Australia's wheat exports suffered a 31 per cent reduction in value in the year to August 2003, while 'other/confidential' items, which include barley, declined in value by 15 per cent over the same period. Automotive manufacturing exports also suffered in the year, with the value of our export income from motor vehicle parts and accessories falling by 20 per cent in the 12 months to August, due primarily to the appreciation of the Australian dollar. The SARS virus also had an impact, with the export value of fish and crustaceans decreasing by 22 per cent as demand dropped away dramatically for a time in Asia, with householders reacting to the SARS threat by curtailing their usual shopping and dining out routines.

Recent international developments and occurrences, such as the Iraq conflict and SARS, together with national and international economic trends, such as the rising Australian dollar, only demonstrate how open and potentially sensitive South Australia's economic fortunes are to external influences, and how resilient and competitive this state's exporters must be to continue to succeed in international markets.

While we are encouraged by the current positive signs of revival in the US, Japanese and other economies, we are not relying on this. We are instead working to strengthen and diversify our export base through an active partnership with business. To capitalise on the export base that has now been built, the government has set an ambitious target of trebling the value of exports by 2013. That target recognises that export growth will ultimately determine our overall economic performance and the growth of the state's income.

A number of the EDB Framework recommendations relate to exports. I am pleased to be able to inform the house that tomorrow I will convene a workshop, along with the EDB's Mr Andrew Fletcher, to consider these recommendations. In addition to this initiative, I advise the house that the government is currently redesigning the Exporting SA web site. This web site assists export ready South Australian companies as well as existing exporters, and provides information for potential purchasers of South Australian products. Providing a framework for the development and growth of this state's export capability is one way in which the government is assisting South Australian exporters.

Another equally important task is to identify and address specific market barriers to South Australian industry, and to this end I have initiated and hosted a series of trade forums held in regional South Australia. The proposed Australia-United States free trade agreement now in negotiation between the commonwealth and United States governments represents a major opportunity, but also a major challenge, for South Australia. We need to understand the specifics of these opportunities and challenges and, for this reason, the government has commissioned, at parliament's request, a study of the potential impacts on South Australia of an Australia-United States free trade agreement.

Finally, I inform the house that on 21 and 22 November South Australia will be hosting the next round of national trade consultations. These important talks, involving the federal Minister for Trade as well as trade ministers from each of the states and territories, will provide an opportunity for me to introduce my federal, state and territory ministerial counterparts to South Australia's impressive range of export successes and to raise particular trade and export issues of importance to the state and our industries. Our exporters have, indeed, confronted challenges in the last year. Some of the challenges are being answered by continuing performance at a high level by our successful export industries. Others are beyond the control of local exporters or the state government. However, the government's resolve to work towards the goal of trebling the value of exports by 2013 remains undiminished.

QUESTION TIME

FAMILY AND YOUTH SERVICES

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Social Justice. Given that the lack of resources in FAYS resulted in more than

1 100 cases of child abuse not being investigated last financial year, and that the addition of another $1.5 million to the current year's budget would improve the situation, does the minister consider this an excessive price for the government to pay for increased safety for our children?

The Hon. S.W. KEY (Minister for Social Justice): It is interesting that—

The Hon. K.O. Foley interjecting:

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

The Hon. S.W. KEY: It is interesting that I should get such a question, when the previous government has no track record or credibility in the area of child protection. One of the reasons why I have been compelled as much as I have wanted to get to the bottom of the work force issues in Family and Youth Services is that, when I took over as minister, I was presented with a number of issues with regard to child protection. I was told that the existing child protection system needed to be dramatically reformed. I was told also that a number of cases had not been dealt with by the previous government which were most serious and which needed to have a response rather than no response. I was also told that the workload levels of workers in Family and Youth Services were unacceptable and, basically, that the only reason why the child protection system (which involves many portfolios, including that of social justice) worked was because of the dedication of the workers in that area. I want to make it very clear that I am very—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Deputy Premier has been warned once.

The Hon. S.W. KEY: —concerned about all these issues and, as a response, I have made it a feature of this government, along with my colleagues, to make sure that we totally reform and restructure the child protection area.

The SPEAKER: Order! The Deputy Premier will acknowledge the chair upon leaving the chamber.

The Hon. S.W. KEY: Along with the work that was being done in the alternative care area, the first area that our government looked at was the establishment of what is now called the Layton report. As a result of the budget that we have just handed down, our state—

Mr BROKENSHIRE: Sir, I raise a point of order. This was a specific question about 1 100 cases not being dealt with last year by the government. We have not received an answer about the specifics.

The SPEAKER: Order! The honourable the minister.

The Hon. S.W. KEY: Thank you. My first concern was that the information that we received related to the increase in the number of notified cases which had been taking place steadily over quite some time. I guess the thing that really surprised me was that the previous government did not seem to have taken any action at all to address this system. In the last state budget, this government committed an extra $58.6 million over the next four years to make sure that we strengthened the child protection system. These additional resources are going directly to early intervention programs which support families at risk, child sex offender programs within our prisons, additional school counsellors, increased foster care subsidies and funds directed towards more diverse support for children and young people requiring alternative care.

The SPEAKER: Order! The Minister for Infrastructure will cease conducting a conversation across the chamber in a manner that makes it extremely difficult, if not impossible, for me to hear what the minister is saying in her answer to the 1 100 cases of child abuse not yet investigated.

The Hon. S.W. KEY: Consistent with the Layton report, we are now undergoing a workload analysis of Family and Youth Services (this is the first time that this has been done, I might add) to provide the basis to make sound decisions about future operations and resourcing in FAYS. We have also, in very recent times, in recognition of the demands on the Family and Youth Services system, added an extra $1.5 million to make sure that, in addition to the budget allocations that we have put forward, there will also be extra staff to assist in the responsibility of the staff of Family and Youth Services. Since July this year, 57 new positions have been created, including 38 positions in FAYS' district offices and also the child abuse report line.

The other initiative which I think is very important and which will certainly deliver on the recommendations outlined in the Layton report is the inner ministerial committee which I chair, and we rely on the Chief Executive in justice, Ms Kate Lennon, to make sure that we have the whole picture of child protection addressed. As members would be aware, not only is the human services portfolio involved in child protection but also we have justice, education and the corrections area, along with most other departments.

Mr BROKENSHIRE: Mr Speaker, again I ask you to rule on relevance. It was a specific question, but it is not a specific answer, sir.

The SPEAKER: While the information is interesting, it is peripheral to the nature of the inquiry made by the leader. Does the minister have a direct answer to the leader's question?

The Hon. S.W. KEY: Mr Speaker, I was endeavouring to provide that answer.

ADELAIDE TO DARWIN RAILWAY

Ms THOMPSON (Reynell): My question is to the Deputy Premier. What steps has the government recently taken to promote the use of the Adelaide to Darwin railway by exporters?

The Hon. K.O. FOLEY (Deputy Premier): As the member for Mawson acknowledges, the Adelaide to Darwin rail link was an initiative promoted strongly by former premier John Olsen and the then Liberal government. This government, in particular Premier Rann, has never shirked from or failed to acknowledge the significant role played by former premier Olsen in ensuring that this rail corridor to Darwin and Asia was built. As the minister responsible for the rail link, I acknowledge the great effort of John Olsen, the then premier, because this rail link is the result of his work, which was strongly supported by the then leader of the opposition (now Premier Rann) and the then opposition. Members should make no mistake that this rail link was a project of the former government and the former premier, which is delivered and finalised under this government. I think we should not fail to acknowledge the role of the former premier in bringing this rail to fruition.

Having said that, the job before us all is to ensure that we in government do all we can to ensure the success of this rail link. As Premier Rann has said, the government, together with the private sector, has built the rail link and it is now time for industry to jump on board. The government, in supporting the construction of this railway, can only do so much. Ultimately, industry must put freight on the rail link, and it is to industry that governments—state, territory and

federal—will be looking for leadership on this rail link. Recently, I visited Darwin, as has the Premier and the Leader of the Opposition on a number of occasions. I was up there about week ago to have discussions with both the railway consortium and the NT government, and to examine new port and rail freight facilities. Discussions with the Northern Territory government regarding greater cooperation on the facilitation of more exporters using the railway are under way; and I have had complementary discussions with officers at state and territory level.

The South Australian government will hold a major industry briefing on 14 November in Adelaide to outline the opportunities that exist for exporters to Asia in using this rail link. The Northern Territory Chief Minister, Clare Martin, will be speaking at the briefing, and I understand the Premier will be attending the briefing as a further example of the cooperation between South Australia and the Northern Territory on this important project. Along with the Premier and the Chief Minister, I will be using the opportunity to meet with the consortium and other potential users of the rail link. At the briefing, Freight Link, the operators of the freight train service, will be detailing the new range of services that are to be available for exporters. I have had a number of meetings with Freight Link, who have informed me they have been receiving positive feedback from freight companies such as Toll, Northline and FCL. I am also informed that Freight Link intends to negotiate directly with petroleum companies, mineral producers and the defence industry, and that it is currently holding positive talks with car carriers and other major users of freight services.

The Adelaide to Darwin railway special envoy, the Hon. Tim Fischer, is playing a key role in developing and promoting the case for trade. Mr Fischer is raising awareness of the corridor and promoting its economic benefits to exporters, importers, transport operators and targeted industries in the eastern states of Australia and the ACT; and, particularly on behalf of this government, throughout Asia Mr Fischer is spreading the good news. I thank the member for Reynell for her question because, as a member like yourself, sir, and many in this house representing electorates with major manufacturers and producers, this rail link is another opportunity and another avenue to export to the Northern Territory and, more importantly, into Asia.

As I said, on 14 November a major industry forum will be held. Clare Martin will be briefing that forum. I need to clarify whether or not the Premier is speaking—it may not be the case—but the government is strongly represented at the forum as we promote the benefits of exporting out of Darwin. It is a further compliment to the great infrastructure opportunities made available by both the former government and this government to ensure that we have the most efficient export infrastructure to continue to grow the vital exports of this state.

The SPEAKER: Can the chair express the wish—indeed, the hope, perhaps vainly—that the press might note the bipartisan manner in which the minister addressed the question and provided the answer in acknowledging the efforts and support which has been given to this project by all sides of politics in this state, especially since it is not an insignificant sum of taxpayers' money that has been devoted to its purpose.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Social Justice confirm that there are about 500 reported cases of children at risk in just three Family and Youth Services offices where there has been no investigation due to insufficient resources, in other words, what are called 'resources prevent investigation' cases; or where there has been inadequate investigation due to a lack of resources? Will the minister confirm there are further cases where due to pressure on staff there has not been an allocation to such a category, that is, the case still sits unattended in a file?

I understand that as of last week the following facts applied: Enfield office of FAYS, 80 unallocated cases and 90 underserviced cases; Elizabeth office, 40 unallocated cases and 120 underserviced cases; and Noarlunga office, 50 unallocated cases and 110 underserviced cases. That is a total of 496 cases as of last week in just three FAYS offices.

The Hon. S.W. KEY (Minister for Social Justice): I thank the deputy leader for his question. I think it is a very important question. The problem, of course, is that when I have checked some of the points that the deputy leader has made to me, the information he has provided and the answers I have received from the social justice portfolio sometimes do not match up. I have received information in relation to 'resources preventing investigation' and I have been very concerned to follow up that information. I will check the assertions that the deputy leader is making and report back.

MURRAYLINK

Mr RAU (Enfield): Is the Minister for Energy concerned about the repercussions to South Australian consumers of the ACCC's recent decision to allow MurrayLink to convert to regulated status?

The Hon. P.F. CONLON (Minister for Energy): I thank the member for Enfield. Of course I am. Any clear thinking person would be concerned at the decision of the ACCC to take the market network service provider, the entrepreneurial link, the one so strongly supported by the previous government, and convert it into a burden on South Australian's electricity consumers.

Mr Hanna interjecting:

The Hon. P.F. CONLON: We have got the burdens we have inherited from them. That is certainly for sure. We do not need any more. Let me remind the house about this MurrayLink interconnector, the one so strongly supported when in government by the former minister for energy, the member for Bright, and so strongly supported by the former premier, John Olsen, and the one that the Hon. Rob Lucas, the shadow treasurer, on four occasions said was such a good thing that he was going to go out, support it in every way he could and fast track it, because it was an unregulated, entrepreneurial link that we were getting for free.

The truth is that the ACCC has, because of that link, now imposed a burden on South Australian taxpayers. You have to be in awe at the negative power of the former government. Their cold hand rises from their political grave, once more, as a burden on electricity consumers in South Australia. We were told that this was good for South Australians. MurrayLink would build it themselves, they would take the risk and we would get the benefit. What happened? MurrayLink did build and found that it could not get a benefit. It was not making the money it thought it would. It was not that great idea that the member for Bright and the Hon. Rob Lucas and the former premier told us. It was not a great idea at all. What did MurrayLink do? The interconnector—

Members interjecting:

The Hon. P.F. CONLON: Yes, you mentioned SNI and they should be ashamed. They fast tracked it, they supported it, then went out there and appealed the SNI interconnector decision, and have it locked up in court to this day. Their interconnector has prevented South Australia and New South Wales having the interconnector built that they wanted. Two jurisdictions wanted this. Instead, we had one foisted on electricity consumers in South Australia which no-one ever asked for and which is of minimal benefit.

It is not all a sad story, however, because this government knows a lot more about what we should be doing than the previous government. We have been there, as I reported to the house a couple of weeks ago, and we have come to an arrangement with the New South Wales and Victorian ministers for upstream works to try to put some benefit into this interconnector that has been foisted on us.

I remind the house that we have already had an interconnector with Victoria and we have got a second one that we did not ask for. We did not have one with New South Wales, and the Liberals have had us tied up in providing the MurrayLink interconnector for years. We have still managed to get an agreement. We were able to get agreements because we have the trust and respect of the ministers interstate, something which that mob could never have got. We are going to get the upstream work, but I regret to say that I cannot understand the Australian Consumer Competition Commission.

These are the great conservatives on the other side, who were quite happy to extend the most amazing industrial socialism to a private sector company at the expense of South Australians. They do not mind, as long as it is at the expense of South Australians, not one of their business mates. It is a disgrace. The ACCC got it wrong, but we will make the best of it.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Social Justice advise where the so-called 38 extra staff been appointed within FAYS? The Noarlunga FAYS office and the Elizabeth FAYS office have reported through the Public Service Association that there are no extra staff at either of these two busy offices. The PSA has reported to me that there are no extra staff at either the Noarlunga FAYS office or the Elizabeth office. I hoped that the Treasurer would take this as a serious issue, when the safety of our children is at stake.

The SPEAKER: Order! The Hon. Deputy Leader has the call and does not need to be distracted by the Deputy Premier.

The Hon. DEAN BROWN: By way of explanation, at the Elizabeth office where there are no extra staff there are 160 cases either not investigated or under-investigated and at the Noarlunga office there are 160 cases either not investigated or under-investigated. The PSA is concerned, and I share its concern, at the risk that this is putting the children at.

Members interjecting:

Mr Brokenshire: It's not funny. It's about protecting children.

The SPEAKER: Order! The interjection of the member for Mawson is out of order, humorous or otherwise. The last part of the explanation is debate and I am sure that the Hon. Deputy Leader full well knew that.

The Hon. S.W. KEY (Minister for Social Justice): I thank the Deputy Leader for his question. I am very pleased to hear that the Deputy Leader now has a new-found relationship with the Public Service Association. It may explain why the Public Service Association did not seem to have the same interest in Family and Youth Services in the past. So, I welcome the PSA's input and I am very pleased to see that there is now a new relationship, instead of the usual anti-union bashing that went on when his government was in power. Obviously, the Deputy Leader has now decided that unions are worth supporting and do have a lot of information that is useful to the reformation of Family and Youth Services.

With regard to the staffing increases, I am advised that 38 positions have been added to the Family and Youth Services area: at Aberfoyle Park an extra three staff have been appointed; at Adelaide 4.6; at Elizabeth 3.1; at Enfield two; Gawler 1.7; Marion, another staff member; at Modbury we have two; at Noarlunga 1.7; Salisbury 1.4; Woodville, an extra staff member.

In the country areas: Ceduna now has another staff member; the Coober Pedy office has another staff member; the Murray Bridge office has another three members of staff; at Port August a .5 position has been added; at Port Lincoln two staff members; at Port Pirie three staff members; another staff member in the Riverland; another staff member in the South-East; and the same with Whyalla. Those are the details of the staff that have been increased as a result of the extra $1.5 million that this government has put into Family and Youth Services as an interim measure.

The Hon. DEAN BROWN: I have a supplementary question, Mr Speaker. Will the minister confirm that an extra 38 staff have not been employed within Family and Youth Services, but, rather, many of these positions are simply existing temporary staff who have had their tenure extended? I understand from information provided to me by the Public Service Association that a number of the staff who have been included within the so-called 38 have been temporary staff who have simply had their existing tenure extended and, therefore, are not extra staff.

Members interjecting:

The SPEAKER: Order!

The Hon. S.W. KEY: I am happy to clarify that question. My advice from the department and also from the Public Service Association is that, in fact, there are a number of staff members who did have contract and temporary jobs, and so that we could make sure that we had as many staff on board as possible, yes, that was the case. As members would understand, not only do we need more staff—which is what the PSA has been saying—but we also need staff who have the professional expertise to do the job. We need a mixture of staff with expertise and experience in this area.

Regarding child protection, which is of course very complex, it is thought that first year social workers are perhaps not the best people to cover the most serious and complex cases, particularly tier 1 cases. There is also the view that we need a mixture of staff to provide a healthy child protection and security system for young people in our community. To do that, we need youth workers and more psychologists and a different range of workers (including the very important administration staff) to make sure that child protection works properly. This is why the government is conducting a workload and work level analysis to try to ensure that we determine not only how many staff we need but also the right mix.

Another area that is important to note is that this is being done in the context of reforming the whole system of child

protection. The inner ministerial committee (which I chair) is looking at the whole system of child protection, which includes, of course, justice, health and children's services. Because of lack of action in these areas in the past, we need to reform and restructure the whole system.

The Hon. R.G. KERIN: I ask yet another supplementary question. Will the minister tell the house whether or not the figure of 38 extra positions is accurate? Are there any extra positions and, if so, how many?

The Hon. S.W. KEY: Some staff have been made permanent and some have been confirmed in full-time jobs as a result of our putting an extra $1.5 million into this area. The issue of ongoing vacant positions within Family and Youth Services, which has been an issue for quite some time—

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. I thought my question was quite clear: how many extra people are working for FAYS in the child protection area?

The SPEAKER: The honourable minister.

The Hon. S.W. KEY: I probably need to make a distinction between positions and staff. As I explained earlier, there are staff in addition to the previous number of staff in the Family and Youth Services office and, as I read those out earlier, I do not think I need do so again. I confirm that some of those staff members now have full-time jobs; some have gone from part-time to full-time; and some have gone from temporary to permanent. So, for our $1.5 million we have a further 38 staff. It is also important to note that there are ongoing vacancies in Family and Youth Services. We have been working on recruiting staff (preferably experienced) into Family and Youth Services to deal with the very complex issue of child protection.

WATER PIPES, LEAKAGE

Mr CAICA (Colton): My question is to the Minister for Administrative Services. Will the minister act on the member for Unley's suggestion that the government spend $100 million to reduce leaks from SA Water pipes?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for his question. I know he follows very carefully the career of the member for Unley and is aware of a number of his public remarks. There are two elements in the comment of the member for Unley. To put the matter into context, last week we stated publicly that we had saved 16 per cent of water use as a consequence of the water restrictions that have been put in place. The member for Unley made two points: first, that there was a 10 per cent leakage out of the SA Water system; and, secondly, that we should spend $100 million on fixing up the whole system.

My broad response to this comment is that, whilst we are trying to encourage an informed debate about waterproofing Adelaide and to encourage members of the community and informed commentators to come forward with ideas about how we can secure our long-term water needs, this probably does not fall into the category of an informed contribution. In fact, the member for Unley's suggestion contains two very serious errors. First, water leakage occurs in every water system everywhere around the world. In fact, in the United Kingdom about 25 per cent of water is lost from its system through leakage. According to international benchmarks, South Australia has amongst the world's best outcomes in terms of preventing leakage, with 6.7 per cent. So, the honourable member was wrong when he suggested that there is a 10 per cent leakage from the system.

More important is his suggestion about how we might go about fixing that. We have 8 600 kilometres of water mains. I can imagine the member for Unley walking along these 8 600 kilometres of water mains tapping them or using a diviner and perhaps looking for some slightly greener grass to give him a hint as to which parts were leaking.

Mr BRINDAL: On a point of order, Mr Speaker, I believe that the standing orders are quite explicit and do not allow for the criticism of another member other than by substantive motion. I find it objectionable that you would rightly criticise me if I interject on a matter that involves personal criticism of me.

The SPEAKER: Order! I take the member for Unley's point, but he needs to remember that it is the remarks that he made that are the subject of the question. So, in answering the question, naturally the minister must refer to those remarks and what they mean.

The Hon. J.W. WEATHERILL: It is important to work through some of these questions, because the member for Unley made a public statement about this. It was reported widely in *The Advertiser* and across the whole of the state. It is important to put the facts on the public record, because we want to encourage a long-term debate about the future water needs of this state.

We know that we lose 6.7 per cent of our water through leakage—this figure has been independently audited by the Water Services Association of Australia—and, according to international benchmarking standards, South Australia's water leakage is rated as excellent. So, the honourable member would have us spend $100 million on attempting to fix what is already an excellent system. This $100 million that he would have us spend would be to try to find marginal improvements in what is already an excellent reduction in leakage from our system. This is the economic equivalent of towing an iceberg up the gulf; it has many of the same characteristics of dragging an iceberg as far as you could up the gulf to supply our long-term water needs. In fact, there are strikingly similar economics for both those propositions.

The real question is where this $100 million would come from. Where would the member for Unley take this $100 million from recurrent expenditure to go on this wild goose chase? Which school or which hospital would he close? There has to be an informed debate. One must rank alongside these ideas of genius the actual public policy alternatives for the alternative use of this money. We encourage an informed debate about Waterproofing Adelaide but, unfortunately, this is not a useful contribution to it.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Social Justice. Why did she claim that an extra 38 staff had been employed, when most of those staff were already employed by Family and Youth Services? On Wednesday 8 October the minister said, 'We have put on 38 staff recently.' On Friday 10 October the Premier said, 'Then we topped it off with another $1.5 million to get an extra 38 FAYS workers.

The Hon. S.W. KEY (Minister for Social Justice): I thank the deputy leader for his question because it gives me an opportunity to clarify the information that I have. Of the additional $1.5 million, 38 positions were funded, as I have

said. 32.5 positions have been filled on an ongoing or temporary basis. The remaining 5.5 positions are vacant and do not have staff appointed to them. Of these 5.5 positions, 3.5 are in country locations and the remainder in the metropolitan area.

The other point I make is that the increased number since 1 July this year I am advised is 56.8 and there are 18.8 equivalent positions that have been added to the juvenile justice area, which is obviously a very important part of this portfolio, and also the secure care area. We have also increased—

Members interjecting:

The SPEAKER: Order!

The Hon. S.W. KEY: —the number of staff by three more than whatever the previous government had in the crisis response and child abuse area. So, there has been considerable movement since 1 July this year, and I acknowledge that it has been hard to recruit for some of those positions. Some of them are people on different contracts whom we have moved from temporary to more permanent positions.

The reason we are undertaking a work force analysis is to work out the level and the type of professional staff we need in the child protection area. Bearing in mind there has been no reform in this area for quite a number of years, the reform will take some time, and that is what we will do. We will follow the Robyn Layton recommendation and do this in a proper way.

HOUSING, TENANTS

Ms BEDFORD (Florey): My question is also directed to the Minister for Social Justice. What measures are being taken by the Housing Trust and the Aboriginal Housing Authority to assist tenants who are at risk of eviction and homelessness?

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Florey for her question and also acknowledge her considerable import with regard to the housing portfolio, particularly with regard to Aboriginal housing and accommodation. The Social Inclusion Board has released a major report entitled 'Everybody's responsibility: Reducing homelessness' to help address the issue of homelessness. In an immediate response to the report, the state government has announced a $12 million package to reduce homelessness in regional and metropolitan areas over the next four years.

The social inclusion report made two recommendations on the issue of tenants at risk of eviction. At the heart of the recommendations is the need to stabilise tenancies at risk and break the cycle of eviction. The state government has provided $655 000 additional funding this year to help assist tenants who are at risk of eviction. $470 000 will be used to expand the Housing Trust supported tenancies project, $64 000 will be used to develop a tenancy support model for Aboriginal Housing Authority tenants and $121 000 will be used to develop private rental demonstration models. These projects are based on cooperation with non-government agencies, social workers, police and schools to support tenants at risk of eviction in developing skills such as living skills or debt management skills.

Early findings indicate that many of the residents involved in programs are sustaining tenancies, reducing debt and reducing disruptive behaviour. Other benefits for tenants have included increased involvement in local communities. The $121 000 extra funding for supported private rental tenancies will help address concerns about at-risk households in private rental markets, particularly those in receipt of bond guarantees.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question again is to the Minister for Social Justice. How does she—

Members interjecting:

The SPEAKER: Order, the member for Wright!

The Hon. DEAN BROWN: My question is again to the Minister for Social Justice. How does the minister explain no investigation of alleged sexual abuse of two young children due to staff shortages within FAYS after the matter had been reported to the child abuse hotline by a family counsellor as a mandatory reporting? About 11 days ago, a family counsellor met me to report that she had reported, as required by law, to the child abuse hotline the alleged sexual abuse of two young children. The family counsellor followed up the case a week later with FAYS and was told by FAYS staff that, due to the lack of FAYS staff, the alleged sexual abuse of the children would not be further investigated.

The Hon. S.W. KEY (Minister for Social Justice): I thank the deputy leader for his question. I believe this question is related to media comments made by the member recently, and I am pleased to say that in this particular instance I have received a letter from the member (assuming this is the same case) on 9 October outlining concerns reported to him by a family counsellor. So I can only assume this is the same case.

I have had the details of this case investigated and it would be inappropriate for me to go into detail because I think it would be very easy to identify this particular family. I am advised that, because the alleged perpetrator is not with that family, the matter has been referred to the police, despite the fact that this matter may be deemed to be a familial matter. My advice is that this was referred to the police on 10 October to investigate allegations of criminal behaviour.

The Hon. Dean Brown interjecting:

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

GLENELG NORTH FLOODING

Dr McFETRIDGE (Morphett): My question is to the Minister for Infrastructure. Do early reports about the cause of the Glenelg flood conclude that the locked gates failed to open because they had been incorrectly programmed by an unqualified and unauthorised person?

Members interjecting:

The Hon. P.F. CONLON (Minister for Infrastructure): They go 'ooh', but what happened under the previous government was this particular piece of infrastructure was outsourced to a private contractor which has some years to run. Members will remember that it is a contract in respect of which this government has issued a breach notice. I can say that early indications are that the flooding was caused—and it is not conclusive yet and I will not go into detail until it is conclusive, but all will be made known—by improper operation of the sluice gates, as I think they are referred to. We have put things in place to ensure that does not happen again and we have also, as I have said, issued a breach notice. We are working through the process of compensating residents, even though it appears to us that someone else is

plainly responsible. But if you want to lay the blame for who is responsible, it is the independent contractor, in my view, and, of course, that independent contractor was given the contract by the previous government, which is yet another of its disastrous privatisations.

CHILD ABUSE

Dr McFETRIDGE (Morphett): Has the Premier asked the Catholic Archbishop to release the results of the inquiry into sexual abuse of children at St Ann's Special School and, if not, why not?

The Hon. M.D. RANN (Premier): I think that I have already publicly addressed this matter. The abuse of a child is among the most grotesque of crimes, and it is absolutely abhorrent to me and, I am sure, every member of this house. Children, and in particular children with disabilities, are highly vulnerable and deserve to be safe in the company of the adults who carry the responsibility for them. The abuse of children by adults inside or outside the family circle is a betrayal of that sacred trust. Obviously, I am aware from media reports of the Catholic Church's offer of $2.1 million in payment to former St Ann's Special School students.

As members know, I met with parents who had a child at St Ann's. They talked with me in a frank and heartfelt way about what had happened to their child, and that was a journey that lasted more than 12 years. Members would be aware that the Catholic Church is currently conducting an inquiry, headed by Brian Hayes QC, into the processes the church followed in handling the allegations associated with St Ann's Special School. I have spoken to the Archbishop offering to table the report in this parliament. I have also written to the Archbishop repeating that same offer.

LICENSING FEES

Mr MEIER (Goyder): Will the Minister for Consumer Affairs intervene to give relief to small businesses being charged unexpected increases in their business licence renewal fees this year? Businesses in my electorate have contacted me regarding large unannounced increases in licensing fees. One electrical business in my electorate has had its licence fee increased from $386.75 last year to $928 this year. I repeat: from $386.75 to $928.

Mr Brokenshire: Anti small business!

The SPEAKER: The member for Mawson was not part of the member for Goyder's question.

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The same question was asked in substance by the Leader of the Opposition during the last sitting week. A reply has been prepared and is winging its way to him. One of the reasons for the increase is that the previous government offered a discount for, let us say, a wife of a husband who was a tradesman to be a partner. So, the licence rate for the wife was substantially discounted. We have ended that discount, which—

Members interjecting:

The Hon. M.J. ATKINSON: Well, we have told people. The notice of the change has been included in the licence renewal applications sent out to licensed tradesmen. We have told the relevant people of the increase. We have hidden nothing.

KAPUNDA HOMES

Mr VENNING (Schubert): My question is to the Minister for Health. Why has the government delayed for more than 12 months the commencement of the extension to Kapunda Homes when the project is already fully funded from local sources? The federal government has agreed to licence six full-time high care beds at the Kapunda Aged Home. Kapunda Homes has raised the money to fund the building project itself. No state government funding is involved, yet the government refused to allow the project to commence and the delay is now over 12 months.

The Hon. L. STEVENS (Minister for Health): The Department of Human Services is processing the project, which includes six new high care nursing home beds, new lounge and dining facilities, new laundry and stores and some further minor works, such as improvements to the day surgery areas. The works requested total—

Mr Venning interjecting:

The Hon. L. STEVENS: I will get to it. The works requested total over $1 million. I understand that the planning had been concluded by the Kapunda Hospital by July 2003, which then required government approval. I also acknowledge that the money required for this development has been raised by the local community, as well as through the careful management of behests by the board. This is a great effort, and should be encouraged and supported. However, there are prudential requirements—as was the case under the previous government—when any public agency, such as Kapunda Hospital, wishes to expend any funds.

I can say to the honourable member that I have been informed that the licences approved by the commonwealth government have been extended from January 2004 to January 2005. So, there is no fear of losing those licences.

Mr Venning interjecting:

The SPEAKER: Does the member for Schubert wish to ask a supplementary question? The member for Stuart.

BURRA SWIMMING POOL

The Hon. G.M. GUNN (Stuart): Will the Minister for Education and Children's Services advise the house when her department will finalise arrangements with the District Council of Goyder, based at Burra, in relation to the swimming pool which is on the school site? An article in the Burra newspaper (which circulates each week) reporting a council meeting states:

> Council is frustrated by the lack of action by the Department of Education, Training and Employment in the finalisation of a Joint-Use Agreement between DETE and the council regarding the operation and management of the Burra pool and the subsequent transfer of the pool site to the council. This has been ongoing and should have been resolved soon after the swimming pool was built in 1993. Matters came to a head at the September council meeting when it was resolved that the tiling work at the pool not be undertaken until the council has ownership of the pool facility.

The article is entitled 'Doubt over Burra Pool Opening'. It is my understanding, minister (and, I am sorry, I have the flu), that the swimming pool at the school will not open this year until the arrangements with your department are finalised. The council has advised me that this saga is longer than *Blue Hills* and that Sir Humphrey has distinguished himself in relation to making sure that the council does not get it.

Members interjecting:

The SPEAKER: Order! The minister.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I will ask my department about this particular instance. I do not believe it has been brought to my attention. However, I think the honourable member raised a good point when he said that this has been going on for a long time. He mentioned that it has been going on since 1993. It seems that this has been a good case to be answered for the last decade. Certainly, the matter precedes my administration as minister. However, I just comment that, on coming to government, it became apparent to me that there were quite a number of situations around the state where lease agreements of one sort or another (joint-use lease agreements) were not completed on a range of school sites. My department has been working through quite a quantity of those. Quite an extensive effort has been required to fix up that problem which was inherited by the Rann Labor government when it came to office. I will take this question on notice. It is not something about which I immediately know the answer. However, I will seek the answer from my department, and I will attempt to resolve the matter promptly for the honourable member.

CAR PARKING LEVY

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport rule out the introduction of car parking levies at major shopping centres? One of the proposals contained within the government's draft transport plan is the introduction of a car parking levy at major suburban shopping centres.

The Hon. M.J. WRIGHT (Minister for Transport): We have had a range of questions about the draft transport plan, and that is probably a good thing. Of course, this is the first transport plan that has been produced in South Australia for 35 years. At this stage, I am yet to be convinced about a car parking levy for shopping centres. However, that debate will take place, just like a whole range of areas that have been identified in the draft transport plan.

An honourable member: Will you rule it out?

The Hon. M.J. WRIGHT: No, I'm not going to rule it out. Later this year or early next year, the draft transport plan will be consolidated, and we will have a final plan. That will be a good thing for South Australia. A whole range of questions—whether they be related to the draft transport plan or other things in the transport portfolio—have been asked of me in regard to ruling it out. I rule nothing in or out. What I said earlier was that I had yet to be convinced of the merit of a car parking levy for shopping centres, but that debate will take place, as it should, on a whole range of areas. If we are going to have a better transport system, so it should.

FREIGHT, INTERSTATE

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise how he came to the figure of 75 per cent of interstate freight to go by rail and sea instead of by road by 2018, and will this move be cost effective? In the draft transport plan it is stated that 75 per cent of interstate freight is to go by rail and sea instead of road by 2018. At the recent AUSRAIL Conference, it has been indicated by the New South Wales government that its target is 50 per cent by 2025. As a part of that conference, it was shown that, to substitute rail for road, this will work only if the distance for freight to travel is over 700 kilometres, as anything under that it is far more cost effective for freight to be transported by road as it can be delivered at a cheaper cost.

The Hon. M.J. WRIGHT (Minister for Transport): This government will take on the challenge of freight. We need to be about doing it better. If we are going to do it better, one of the challenges is to be able to get some freight off the road and get some of that freight either onto rail and/or sea. That will be a challenge in itself. The member for Light asked how I arrived at that 75 per cent figure—at least, I think this is what he asked—and he is nodding his head. As I said earlier in my answer today, and on previous occasions, this draft transport plan has been produced as a result of a process whereby a number of major stakeholders have come to the table with government and developed a draft transport plan that will now be consolidated. As I have said earlier today and on previous occasions, we have not had a transport plan in South Australia for 35 years. The previous Liberal government talked about it for eight years but could never produce it. The Rann Labor government has already produced a draft transport plan, and that will be consolidated.

MINISTER, POLICE INVESTIGATION

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

Leave granted.

The Hon. K.O. FOLEY: On 25 September 2003, the member for Bragg asked in parliament whether I had received any advice that any Labor minister is the subject of a police investigation. At the time of the asking of the member's question, I was not aware of any minister being the subject of an investigation by SAPOL as suggested in her question. Since the member for Bragg asked her question, I have become aware of certain relevant circumstances. A constituent of mine telephoned my electorate office on or around 28 August this year. My electorate assistant noted that the caller was making accusations about treatment of him by various people, including members of the Liberal Party and police. My assistant noted that the constituent—and I quote from the note—'sounded very confusing' and asked him to put in writing what it was all about.

The constituent advised in writing that the member for Bright had called him and encouraged him to approach the police about allegations concerning a government minister. The constituent also raised allegations about police harassment and about care that he had received in a mental health facility. Amongst the material sent to my office, the constituent included, on his own initiative, an email purporting to be to him from the member for Bright stating that the member for Bright had spoken to the Acting Police Commissioner—although the email does not disclose the content of those discussions. The email from the member for Bright goes on to state that the Acting Commissioner had spoken to senior detectives in the Anti-Corruption Branch of SAPOL and that detectives were waiting for the constituent's call in relation to his allegations.

After the member for Bragg raised her question in parliament, the Acting Commissioner of Police informed me that the Anti-Corruption Branch had concluded an investigation into allegations regarding a minister. I was not advised of this investigation by SAPOL until I asked SAPOL to comment on the member for Bragg's question. Given that it was an operational matter, I was not advised of the investiga-

tion while it was ongoing, nor should I have been. The Acting Commissioner advised me that SAPOL found no evidence to support the allegations against the Labor minister. The Acting Commissioner further advised that the constituent had withdrawn the complaint. Police have expressed concern to me regarding the mental state of my constituent.

FAMILY AND YOUTH SERVICES

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.W. KEY: I wish to clarify dates in relation to a question asked of me by the deputy leader in question time. He asked me about a case, which I will call a Victor Harbor case, where the deputy leader wrote to me on 7 October. I received his letter on 9 October. I need to advise that the child abuse hotline was notified on 9 September, and my advice is that Noarlunga FAYS referred this matter to the police on 10 September. I think I might have inadvertently said October.

MINISTER'S REMARKS

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

Leave granted.

Mr BRINDAL: In his answer to a question today, the Minister for Infrastructure accused me of arguing that 10 per cent of water was lost through leakages in SA Water's system—

An honourable member interjecting:

Mr BRINDAL: It should be Minister for Administrative Services; I apologise—and that it was to come at a cost $100 million. If I erred in the leakage, I apologise to the house. However, I point out that I made that statement to this house on 3 June 2003 in answer to a question to the Minister for Administrative Services. At no time then or until today has he refuted the figure of 10 per cent. I acknowledge now that he says it is 6.7 per cent, and would be most grateful if he could provide me with the basis of the contribution. In explanation as to the $100 million, I quote the honourable the Minister for Administrative Services in reply to that question on that day. He said:

> We are talking about capital works projects which cost in the order of $60 million, $70 million, up to $100 million in relation to the upgrading of those networks.

So, I did use from then on the figure of $100 million, which was the figure given to this house by one of its ministers—a figure which I thought could be relied on.

Finally, I say in explanation that, while 6.7 per cent of water lost through our pipes may be a matter for debate in this house, I am minded of a time when one of the officers from Murray Water Irrigation Ltd (of which I believe you sir, are aware) claimed that it was 90 per cent efficient. But in talking to him, I discovered that 90 per cent efficiency represented, in that system, greater losses than the whole of the consumption of South Australia. So, I would submit to this house that it is not the figure that is important: it is the loss that is important.

FAMILY AND YOUTH SERVICES

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: Earlier during question time I was asked by the deputy leader about the number of uninvestigated cases at the Noarlunga, Elizabeth and Enfield branches of Family and Youth Services. I am advised that the number of cases between 1 July and 30 September this year where resources prevented investigation were as follows: Noarlunga 45, Elizabeth 99, and Enfield 95. I want to make it quite clear that a professional judgment regarding risk factors with respect to a child is made by FAYS staff when they decide that a case should be classified RPI. Those children considered at very high risk are investigated immediately. I note that I reinstituted the collection of information about unallocated cases that the previous government had stopped collecting.

GRIEVANCE DEBATE

FANTASIA, Mrs F.

Mrs HALL (Morialta): Today I wish to pay tribute to and acknowledge the life of Mrs Fernanda Fantasia, her contribution to her local community of Payneham and, importantly, her contribution to the Italian community in general. She was a very special lady and, in so many ways, Mrs Fantasia's life mirrored that of the typical Italian migrant woman who came to a new country in the early 1950s. She came from San Giorgio La Molara and, against all the barriers of cultural and language difficulties and isolation from loved ones, she managed to forge a new and successful life for herself and her family. To those who knew her, she was almost like a modern day disciple who could feed the multitude of people with a bread loaf and a fish. Although small in stature, she was regarded as a giant amongst her family, her friends and volunteer colleagues for her untiring commitment, dedication and generosity. Her Payneham home of 48 years was her castle and the door was always open, in addition to her own children, to anyone who needed assistance or a shoulder to cry on over a cup of coffee or those delicious biscuits for which she became renowned. While forging her own life, she was always ready to provide support to anyone who requested it.

Mrs Fantasia was, in today's terminology, a multiskilled person. She was industrious and skilled in many facets of life from working in business partnerships with Biagio, her husband, in construction, hotels, wine shops, catering and biscuit making. Mrs Fantasia died unexpectedly on 25 September this year. But her family can take some comfort in knowing that her contribution did make a difference to so many people. Time does not permit me today to list the roll-call of her very many achievements. I would, however, like to highlight two in particular which have had far-reaching effects and which have brought benefits to the wider Italian community.

The Italian Aged Care Village at Modbury was established partly because a group of people had a vision to provide a facility where elderly people from an Italian-speaking background could receive care, attention and social support from people who understood and appreciated the Italian culture and traditions. Mrs Fantasia and her husband Biagio were founding members and an integral driving force of that initial group. Mrs Fantasia's early involvement with the Italian Coordinating Committee and other organisations also saw the establishment of the now successful Mensa programs

for elderly Italian citizens. Until recent times, she still went to the San Giorgio Club at Payneham once a month to cook for the elderly. In a recent conversation with her, I remember her saying, 'Joan, who will cook for these elderly people if we don't?' They are stirring words, I think, given that she was 74 years of age.

Mrs Fantasia's achievements were many, but probably her most spiritually satisfying work was as a member of the St Anthony Committee of Payneham. With her husband as President, it was logical and understood that all members of the family would have a role to play in the administration of and social organisation for this feast. Mrs Fantasia was a devout Christian, and she made sure that these same values were instilled in her four children and their families. Like so many migrant parents, Mrs Fantasia enjoyed the success of her children. She was proud that they had had the opportunity to receive a good education, obtain university degrees and enjoy successful careers. Their successes were her pleasures.

During the years that I have known Mrs Fantasia, it has been a constant source of frustration to me that her achievements had never been officially recognised. The calling of nominations for the Centenary Medal was the perfect opportunity to rectify this anomaly. I know that she was very proud of her Centenary Medal and, being the humble person that she was, I think she was even more proud to have it finally acknowledged that maybe—just maybe—the medal was tangible recognition that she had, indeed, really made a difference to the lives of everyone she knew. I know that her family is very proud of her and of this recognition for a lifetime of achievement and serving others. To Biagio and her family, Angelo, Luigi, Maria Luisa, Antionetta and their families and grandchildren, who will always cherish some wonderful memories, please be assured that Fernanda will always be remembered as a truly special lady.

SCHOOL RETENTION RATES

Ms THOMPSON (Reynell): Today I wish to express how pleased I am about the ministerial statement made by the Premier earlier today on school retention rates. I am sure you, sir, have noticed that I speak many times on the issue of education in my community. The words that best capture what I like to see are contained in the Smith Family Annual Report for 2002, where Anne Clarke, Community Programs Manager, states as follows:

> Our research has shown that success at school is a great predictor of success in later life. That's why we're so focused on programs that help kids to stay in education and reach their full potential.

Anne Clarke's statement does not relate just to the issue of young people getting jobs: it talks about all their chances in life which, whilst having a job is extremely important, are not limited to having a job—their ability to understand the laws, health issues, policing issues and how so many of the complex factors of our community work affect their quality of life. Young people today need far more preparation for the complexities of living than did many of us when we were younger. Unfortunately, young people in some areas are missing out severely on that opportunity.

Today I have again looked at some figures prepared for me by the Parliamentary Library—and I wish to thank the library staff for the many occasions on which they respond to strange requests from me for some figures. These were some extracts from a report prepared by Stevenson who analysed the 1996 census figures and looked at participation in university and TAFE by those aged 19 to 21 at the time of the 1996 census. Unfortunately, this information is not directly by electorate but, being separated out into Noarlunga, it gives me a fairly good assessment of the situation in Reynell. Some 13.7 per cent of young people aged 19 to 21 were participating in university study in 1996 compared with the Burnside SLA, 53.4 per cent; East Torrens and Stirling SLA, 43.2 per cent; Mitcham SLA, 41.4 per cent; and Unley, 40.7 per cent. Those figures indicate that people in my area have a long way to go to catch up on the opportunities to go to university. University study not only gives career opportunities but also improves understanding of how our community works.

The real surprise was the participation at TAFE, given that in our community it is often said that young people do not want to go to university but rather to TAFE. The figures for the census show, indeed, that there is quite high participation in TAFE in my community. The surprise is that it is not necessarily by young people. My observation and doorknocking tells me there are many older people, particularly men who lost their jobs during the manufacturing restructure, who are now at TAFE. In fact, only 9.7 per cent of young people aged 19 to 21 during the 1996 census were attending TAFE. This compares with 9.6 per cent in Burnside; 8.3 per cent in East Torrens and Stirling; 11.4 per cent in Mitcham; and 10.2 per cent in Unley.

In some of the more affluent areas not only were young people going to university but also more of them were going to TAFE than in Reynell. This must relate to the fact that so few of the young people in my area reach year 12. I go to year 12 assemblies and classes and they are so small. It is really tragic. The anecdotal evidence is that young people drop out in year 10. If they get through year 10, they will usually get through year 12, but so many just do not come back after year 10. This initiative is crucial to my community.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to take up the issues raised during question time about staffing levels within Family and Youth Services. We have heard much in the media from Labor ministers, in particular the Premier and the Minister for Social Justice, about how they have appointed all these extra staff within Family and Youth Services, because they have allocated an extra $1.5 million to FAYS for these extra staff. Today, what came out from the Minister for Social Justice was that these extra 38 staff is no more than making a change in the tenure of existing temporary staff. Therefore, 32.5 temporary positions (as acknowledged by the minister today) will continue. For instance, the Gawler FAYS office had 1.7 temporary positions. Those 1.7 temporary positions have now been extended, so they are not extra staff at all. It is just finding money to maintain existing staff levels, which clearly explains why there is an inconsistency between the minister saying that extra staff have been appointed at the Elizabeth and Noarlunga offices of FAYS and those officers reporting to the Public Service Association that there has been no increase in staff levels at all. Clearly, there has not been. All that has happened is that they have taken some temporary staff and put them on for a continued period as temporary staff; or they may have changed tenure to that of permanent staff.

The key issue made by the Public Service Association is that they have not seen any benefit at all from the so-called 38 extra staff. Clearly, that is the case. It would appear that

all 38 positions were no more than temporary positions. This has been the greatest con in terms of child protection issues that could ever be perpetrated by a government. There are so many cases out there where there is no investigation at all because of the shortage of staff within Family and Youth Services, yet the government goes out there day after day talking about how it has allocated $1.5 million for an extra 38 positions. Clearly, no extra staff have been appointed at all. All the government has done is change the tenure of the existing temporary staff within Family and Youth Services.

That then raises a serious question about the credibility of statements made by the minister when she said on 8 October—last Wednesday—'We have put on 38 staff recently'. They have not 'put on 38 staff recently'. They have continued the employment of 38 existing staff who were temporary staff. Equally, the Premier said last Friday, 'Then we topped it up with another $1.5 million to get an extra 38 FAYS workers.' There were no extra 38 FAYS workers. All they have done is continue the employment of the staff. The minister acknowledged today that of those 38 positions, only 32.5 have been filled. Another 5.5 positions have not yet been filled. It would appear that they have reduced employment. While claiming 38 extra staff, they have actually only employed 32.5 ongoing staff members. There appear to be 5.5 vacancies within Family and Youth Services.

This is a matter of serious concern to our community. As a result of examples from the PSA and from people who have contacted me, we know there are children at risk within our community. Those cases are not being investigated or are being under-investigated, and therefore no action is being taken. That is very serious, indeed.

CAIRNS, Dr J.

Mr HANNA (Mitchell): Today I pay tribute to a great Australian politician, Dr Jim Cairns. He was born in 1914 and he died last weekend at the age of 89. He had a difficult life but not an unusual one. In his early years he was a police officer and an athlete. He struggled to pay off a house and raise a family. He had a lifelong interest in politics. He was a zealous man. His political philosophy was socialist, and it is fascinating to someone like me, who has had such difficulty with the Labor Party in recent times, to ponder the relationship between Dr Cairns and the Labor Party throughout his political life. It was not until Dr Cairns had begun to educate himself about politics and the economy that he came close to joining the Labor Party. Even when he joined the Labor Party in the 1940s he did so with reservations because even at that time he felt that the party had departed from its socialist platform. How extraordinary it is that way back in the 1940s there were serious intellectuals on the progressive side of politics who felt that the Labor Party had started to depart from its original mission in Australian politics.

Dr Cairns was, nonetheless, elected to parliament in 1955 in the seat of Yarra in Victoria. He served 22 years in parliament and 17 of those years were in opposition. The Whitlam government was elected in 1972, and during the three years that the Hon. Gough Whitlam was Prime Minister Dr Cairns held the posts of treasurer and also deputy prime minister. It is worth noting that he was only narrowly defeated by Gough Whitlam for the position of leader of the parliamentary Labor Party in 1968. There were only six votes in it in the federal caucus. One can only speculate on how different it might have been had he been the prime minister from 1972 onwards.

Dr Cairns was perhaps best known in his political involvement for his lifelong dedication to the cause of peace. This was manifested during the late 1960s in the campaigns against the Vietnam war. He was an extraordinary leader in the peace movement, and he took up that role at times reluctantly, but at some risk to his political reputation and to his standing in the more conservative parts of the Labor Party. He was finally sacked by Whitlam, I venture to say unjustly, in 1975, and he went on to pursue interests, among them peace and nature, after his departure from parliament.

Dr Cairns' lifelong commitment to peace and to reform by and within the Labor Party has been something of an inspiration to me. I wonder how things might have been had the Greens been an alternative active party for him to join back in the 1940s or at some subsequent time. Of course, when he departed the federal parliament in the 1970s, the Labor Party still had the reputation of a social reformist party, best exemplified by the Hon. Don Dunstan and the Hon. Gough Whitlam.

Since then, things have changed drastically. At another time in this place, I might explore some of my musings on that—some of the reasons for Labor's departure from a democratic socialist party to become a twin of the Tory party which we have in Australia.

TASTING AUSTRALIA

Mr HAMILTON-SMITH (Waite): I rise to draw to the attention of the house the outstanding success of the major event Tasting Australia, which has just concluded here in Adelaide. It was indeed an outstanding major event. South Australia's regional food and wine has been promoted even further around the world as a consequence of this successful event, which culminated yesterday in the Feast for the Senses celebration at Elder Park on the banks of the River Torrens.

I note that *The Advertiser* reports that 34 000 people attended the Feast for the Senses. I attended it and I was delighted to see the support from around the community for that fantastic gathering. Families were present, and it was quite a unique event with people sampling the food, sampling the wine and enjoying the music. It was a beautiful day, and it was a showcase of all that South Australia has to offer.

This event of Tasting Australia has been a real asset, a real advantage for the state. The festival helps spread the message that South Australia, and, more broadly, Australia, have outstanding wine and fresh food, that we are innovators in the area of food and wine and that there is quality underpinning our fantastic food and wine exports.

Members may be aware that the volume of Australian wine exports is growing at an extraordinary rate—I think it is in excess of 90 per cent per annum, and South Australia is producing over 60 per cent of those wine exports. Through the State Food Plan, an invention of the former Liberal government, we have trebled exports since 1993 and plan to further add value to that food industry and its exports to $15 billion by 2010.

The event occurred over about 10 days and attracted thousands of people, but also almost 200 of the world's most respected and influential food and wine journalists. These people will go back to Europe and the United States, back to where they came from, and they will report on South Australia through the magazines, television and radio programs they represent, and I believe they will report on South Australia most favourably.

Of course, the festival was not just an Adelaide event, it also got out into the regions. Around 120 people took part in day trips to eight regions across the state, giving writers a really good feel for what our regions can produce. It is a biennial event. The first one was conducted in 1997. It was an invention of former ministers for tourism, the member for Morialta and her predecessor, the former member for Bragg, who came up with this idea. It was an important part of getting South Australia back on its feet after the debacle of the State Bank and the chaos in which we found ourselves. Since then, it has generated over $110 million worth of editorial coverage nationally and internationally. This year's event alone is expected to generate about $35 million of such coverage. I take my hat off to, and congratulate, festival director Ian Parmenter and also the terrific team at Australian Major Events in the South Australian Tourism Commission, Bill Spurr, Belinda Dewhirst and all the people on her team who put so much work into organising the event—particularly yesterday's event, which was by far the best that I have seen in the time the event has been run.

Tasting Australia is a fabulous innovation of the former Liberal government, and the current government has gladly continued with the initiative. I think that is good, and I congratulate them for seeing the merit in it. As the shadow minister, I was pleased to be invited to yesterday's event, and it would be nice to be invited to some of the other events on the program, but we will see about that in two years' time. It is an excellent showcase of what South Australia can do, and to all those involved I say 'Well done'. I look forward to the next event.

PARA HILLS HIGH SCHOOL

Mr SNELLING (Playford): I rise to speak on the achievements of Para Hills High School, one of the excellent schools in the electorate of Playford. I have visited Para Hills High School many times since I was elected and I have been most impressed by the pride shown by the school in its students and by the outstanding appearance of its surroundings. I have also admired the initiative shown by students at Para Hills High School to improve their skills. The school is recognised in the local community for providing excellent vocational education services to its students. The school's hard working staff, headed by principal Trevor Rogers, have achieved much to assist students to attain their very best.

The vocational learning centre at the school has provided skills and experience which have benefited many past and present students. Recently, students involved in the Doorways to Construction and Engineering Skills program completed the landscaping of an area of the school. These students redeveloped an open space area that was not much more than a marshy swamp and turned it into a well landscaped and designed area that can be used by all students. The students involved gained experience in landscaping, drainage, paving, surveying, engineering and horticulture.

This program has also provided valuable experience and assisted many to determine their career paths. Importantly, it has helped many students who normally would have dropped out of the traditional streams of high school education. These students have found vocational learning to be not only intellectually stimulating but also personally rewarding. The Doorways to Construction and Engineering Skills program and the recent landscaping project have been a win-win for the Para Hills High School. Not only has this benefited all students who have been involved by improving their skills and accreditation for future study but also it has benefited the school and the school community. This effort to improve the school community has resulted in an admirable achievement.

I hope the Doorways to Construction and Engineering Skills program and the completed landscaping project will foster the efforts of future students at the school to improve their own skills and encourage them to put something back into the school community to be enjoyed by everybody. I am sure that the Para Hills High School will not forget the hard work and energy put into landscaping this area. Each of the students and staff involved in the project should feel a great deal of pride in their achievement.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Dog and Cat Management Act 1995. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

Introduction

Dogs play an important role in our community. The social and economic benefits they provide are enormous. However, the benefits come at a cost. Barking dogs, dogs roaming unattended and, especially, dog attacks are major concerns. The aim of this Bill is to provide a legislative framework that will minimise the social, environmental and economic costs of dog ownership.

Background

The Dog *and Cat Management Act* became law in 1995. In 1996, one year after implementation, the Minister directed that a review of the legislation be instigated. The Dog and Cat Management Board (the **Board**) undertook this review on the Minister's behalf. The result of the review determined that State Government, the Board, councils and the public were still coming to terms with the new Act and implementation was still in its developmental stages. Consequently, it was decided that it would be premature to consider any changes until consistency in approach had been achieved and the community had had sufficient time to learn and come to terms with the new requirements and their implications.

In April 2000, the Board undertook an extensive survey of councils, special interest groups and the broader community to develop recommendations for a review of the Act with a particular focus on dog management. An appropriate amount of time had passed since implementation and it was reasonable to expect that councils and the community had by now come to terms with the new Act and that a review could be undertaken with effective results. This review was completed in August 2000 and found that, although the Act was basically sound, there was room for improvement. In addition, social expectations, awareness and the emphasis on public safety had increased in the five years since the Act was developed. On this basis, the Board recommended that amendments to the Act be made.

These recommendations were presented to the Government of the day for consideration. The recommendations were considered and, in December 2001, a draft Amendment Bill and Discussion Paper incorporating some Board recommendations and some new initiatives were developed. The paper, released just before Christmas 2001, resulted in considerable public debate and over 100 submissions were received.

With the change of Government in 2002, came the opportunity to completely review the work previously undertaken. The Government developed a ten-point plan for responsible dog ownership, which was the basis of the Responsible Dog Ownership

Strategy and associated legislative amendments. On 15 July 2002, the *Responsible Dog Ownership Strategy Discussion Paper* was distributed for public comment. In excess of 550 submissions were received. In addition, two meetings of key stakeholders were held to assist in the development of effective approaches to the issues of dog management and public safety. *The Responsible Dog Ownership Strategy Discussion Paper* received very strong support from stakeholders, community groups, organisations and individuals. However, it should be noted that urban animal management always elicits a wide range of opposing views and priorities.

Throughout this process, it became clear that dog attacks were unacceptably common and the public demanded that the issue be addressed. According to a report by the Australian Bureau of Statistics, *Injury Surveillance Information Systems* (1998) during 1995/96, 1405 cases Australia-wide of hospitalisation resulted from dog attacks. They observed that the most common place for attacks to take place was in the home (35%). A further 24% took place in another person's home and 20% took place on roads and footpaths. The existing Act contains stringent controls on dogs that have been declared dangerous but such declarations are rare because dogs that attack are generally put down. To reduce the number of dog attacks the broader issue of dog control must be addressed to ensure that the first attack does not happen.

This Bill will provide mechanisms to improve public safety, reduce public nuisance and improve administrative processes relating to dogs while recognising the importance of dog ownership to the community. It will also amend the governance arrangements of the Board to clearly define roles, responsibilities and accountabilities. Its provisions are based on the Government's ten-point plan for responsible dog ownership and focuses on initiatives, which will reduce the frequency of dog attacks and improve the management of dogs both in public and on private land. The legislative changes will provide the foundation to implement the plan and bring into effect measures under the following categories:

Measures to manage dangerous or menacing dogs
Measures to control potentially dangerous dogs
Measures to improve public safety
Measures to improve public amenity
Measures to address non-compliance
Measures to improve dog registration
Measures to improve council procedures
Measures to clarify and improve the legislation
Measures to improve the governance of the Board

Details of Bill

1. Measures to Manage Dangerous or Menacing Dogs

1.1 Dogs that have been declared dangerous

Current Situation and Reason for Amendment

A dog that has been declared dangerous has shown itself to be unreliable and to inflict harm. Currently, if the dog "re-offends", a series of fines for contravening orders, civil action and a destruction order are available. However, unless the dog causes harm there is no additional penalty and no provision to prevent a subsequent offence from occurring. The owners of such dogs must take additional care to ensure that the dog is not at large or in any other way presenting a threat to the public. It is recognised that prescribed breeds have the potential to do significant damage. The penalties for irresponsible management of a dog that has been proven to be a risk should at least equal.

Amendment

This Bill provides that councils may require owners of dogs and their dogs that have been deemed to be "dangerous" to undergo and pass a training course approved by the Board at the owner's expense. Dogs deemed dangerous will be subjected to compulsory desexing and microchipping at the cost of the owner in addition to the current requirements, namely wearing a "dangerous dog" collar and being restrained by a leash not exceeding two metres in length whilst in public. Information identifying the dog and owner will be placed on a register controlled by the Board. Owners of dangerous dogs found guilty of further offences will be subjected to penalties as severe as those incurred by prescribed breeds.

If owners of dangerous dogs do not comply, the Bill provides that they may be ordered to do so by a court and the dog may be removed from their keeping and disposed of as the council sees fit.

1.2 Prohibiting dog ownership

Current Situation and Reason for Amendment

Some people simply should not own a dog. *The Prevention of Cruelty to Animals Act 1985* provides that if a person has been found guilty of ill-treating an animal, the courts may order that the person cannot own an animal of a certain class (eg species) or any animal either permanently or until the order is revoked. Currently, there is nothing in the *Dog and Cat Management Act 1995* to prevent an irresponsible owner from obtaining a dog, no matter how many dogs in their possession have caused harm or nuisance in the past.

Amendment

This Bill provides that if a person has had a dog which has been declared dangerous or that has been destroyed on council orders, the council will have the ability to prevent that person making the same mistakes with another dog. Prohibition orders will allow a council to demand some action be taken, eg fencing be improved, before another dog is obtained. In extreme cases, a council will have the option of prohibiting a person from obtaining another dog at all unless the person can prove that they are prepared to be responsible for their dog's actions. If a person believes the council's demand is unreasonable, they will have legal recourse to challenge the order.

This Bill gives councils the authority to prohibit a person from owning or being responsible for the control of any dog if:

A dog in their control was found guilty of a further offence while that dog was already subject to a Destruction or Dangerous Dog Order.

A dog in their control was found to be a dangerous dog and during the previous 5 years that person had been responsible for the control of a different dog that was also the subject of a menacing, destruction or dangerous dog control order.

The Bill also provides that councils may apply to the court to prohibit a person from owning a dog if this is in the public interest. If the person moves to another council area, the former council will have the authority to advise the new council of the order.

Each dog owned by a person at the time of prohibition will be permanently removed from that person's ownership within one month, and will be disposed of at the council's discretion. The order may apply to either a certain class of dog, or any dog. The order may apply until a certain action is taken, for a certain period of time or until the order is reversed. A person upon whom such an order is imposed may challenge that order through the courts. A maximum penalty of $2,500 will apply for contravention of a Prohibition Order.

1.3 Menacing dogs

Current Situation and Reason for Amendment

Currently, a dog can be declared to be dangerous if it harasses or attacks but often councils know of an aggressive dog and cannot take any action until an offence has been committed. Residents are often also aware that a certain dog has the potential to do harm.

Amendment

This bill provides that these dogs will be deemed "menacing". There will be no direct financial penalty (because no offence has been committed) but councils will be able to require any or all of the following:

Fencing standards to be adequate to confine the animal.
Access to the area in which the dog is held is locked
The dog is microchipped
It is on a lead at all times in public
The owners have warning signs at the entrances to the property and
That the dog is muzzled in public.

There may be indirect costs, eg new fencing etc, incurred to meet the requirements of the menacing order, which must be undertaken at the owner's expense.

2. Measures to Control Potentially Dangerous Dogs

2.1 Prescribed breeds

Current Situation and Reason for Amendment

In South Australia, four breeds are currently prescribed, namely Dogo Argentina, Japanese Tosa, Fila Brazilliero and American Pit Bull Terrier. All are large mastiff types originally bred specifically for fighting. They are extremely powerful and have been bred for courage. Consequently they are not suitable pets in the average household. There are legal requirements for these dogs to be muzzled in public, desexed, they cannot be advertised, sold or given away and must be confined securely. The penalties for offences committed in relation to dogs of these breeds (eg wandering at large) are considerably higher than other dogs.

Although there is debate on the usefulness of these provisions, South Australia is about the only state not to have had a serious

pitbull attack. On this basis, the provisions are worth retaining. The Presa Canario was bred as a fighting dog in the Canary Islands in the 16th century. It almost became extinct when pit fighting was banned in the Islands but was rediscovered by the Spanish and has now appeared in the United States of America. Recently, two dogs of this breed killed a woman in the corridor of an apartment building in the USA. Given that there may be some value in prescribing breeds, the Presa Canario should also be prescribed and subject to all precautions and requirements of other prescribed breeds.

Currently there is no provision for a dog management officer to sight evidence that a dog has been desexed. Such a provision is obviously necessary.

Amendment

The Bill includes the Presa Canario as a prescribed breed and gives authorised officers the authority to sight evidence that a dog of a prescribed breed has been desexed.

2.2 Attack, Patrol and Guard dogs

Current Situation and Reason for Amendment

These three categories of dog are not necessarily dangerous but do have training and management requirements not typical of the normal dog population. Currently, there is no requirement for these dogs to be treated any differently than the rest of the dog population.

Guard dogs, which are used to protect factories, caryards and other premises without a handler, and patrol dogs that guard premises with a handler, are not recognisable from strays if they are at large. There is no requirement for the owners of such dogs or the premises they protect to carry public liability insurance in the event the dog escapes.

Often when guard dogs are loose, the owner claims the yard was subject to a break in and therefore they are not responsible. There is no provision to require evidence that this is the case. This needs to be remedied.

Amendment

The Bill includes a definition of

An "attack trained dog" as a dog trained or undergoing training to attack a person on command;

A "Patrol dog" as a dog that works with a handler to protect premises; and

A "Guard dog" as a dog that protects premises without a handler in attendance.

This bill provides that dogs of these classes must be

Microchipped;

Wear a distinctive collar;

Branded in a manner approved by the Board;

Confined indoors or in an enclosure whilst on the owners property; and

Warning signs must also be erected at all entrances to the owner's property where the dogs are kept.

The Board may exempt any dog or class of dog from any of these requirements.

It is intended that attack, patrol and guard dogs will be required to be microchipped at the owner's expense within three months from the date on which the Bill is enacted and their details held on a register by the council and the Board. Councils will provide this information to the Board for the maintenance of a central register.

Such dogs will have to be kept indoors, confined to secure yards or restrained by a lead not exceed two metres in length at all times, unless participating in an organised event such as dog obedience class.

It is intended that owners of guard and patrol dogs must ensure that their dogs are freeze branded on the left shoulder in a manner defined by the Board. The Board will also require:

the name of the insurance company carrying the public liability risk

the name and address of the owner, and

the breed, sex, and age of the dog.

2.3 Greyhounds

Current Situation and Reason for Amendment

Traditionally, greyhounds have a reputation for killing cats and other small animals. Therefore, they have always had to wear muzzles in public. The evidence shows that this is not the case and that greyhounds are, in general, extremely well managed. They are very rarely found roaming at large, are almost never involved in dog attacks and cause councils very few problems. This is largely because the Greyhound Racing Authority has put a huge emphasis on improving the image and practices of the industry. The rules of the Greyhound Racing Authority are much more rigorous than the existing legislative controls.

Over the past few years, the Greyhound Adoption Program has attempted to retrain and re-home greyhounds that do not win races. They do make good pets and they are trained not to chase before being desexed and re-homed. Greyhounds bred for conformation showing have never been trained to chase and should be considered in the same manner as any other sight hound.

However, the precautionary principle demands that removal of controls should only be done with the utmost caution. Greyhounds are powerful and fast dogs. On that basis, the requirement for greyhounds to be muzzled should be retained but there should be the latitude for the Board to permit greyhounds of certain classes to be unmuzzled. If, in the future, this is validated, the requirement for muzzles could be repealed. This strategy allows a mechanism to investigate the options without legislative change.

Amendment

This Bill amends the Act such that the Board will have the ability to grant or withdraw an exemption for a greyhound to wear a muzzle.

3. Measures to Improve Public Safety

3.1 Effective control of dogs

Current Situation and Reason for Amendment

Currently, a dog can be controlled either by a lead or by command. Clearly, this has not worked. Councils are able to decide by resolution to prohibit dogs from a park or other area (eg in children's playgrounds) or permit them to be exercised off lead (eg in "dog parks") on land under the control of the council.

In some cases, eg a community fair in a park, the council may wish to prohibit dogs for the day or require that they be restrained on a lead in areas where normally they are permitted off-lead. There is no provision for such a resolution to be made at present.

Currently, there is no requirement to confine or control dogs either on the back of vehicles or in the cabin. This poses a series of dangers. Dogs on the back of utilities and tray trucks can fall off, causing a traffic hazard and they can bite people who come too close to the vehicle when it is parked. Dogs within the cabin of vehicles frequently interfere with the driver by sitting on their lap or racing around the cabin, again, creating a road safety hazard. In the event of an accident, a frightened, protective dog often guards the owner from the people attempting to assist and it can become a missile at the time of impact. Finally, dogs can, and do, fall out of the windows of vehicles. Most Australian jurisdictions either have, or are in the process of providing for, a requirement that dogs be restrained in vehicles. Such an amendment is clearly in the broader public interest.

Amendment

In the interests of public safety, dogs in public will be required to be restrained by a chain, leash or cord not exceeding two metres in length and under the control of a person capable of controlling the dog (unless the area has been declared "dogs off-lead" or "dogs prohibited"). This amendment will greatly assist dog management and public safety. The person or organisation with control of the land will have the capacity to determine whether dogs are permitted and whether or not they are to be leashed. For example, a school may choose to allow an Obedience Club to use its ovals in the evenings. Councils will be encouraged to resolve about one third of public space in each of the three categories of dog control. If an area is not declared to fall into one of these categories, dogs will be permitted if on a compliant lead.

The Bill also provides the ability for councils and other landholders to introduce temporary exclusion zones. In some cases, eg dog obedience classes, the intention is for the dogs participating to be off – lead but any other dog to be restrained. Councils will have the ability to make such restrictions in accordance with their community's needs.

Dogs being transported in vehicles will be required to be restrained in accordance with the regulations. It is intended that such regulations would require a dog being transported in the open tray of a vehicle (such as a ute) to be kept in a cage or tethered so that no part of the dog has access to the edge of the vehicle while on public land. Dogs being used for the purpose of droving stock would be exempted from this requirement. If considered necessary, after further consultation, regulations may also be made requiring dogs in the cabin of any vehicle to be restrained by tether or cage or behind a cargo barrier so that they cannot interfere with the driver or fall out of the vehicle.

3.2 Dogs at Large

Current Situation and Reason for Amendment

It is a fact of life that occasionally a responsibly owned dog will accidentally get out of the yard. It is the dogs that habitually wander that pose the real problems.

If a dog is wearing identification or is registered, council officers return the dog home without incurring the expense of impounding it. It is the owner's responsibility to ensure that such identification is worn. Currently, the penalty for repeat offenders is the same as for the first time offenders and for dogs bearing identification the same as for dogs that are not. (Failure to register is a separate offence)

Amendment

The offence of "Dog wandering at large" will be amended. An expiation fee of $80 (or $210 for prescribed breeds and dangerous dogs) will be created. If the dog is impounded, the cost will be recovered as a common debt. Councils will have the option of either expiating or prosecuting the offence. It is envisaged that, in most instances, expiation will be the preferred option.

In the event of a dog being known to a council as a habitual wanderer, the matter can be taken to the courts. The maximum penalty for the first appearance will be $250 (increasing to $2,500 for prescribed breeds and dangerous dogs). If the owner is prosecuted for a second or subsequent offence, the maximum penalty is increased to $750 (or $5,000 for prescribed breeds and dangerous dogs).

These amendments will effectively create a three-tier penalty system. In addition, the second (and subsequent) time the owner faces the court, the dog may be confiscated.

3.3 Children on Private Property

Current Situation and Reason for Amendment

About 70% to 80% of serious dog attacks occur in the home or in a friend's home by a dog known to the victim and most of the severe attacks are inflicted on young children. No young child should ever be left unsupervised with a dog. Currently, many dog attacks are considered to be accidents, whereas in fact they are the result of mismanagement.

Amendment

The amended Act will require dog management officers to report any attack which requires medical treatment to the police for possible investigation and prosecution. The offences of allowing and encouraging a dog to attack have been strengthened to create a higher maximum penalty if the victim is six years of age or younger at the time of the attack.

3.4 Suppliers of dogs

Current Situation and Reason for Amendment

Pounds and shelters provide a valuable service to councils, communities and stray dogs. However, they also have a responsibility to ensure that the dogs they re-home are physically and emotionally stable. Before a dog in a pound or shelter is offered for sale it should pass a temperament test and physical examination.

Breeders registered with the South Australian Canine Association, pet-shops and indiscriminate "backyard" breeders comprise the other suppliers of dogs. Collectively, these groups sell thousands of dogs a month. The industry is huge, disparate, difficult to identify and almost impossible to police. However, a quality assurance program will provide a mechanism to ensure that potential buyers are aware of what they are buying and the responsibilities they are accepting in doing so.

Amendment

The Bill makes provision for the Board to be able to accredit procedures for the testing of dogs. It is intended that, in due course, the Board will not permit a pound or shelter to give away or sell a dog until it has received a health assessment for re-homing and has also passed an accredited Temperament Test as determined by the Board. Initially, the test developed by the National Consultative Committee on Animal Welfare will be adopted. This has been endorsed by the RSPCA and the Australian Veterinary Association on a national basis. If a dog does not pass the test, it will be put down. We cannot continue to recycle problem dogs.

This Bill will also make provision for the Board to have the ability to introduce minimum standards for pet shops that sell dogs through licensing of such establishments with the Board. Compliance with those standards will be a condition of license. A Code of Practice is currently under development and will be based on the Pet Industry Joint Advisory Council Code which is endorsed by industry.

The intention is that the term "Accredited Canine Enterprise" (**ACE**) will be introduced. In due course, it is planned that a breeder, pet shop or pound will apply to the Board to be accredited under this scheme, even though there will be no legal obligation to do so. A person with such accreditation would have to ensure that the dog offered for sale is vaccinated, wormed, health checked, microchipped and at least eight weeks of age. They would also be able to provide the prospective purchaser with accurate and objective information on the dog, its temperament, health and hereditary problems, its breed characteristics and other influences, which may impact, on its suitability as a pet.

The purchaser of such an "ACE" dog will buy that dog in full knowledge of its strengths and weaknesses and with legal recourse if the information is misleading.

It is envisaged that, over time and with sufficient publicity, most businesses dealing in dogs will see a commercial benefit in being able to advertise their ACE accreditation. Purchasers, over time, will realise that to buy a dog outside the scheme is a "lucky dip" and the buyer should beware. Such a quality assurance scheme, underpinned by existing legislation will provide the best opportunity to improve the standards of the providers of dogs.

3.5 Dogs on beaches

Current Situation and Reason for Amendment

Currently, there is little consistency in the times that dogs are permitted on beaches and whether or not they are required to be leashed resulting in frustration for dog owners and non-dog owners alike. Consistency is gradually improving and would be facilitated by the ability to list by regulation times dogs are permitted on the beach and the beaches to which that regulation applies. Clearly, these times will vary according to the location and level of use of the beach.

Amendment

It will be possible to make regulations providing for consistency in relation to the times at which dogs are permitted on metropolitan and other nominated beaches and whether they are required to be on a lead at those times. The amendments would also enable signage on beaches to be regulated.

4. Measures to Improve Public Amenity

4.1 Barking Dogs

Current Situation and Reason for Amendment

Barking dogs consume considerable council time and resources. The penalties have not increased since 1995 and do not reflect the cost of enforcement.

Amendment

The legislation will be amended such that on the first offence, the owner of a dog can be ordered to take steps to abate the problem. If the owner does not comply within fourteen days and the barking continues, the owner can be expiated or fined. The expiation fee for barking dogs should be increased to $105 and the maximum penalty to $750. It is subject to appeal.

5. Measures to Address Non-Compliance

5.1 Minimum penalties

Current Situation and Reason for Amendment

Currently, maximum penalties are prescribed but this gives Magistrates little guidance in determining a penalty.

Amendment

The amendment will provide minimum penalties for all offences under the Act of 25% of the maximum penalty.

5.2 Increase penalties

Current Situation and Reason for Amendment

There has been no increase in penalties and expiation's since the legislation was enacted in 1995.

Amendment

All expiation fees and maximum penalties within the Act are to be increased. This proposal received 100% support from all individuals and organisations that responded to the public discussion paper.

5.3 Failure to Abide by Orders

Current Situation and Reason for Amendment

Currently, councils may make orders against persons for various reasons. However, if the owner simply ignores that order, the matter must go before the courts. That results in the delinquent behaviour continuing until the matter is heard. However, the council pays the cost of impoundment. In some cases, councils have decided not to pursue matters because it is simply too hard.

Amendment

This Bill will amend the Act such that if a person is issued a written notice ordering the destruction of a dog they will have to

take steps to comply within seven days or the dog may be seized by council. In the case of a barking dog order, if the owner does not take steps to comply with a written order within 28 days, the council will have the authority to seize the dog. After a further seven days, if the owner has not complied or issued an appeal, the council may dispose of the dog as they see fit. Appeals can be made to the court and costs awarded against the unsuccessful party.

6. Measures to Improve Dog Registration

6.1 Age of dog ownership

Current Situation and Reason for Amendment

At the time the Act was developed, it was determined that the age at which a person could register a dog should be 18 years because of potential difficulties with prosecuting minors. However, at 16 years, a person can marry, drive a car and rent property and be registered as a greyhound owner with the Greyhound Racing Board. If they live on a rural property and a parent has a firearms licence, a 15 year-old can be the registered owner of a gun. Given these facts, it is illogical to restrict dog ownership to persons 18 years or over.

Amendment

This amendment provides that a person aged 16 years or over can own and register a dog. All the requirements of the Act relating to dog ownership will apply to such minors who own or are responsible for a dog.

6.2 Registration fees

Current Situation and Reason for Amendment

Without adequate enforcement, no legislation can be effective. Without funding, there can be no enforcement. Registration fees have not risen since the Act came into force. councils must respond to the needs of their communities.

Amendment

This amendment will allow councils to set their own dog registration fees by resolution rather than the Government prescribing the fees by regulation that apply across the State. The resolutions will require the endorsement of the Board to ensure that the proposed fee is reasonable and fair. Councils will be required to satisfy the Board that all the revenue received for dog registration is expended on dog management programs and enforcement of the Act. The regulated form of application for registration will be repealed and the form of the documentation will be determined by the Board. The Board will develop guidelines for the advice of councils to provide guidance on the matters it will consider in approving registration fees. It is envisaged that different registration fees will apply in relation to different classes of dogs.

6.3 Late registration fees

Current Situation and Reason for Amendment

Late registrations are a continual burden to councils because revenue is not received within the anticipated timeframe.

Amendment

This Bill will amend the Act such that a late registration fee will apply to registration renewals made out of time. Councils will determine the amount of this fee subject to the endorsement of the Board.

7. Measures to Improve Council Procedures

7.1 Animal Management Plans and By-laws

Current Situation and Reason for Amendment

There is a public expectation that councils will consult with their communities about the wants and needs of animal owners and non-owners. Such consultation is necessary to develop Animal Management Plans. Councils accept that such planning provides the opportunity to gauge community needs, engage in forward planning and budget appropriately for measures it could introduce. Currently, councils develop a number of management plans in accordance with the requirements of the *Local Government Act 1999*.

Amendment

The Act will be amended to require councils to develop and implement five year strategic Animal Management Plans in consultation with their local communities and in compliance with the requirements of the Board.

The process for council bylaws will remain unchanged. The *Local Government Act 1999* applies to the by-laws which must also be referred to the Board for consideration. Councils must consider any recommendations of the Board relating to the by-laws.

The process for the development of Animal Management Plans will reflect the development of a council's Strategic Management Plan. with the added requirement that the Board endorse the plans prior to implementation.

7.2 Board to oversee Councils

Current Situation and Reason for Amendment

Although the Board is established as the overseeing body for dog and cat management, there is no express ability for the Board to require councils to comply with the legislation. The only remedy is through the *Local Government Act 1999* and the Minister in whose portfolio that Act lies.

Amendment

This Bill will provide that the Board can investigate council compliance with the legislation and report to the Minister for Local Government if it considers that a council is not meeting its obligations under the Act.

7.3 Board to approve signage

Current Situation and Reason for Amendment

People take their dogs to a variety of venues in different council areas. There is generally poor understanding of local requirements and little or no consistency in the signage used. The Board could provide the appropriate mechanism to ensure such consistency.

Amendment

The Act will be amended such that the Board be empowered to approve appropriate signage in relation to the management of dogs and councils will not be permitted to erect signs relating to dog management that have not been endorsed by the Board.

8. Measures to Clarify and Improve the Legislation

8.1 Identification of dogs

Current Situation and Reason for Amendment

Currently the requirement and method to be used to identify a dog is contained within the Act under Section 40. The recognised method of identification for cats is contained within the regulations. Recent advances in the development of the microchip suggest that, in the foreseeable future, this may provide a permanent form of identification and could be used as an adjunct to registration. Prescribing the method of identification of dogs in to appear in regulations would provide the flexibility needed to introduce microchipping as a recognised form of identification if the technical issues associated with the technology can be overcome.

Amendment

The requirements of the Act referring to the identification of dogs will be removed from the Act and placed in the regulations.

8.2 Disability, Guide and Hearing Dogs

Current Situation and Reason for Amendment

Currently the legislation only allows guide dogs into certain places, such as supermarkets and restaurants. Guide dogs in training must become accustomed to such areas before they become responsible for the safety of a blind person but they are not permitted to enter such premises. Consequently, they should be afforded the same rights and privileges as trained guide dogs.

Amendment

This Bill will amend the Act to allow for dogs undergoing training as guide dogs, hearing dogs or other disability dogs accredited by the Board will be considered in the same manner as guide dogs.

8.3 Courts power to make orders

Current Situation and Reason for Amendment

Section 47 confers on the courts the power to make orders in relation to a dog under that Division.

Amendment

Section 47 will be amended to expand the sorts of orders that the court may make.

8.4 Exemption of the Crown

Current Situation and Reason for Amendment

Section 9 states "A dog owned by or on behalf of the Crown (in right of the Commonwealth or the State) and used for security, emergency or law enforcement purposes is not required to be registered under this Act and cannot be made subject to an order under this Act". This exemption needs to be broader in its application. For example, a police officer is not going to collect faeces while pursuing an offender and a search and rescue dog will not be restrained on a lead not exceeding two metres in length. The provision should also recognise the role of dogs used in search and rescue on an occasional basis on behalf the Crown.

Amendment

The Act will be amended to exempt the Crown dogs from all aspects of the legislation.

8.5 Owner of a dog

Current Situation and Reason for Amendment

Interstate registers are recognised in other sections of the Act, but not in section 5. If a family comes to South Australia on holidays and brings their dog, they are still the owners and still have all the rights and responsibilities that involves. All other references to dog owners in the Act (eg section 33) specifically acknowledge interstate registers.

Amendment

Section 5 will be amended to recognise interstate registers.

8.6 Laying poison baits for dogs

Current Situation and Reason for Amendment

The issue of laying baits and the handling of poisons is covered by the *Agricultural and Veterinary Chemicals (SA) Act 1994* and the National Registration Authority. This matter should be left to that legislation rather than include one aspect in this Act and ignore all the other matters related to the use of poisons.

Amendment

Section 49 of the Act relating to laying poison baits for dogs will be repealed.

8.7 Recovery of destruction and detention costs

Current Situation and Reason for Amendment

Section 60 provides for the pounds and shelters that act on behalf of councils to recover costs associated with the destruction of dogs. However, there is no such provision relating to dogs that are to be re-homed.

Amendment

This amendment will ensure that shelters have the ability to recover costs associated with holding dogs, regardless of whether that dog is returned to the owner, re-homed, or destroyed. Section 60 will be amended by inserting in subsection (1)(b) "or disposal" after "destruction" and other sections relating to cost recovery of pounds and shelters will be examined to ensure that there is provision to recover costs associated with detention.

8.8 Dogs in shops and eating areas

Current Situation and Reason for Amendment

Currently, dogs are not permitted in any shop other than veterinary surgeries, pet shops and businesses based on dogs (eg grooming salons). In some cases, the owner of a shop (eg a florist or antique shop) takes their own dog to work with them. Technically, this constitutes an offence even though the person may own the shop and the dog.

In addition, the *Dog and Cat Management Act* states that dogs may not be in a place where food is prepared or offered for sale. This provision duplicates the *Food Act*. It is unnecessary in this legislation.

Amendment

The Bill will amend the Act such that a person may not take a dog into a shop except with the permission of the shopkeeper. This reflects the current requirement that a person may not take a dog into a school except with the permission of the principal.

All reference to dogs in places that sell food will be repealed from the *Dog and Cat Management Act* so there can be no conflict with the *Food Act*.

9. Measures to Improve Policy Advice and Implementation

9.1 Role and Composition of the Dog and Cat Management Board

Current situation and Reason for Amendment

Currently, the Board comprises six persons, five of whom are nominated by the Local Government Association and one by the Minister.

Amendment

This Bill will revise the provisions relating to the Board such that:

The Board will comprise nine persons; four nominated by the Minister and four nominated by the Local Government Association (the ***LGA***) with the chair jointly nominated;

Ministerial appointments will include persons who together have veterinary experience in the care and treatment of dogs or cats, a demonstrated interest in the welfare, keeping and management of dogs or cats, a health, or social work background and business or financial skills.

The LGA will nominate persons with experience in local government, the administration of legislation, financial management and education and training.

Should the Minister and LGA not be able to agree on the nomination of a person to Chair the Board, the Governor will select a person from a list provided by the Minister and the LGA.

The Board will be subject to the *Public Sector Management Act* and other legislative provisions relevant to public authorities.

The functions of the Board may be extended as the Board thinks fit to providing:

The accreditation of training programs for dogs and owners;

The accreditation of procedures for testing the behaviour of dogs;

The carrying out of any other function relating to responsible dog and cat ownership or the effective management of dogs and cats.

For example, the Board may consider implementing the following:

Providing support, guidance and assistance to councils including:

issuing guidelines relevant to their responsibilities under the Act;

facilitating training for dog and cat management officers;

advising on the appropriate standards to be met under the Act (eg facilities used for the detention of dogs and cats);

providing support, guidance and assistance to owners and the community (such as educational programs relating to dog or cat management).

Under the amendments, the Board will consider and approve council proposals with a view to promoting the effective management of dogs and cats, the consistent application of by-laws throughout South Australia (where appropriate) and enforcing the provisions of the Act by monitoring the administration and enforcement of the Act.

The Board may also undertake the various administrative functions required by the Act, such as:

- the keeping of registers;
- determining training programs required for dangerous dogs or their owners;
- developing standards and protocols for the freeze branding of guard and patrol dogs;
- accrediting temperament tests for dogs to be administered prior to re-homing;
- approving registration fees proposed by councils and determining the form of application and other forms;
- accrediting disability, guide, and hearing, dogs and such dogs in training and develop appropriate certification;
- granting exemptions from certain of the requirements of the Act where appropriate;
- providing advice and information to the Minister, LGA or any advisory committee formed under the legislation on the operation of the Act or issues directly relating to dog or cat management in South Australia;
- the carrying out of any other function assigned to the Board by the Minister or under the Act, including maintenance of the Dog and Cat Management Fund.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Dog and Cat Management Act 1995

4—Amendment of section 4—Interpretation

This clause inserts a number of additional definitions for the purposes of the *Dog and Cat Management Act 1995 (the **principal Act***). In particular, a ***dangerous dog*** is defined as a dog in relation to which a council has made a Control (Dangerous Dog) Order, or a court has made an order the terms of which correspond generally to such an order.

5—Amendment of section 5—Owner of dog

This amendment would allow for registers of dogs kept under a ***corresponding law*** (see clause 4) in another State or a Territory to be resourced in order to discover the owner of a dog.

6—Amendment of section 6—Person responsible for control of dog

This amendment is consequential.

7—Amendment of section 7—Dog wandering at large

This amendment would mean that a dog would not be taken to be "at large" while the dog remains within an area specified by a council as being an area within which a dog may be exercised of a chain, cord or leash. The proposed amendment

to section 7(2)(c) is consequential on the next proposed amendment.

8—Substitution of section 8

Proposed section 8 (**Meaning of effective control of dog by means of physical restraint**) would mean that a dog will only be taken to be under effective control by means of physical restraint when—

- it is restrained by a chain, cord or leash that does not exceed 2 metres in length or when it is secured; or
- it is otherwise effectively physically secured.

9—Substitution of section 9

Proposed section 9 (**Non-application of Act to certain dogs owned by Crown**) provides that the principal Act does not apply in relation to a dog owned by or on behalf of the Crown that are used for security, emergency or law enforcement purposes.

10—Amendment of section 12—Composition of Board

The Dog and Cat Management Board currently consists of 7 members. The amendment would mean that the Board would consist of 9 members. The section sets out the qualifications that the various members must together have.

11—Amendment of section 17—Proceedings

This amendment is consequential on the increase in membership of the Board.

12—Amendment of section 21—Functions of Board

This amendment would mean that the Board may (as it thinks fit) extend its functions to include—

- the accreditation of training programs for dogs and owners;
- the accreditation of procedures for testing the behaviour of dogs;
- the carrying out of any other function relating to responsible dog and cat ownership or the effective management of dogs and cats.

13—Insertion of section 21A

Proposed section 21A (**Accreditation of disability dogs, guide dogs etc**) provides that the Board may, on application, accredit a dog (or renew the accreditation of a dog) as—

- a disability dog; or
- a guide dog; or
- a hearing dog.

14—Amendment of section 22—Powers of Board

This amendment would remove a subsection that is of declaratory effect only.

15—Amendment of section 23—Operational plans, budgets and information

This amendment would means that the Board must, from time to time, prepare and submit to the Minister various operational plans, budgets and information. (This would have to be done at least once in respect of each financial year.)

16—Amendment of section 26—Council responsibility for management of dogs

The amendments proposed to section 26 make it clear that dog registers can be kept by computer and the fees that councils may charge for the purposes of the principal Act.

17—Insertion of section 26A

New section 26A (**Plans of management relating to dogs and cats**) provides that each council must prepare a plan (covering a 5 year period) relating to the management of dogs and cats within in its area. Plans of management must be approved by the Board.

18—Amendment of section 30—General powers of dog management officer

This amendment would give dog management officers the power to require a person who owns or is responsible for the control of a dangerous dog or a dog or a prescribed breed to produce evidence that the dog is desexed.

19—Insertion of section 31A

New section 31A (**Dog management officers to report certain dog attacks to police**) provides that dog management officers must report to the police any dog attack as a result of which a person suffers a physical injury that requires treatment by a legally qualified medical practitioner or nurse.

20—Insertion of section 32A

New section 32A (**Failure on part of council to discharge responsibilities**) provides that if, in the opinion of the Board, a council fails to discharge its responsibilities under the principal Act, the Board may refer the matter to the Minister responsible for local government matters (with a view to the Minister taking action in relation to the council).

21—Amendment of section 33—Dogs must be registered

These amendments prescribe different penalties for offences against section 33 if the dog is a dangerous dog or a dog of a prescribed breed and all other dogs.

22—Amendment of section 34—Registration procedure for individual dogs

This amendment would allow a person of or above the age of 16 years to become the registered "owner" of a dog and allows for fees to be fixed for late payment of registration fees.

23—Amendment of section 35—Registration procedure for businesses involving dogs

This amendment is consequential on the amendment proposed to section 34.

24—Substitution of section 40

New section 40 (**Dog to be properly identified**) provides that it is an offence if a dog is not identified as prescribed by the regulations. This will allow for flexibility in methods to be used for the identification of dogs. Different penalties are prescribed for dangerous dogs and dogs of a prescribed breed and other dogs.

25—Amendment of section 41—Applications and fees

This amendment is consequential.

26—Amendment of section 42—Records to be kept by approved boarding kennels

This amendment would allow councils to be provided with just the information they require from a boarding kennel rather than be supplied with superfluous information they do not want.

27—Substitution of heading to Part 5 Division 1

It is proposed to rewrite most of Division 1 and the new heading (**Offences relating to duties of owners and others responsible for control of dog**) better describes the proposed changes.

28—Substitution of sections 43 to 45

New section 43 (**Dogs not to be allowed to wander at large**) provides for an offence that is substantially the same as item 1 in the table that appears in section 43. However, it is proposed that if a person is found guilty of a subsequent offence against new section 43 that the court should make one or more of the following orders in relation to the dog:

- that the dog be disposed of in a specified manner within a specified period;
- that the order for disposal be remitted in specified circumstances.
- any other order that the court thinks fit.

New section 44 (**Dogs not to be allowed to attack etc**) provides for offences relating to dog attacks (whether or not actual injury is caused). A person may be guilty of an aggravated offence against this section if—

- the offence relates to a dog that is a dangerous dog or a dog of a prescribed breed; or
- the victim of the offence was, at the time of the offence, under the age of 6 years.

A person who is found guilty of an aggravated offence is liable to a penalty not exceeding double the penalty that would otherwise apply for an offence against new section 44. A defence to a charge of an offence against the section is provided.

New section 45 (**Transporting unrestrained dogs in vehicles**) provides that it is an offence to transport in a vehicle a dog that is not restrained in accordance with the regulations, the penalty for which is a fine of $750 (expiable on payment of an expiation fee of $105).

New section 45A (**Miscellaneous duties relating to dogs**) provides for miscellaneous offences relating to various duties of dog owners, such as, keeping dogs out of school grounds and most shops, preventing dogs from creating noise nuisance and cleaning up after dogs have defecated in public places.

New sections 45B to 45E fall within new Division 1A (**Offences relating to specific duties of owners and others responsible for control of certain dogs**). New section 45B (**Specific duties relating to dogs of prescribed breed**) provides, among other things, that such dogs must also be desexed and may not be sold, given away or advertised for sale or to give away.

New section 45C (**Specific duties relating to greyhounds**) provides for specific offences relating to greyhounds.

New section 45D (**Specific duties relating to attack trained dogs, guard dogs and patrol dogs**) provides for a number of duties relating to those particular classes of dogs. Such a dog—

- must be implanted with a microchip;
- must be branded in an approved manner;
- must, while on its owner's premises, be kept indoors or in an escape-proof enclosure;
- must wear a collar of a type that is approved by the Board;
- must, except while at home, at all times be under the effective control of a person by means of a chain, cord or leash that is less than 2 metres in length restraining the dog.

Warning signs complying with the Board's requirements must be prominently displayed warning of the dog's presence.

Section 45E (**Board may exempt persons from specific duties under this Division**) provides that the Board may, on application, exempt a person from having to comply with a specified specific duty under new Division 1A.

29—Amendment and redesignation of section 46—Interference with dog in lawful custody

It is proposed to redesignate this section as section 81A and relocate it so that it follows section 81 (in the Miscellaneous provisions).

30—Insertion of new divisional heading

A new divisional heading is to be inserted before section 47 (**Division 1B—Court's power to make orders in criminal proceedings**).

31—Amendment of section 47—Court's power to make orders in criminal proceedings

The court is to be given powers to make additional orders, such as an order that a dog be desexed, be identified in a particular manner or be seized and detained for a period. The court may also make an order that any dog owned by a particular person be destroyed or disposed of in a specified manner.

32—Repeal of section 49

Current section 49 deals with the laying of poison in baits for dogs. This section is to be repealed.

33—Substitution of heading to Part 5 Division 3

The new heading to Division 3 will be "Council powers to make destruction and control orders".

34—Substitution of section 50

The substituted section 50 deals with destruction and control orders and sets out more clearly what orders a council may make and the requirements of each order.

35—Amendment of section 55—Contravention of order

The penalty provision is substituted for the previous penalty provision.

36—Insertion of Part 5 Division 3A

A new Division (**Division 3A—Prohibition Orders**) is to be inserted after section 59. New section 59A provides that a council may make a Prohibition Order against a person that—

- prohibits the person from acquiring a dog; and
- requires each dog owned by the person, at the time the order takes effect, to be destroyed or disposed of in a specified manner and, until destruction or disposal, to be detained at a specified place;

Such an order may only be made if the council is satisfied that the person is a "repeat" offender in relation to dog offences.

New section 59B provides that a person who contravenes a Prohibition Order is guilty of an offence and, in the event of such contravention, a dog management officer may take reasonable steps to give effect to the order.

New section 59C provides for appeals against Prohibition Orders.

37—Amendment of section 60—Power to seize and detain dogs

This amendment is consequential.

38—Amendment of section 61—Procedure following seizure of dog

This amendment provides that a dog that is the subject of a Control (Dangerous Dog) Order may be identified in the manner specified in the Order and be desexed (if the dog has not already been identified/desexed) while being detained.

39—Amendment of section 81—Disability dogs, guide dogs etc

Current section 81 applies only to guide dogs and hearing dogs; the amendments are consequential on the introduction of disability dogs to the measure. It is also proposed to make it an offence for a person to claim that a dog is a disability dog, guide dog or hearing dog if the dog is not so accredited by the Board under new section 21A.

40—Insertion of section 84A

New section 84A provides that a court, in imposing a monetary penalty for an offence against this measure must impose a penalty of not less than one-quarter of the maximum penalty prescribed (unless there are special reasons not to do so in the circumstances).

41—Insertion of section 88A

New section 88A is a special evidentiary provision relating to offences against section 45(1) (relating to transporting dogs in vehicles).

42—Amendment of section 90—By-laws

43—Amendment of section 91—Regulations

The proposed amendments to sections 90 and 91allow for councils to set aside specified areas for specified activities relating to dogs to be carried out in a specified manner or in specified circumstances.

44—Amendment of Schedule 1

These amendments relate to transitional matters.

Schedule 1—Statute law amendments and amendment of penalty provisions.

Mr HAMILTON-SMITH secured the adjournment of the debate.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Authorised Betting Operations Act 2000 and the Casino Act 1997. Read a first time.

The Hon. J.D. HILL: 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.

This Bill seeks to amend the *Authorised Betting Operations Act 2000* and the *Casino Act 1997* in line with measures announced in the 2003-04 State Budget.

As part of the 2003-04 State Budget the Government took decisions to:

- Establish triennial probity reviews of the major gambling licensees to be undertaken by the Independent Gambling Authority with the costs of these reviews to be recovered from the licensees of the Casino and TAB; and
- Provide for the costs of the Office of the Liquor and Gambling Commissioner in regulating the Casino and the TAB to be recovered from the respective major gambling licensees.

The licensees of the TAB and the Casino and their "close associates" were subject to a comprehensive investigation by the Independent Gambling Authority, prior to being licensed. This resulted in the Authority being able to make a recommendation for licensure.

The Independent Gambling Authority has resolved that the ongoing suitability of the holders of major gambling licences should be reviewed triennially to enable the Authority to remain confident that the relevant licensee remains suitable.

Amendments to the *Authorised Betting Operations Act 2000* and the *Casino Act 1997* contained in this Bill enable these periodic probity reviews by the Independent Gambling Authority and for the cost of these reviews to be recovered from the licensees.

The Liquor and Gambling Commissioner is responsible for the day-to-day regulation and supervision of the Casino. Amendments will enable the cost of this function to be recovered from the holder

of the Casino licence. These costs are estimated at $1.1 million per annum.

The *Authorised Betting Operations Act 2000* similarly requires the Liquor and Gambling Commissioner to conduct day-to-day regulatory functions for the TAB. This function was not funded and thus has not been fully established following the sale of the TAB. This amendment will enable the establishment of the regulation of the TAB by the Liquor and Gambling Commissioner through the recovery of the regulatory costs from the licensee. The cost for the TAB is estimated at $388,000 per annum.

The costs payable for regulation are to be determined and certified by the Commissioner for payment by the licensees.

As the Parliament is aware, the sale of the Casino and TAB licences included commitments regarding compensation payable to the licensees if a number of specified Events occurred. Events giving rise to compensation include increases in rates of taxation on the licensees. I note that the Government has received advice that the measures contained in the Bill do not cause a compensatory Event under these arrangements.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

3—Amendment of section 25—Costs of investigation

Section 25 of the *Authorised Betting Operations Act 2000* ("the Act") currently provides that the Independent Gambling Authority must require an applicant to meet the costs of an investigation in connection with an application under Part 2 of the Act. As a consequence of the amendment made by this clause to section 25(1), the Authority must also require the licensee to meet the costs of an investigation in connection with the continued suitability of the licensee or the licensee's close associates. (The Authority is required under section 23(2) to keep under review the continued suitability of the licensee and the licensee's close associates, and carry on the investigations it considers necessary for that purpose.)

The other amendments made by this clause to section 25 are consequential on the substitution of subsection (1). The Authority may, as a consequence of these amendments, require a licensee to make specific payments towards the costs of an investigation and recover any unpaid balance of the cost of an investigation from the licensee as a debt due to the State.

4—Substitution of section 26

Section 26 currently requires the Authority to notify the applicant and the Minister of the results of an investigation in connection with an application under Part 2. This clause recasts section 26 so that the Authority is also required to notify the licensee of the results of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

5—Insertion of Part 2 Division 10

This clause inserts a new Division into the Act. Division 10 comprises sections 33A and 33B.

Section 33A provides that the Liquor and Gambling Commissioner must, not less than one month before the commencement of each financial year, provide the licensee with a written estimate of the total amount of administration costs to be incurred during that financial year. *Administration costs* are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the estimate. At the end of the financial year, the Commissioner must determine the total amount of administration costs actually incurred during that year and provide the licensee with a certified account for that amount. Any overpayment made by the licensee must be refunded within one month of the determination being made. If the total amount specified in the certified account has not been paid, the licensee must pay the balance owing to the Commissioner within one month of receiving the certified account.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 33A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Section 33B provides for the recovery of administration costs incurred in the period commencing on the day on which the section comes into operation and ending on 30 June 2004. This section, which is similar to section 33A, expires on 31 December 2004.

Part 3—Amendment of *Casino Act 1997*

6—Amendment of section 22—Investigations

This clause amends section 22 of the *Casino Act 1997* ("the Act"), which requires the Authority to carry out investigations and make enquires in relation to applications under Part 3. The amendment has the effect of imposing an additional requirement on the Authority, that is, to keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.

The section as amended allows the Authority to obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations. Subsection (3), which is new, retains the existing requirement in subsection (2) that for the purposes of an investigation into an application under Part 3 of the Act, the Authority must obtain from the Commissioner of Police a report on anyone whose suitability to be concerned in or associated with the management and operation of the casino is to be assessed by the Authority.

7—Amendment of section 24—Results of investigation

Section 24(1) currently requires the Authority to notify the Governor and the applicant of the results of its investigation. As recast by this clause, subsection (1) requires the Authority to notify the Minister of the results of all investigations. The Authority is also required to notify an applicant of the results of investigations in connection with the applicant's application and the licensee of the results of investigations in connection with review of the continued suitability of the licensee or the licensee's close associates.

8—Amendment of section 25—Costs of investigation

Under section 25(1), the applicant for the grant or transfer of the licence must pay to the Minister the costs of an investigation for the purposes of Part 3. This clause amends section 25 by the insertion of a new subsection (1) that has the effect of requiring an applicant to meet the costs of an investigation in connection with an application and the licensee to meet the costs of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

Under section 25(2) as amended, the Authority may require the applicant or licensee to make specified payments towards the costs of the investigation before the investigation begins and during the course of the investigation. At the end of the investigation, the Authority must certify the cost of the investigation and any unpaid balance of that cost may be recovered from the applicant or licensee as a debt due to the State.

9—Insertion of Part 5 Division 3

Division 3 of Part 5 of the Act, inserted by this clause, comprises two sections, both dealing with the recovery of administration costs from the licensee.

Section 52A provides that the Liquor and Gambling Commissioner must, not less than one month before the commencement of each financial year, provide the licensee with a written estimate of the total amount of administration costs to be incurred during that financial year. *Administration costs* are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the estimate. At the end of the financial year, the Commissioner must determine the total amount of administration costs actually incurred during that year and provide the licensee with a certified account for that amount. Any overpayment made by the licensee must be refunded within one month of the determination being made. If the total amount specified in the certified account has not been paid, the licensee must pay the balance owing to the Commissioner within one month of receiving the certified account.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 52A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration

costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Section 52B provides for the recovery of administration costs incurred in the period commencing on the day on which the section comes into operation and ending on 30 June 2004. This section, which is similar to section 52A, expires on 31 December 2004.

Mr HAMILTON-SMITH secured the adjournment of the debate.

LOTTERY AND GAMING (LOTTERY INSPECTORS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Lottery and Gaming Act 1936. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The *Lottery and Gaming Act 1936* provides the underlying principle that lotteries and gaming are unlawful unless otherwise authorised or exempt by legislation.

The Act and the *Lottery And Gaming Regulations 1993* provide for exemptions and for the licensing of community organisation fundraiser lotteries and trade promotion lotteries. The Act and Regulations provide detailed lottery rules and requirements.

Charities for SA, a representative association of charitable and not-for-profit lottery fundraisers, has made representations to the Government to assist in the creation of a more profitable industry and, in particular, through changes to instant (break-open) ticket regulations in the first instance.

Charities for SA has advised that, since the introduction of gaming machines, community fundraiser lotteries sales of instant lottery tickets have fallen from $2.2 million to $0.2 million per annum.

Charities for SA raised a number of issues with respect to the current provisions of the Act and the Regulations. In particular, they argued that the fundraising opportunities with respect to instant break-open tickets have been diminished by the restrictions of the cap on the maximum pool prize of $1 000 and the prescriptive process to introduce new lottery ticket games.

Instant lottery tickets are used by a significant number of charitable organisations to raise money for their respective causes. These charities provide a valuable range of services to the community.

The Government has agreed to vary the Regulations to remove restrictive and cost prohibitive ticket approval processes and to raise the maximum prize pool to the level applicable in other States ($5 000).

With respect to the approval of new tickets, the current Regulations require the supplier to submit the Production Manual, technical specification manuals, 2 boxes of instant lottery tickets and Plate Lay Downs of the tickets for approval. These prescriptive provisions were introduced in the early 1990's to assist in reforming unscrupulous practices within the break-open ticket industry. These regulations have been successful in cleaning up the industry but are costly to the industry and are now considered prohibitive for charities. They have a significant impact on the on-going ability of charitable organisations to raise this form of revenue.

The Government maintains that a strong regulatory approach is required in relation to all forms of gambling to ensure probity and consumer protection objectives are met. In order to protect the public against manufacturing abuses in instant lottery tickets, it is necessary that regulators have adequate powers to investigate complaints. Therefore, prior to amending the Regulations to reduce the administrative burden associated with the current arrangements for the approval of tickets, the Government is introducing strong investigative powers for the regulation of lottery products.

This Bill introduces those powers.

The adoption of strong investigative powers is consistent with other forms of gambling. Without adequate investigation powers, the regulator is unable to independently establish the veracity of complaints or to initiate appropriate action against licensees should their conduct demand regulatory action.

Recourse available to address misconduct by persons involved in lottery activities, including the manufacturers of instant lottery tickets, may include suspension or cancellation of a licence and prosecution for breaches of the provisions of the Act and the Regulations.

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 Lottery and Gaming Act 1936

Clause 4: Amendment of section 4—Interpretation

As a result of the proposal to insert a new Part 4 into the Act, the definition of instant lottery ticket (currently situated in section 15 of the Act where it is a definition only for the purposes of Part 3 of the Act) has to be relocated into section 4 which contains the definitions used for the purposes of the whole of the Act. The definition of instant lottery ticket is the same as the definition currently set out in section 15. A definition of lottery inspector (for the purposes of proposed Part 4) is also to be inserted in section 4.

Clause 5: Amendment of section 15—Interpretation

This amendment is consequential on the amendment proposed by clause 4 and deletes the definition of instant lottery ticket from the section.

Clause 6: Insertion of Part 4

Part 4—Lottery inspectors

21. Appointment of lottery inspectors

The Minister may appoint such Public Service employees as lottery inspectors as may be necessary for the purposes of the *Lottery and Gaming Act*.

22. Powers of lottery inspectors

Lottery inspectors are given the usual powers of entry and inspection for the purposes of being able to carry out the job of ensuring that instant lotteries are conducted lawfully.

Mr HAMILTON-SMITH secured the adjournment of the debate.

ADMINISTRATION AND PROBATE (ADMINISTRATION GUARANTEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 277.)

Mrs REDMOND (Heysen): I advise the house that I have the privilege of being the lead speaker on this matter, probably because I am the only member of the house who has done one of these.

Ms Bedford interjecting:

Mrs REDMOND: Yes, the member for Enfield. At least on my side I am perhaps the only member who has done one of these. The opposition supports this bill, so I do not intend to take a great deal of time going through it. It was introduced previously in this house, and it then lapsed and went to the upper house where it was passed with the support of the opposition.

In essence, this bill simply seeks to change what has become something of an untenable position in relation to administration bonds. For those members who are not aware, an administration bond is required where someone is seeking to obtain administration of an estate in circumstances where there is no will and probate cannot be sought. In some cases, that administration is deemed to be of a vulnerable estate. It is vulnerable in certain circumstances which are currently provided in the act, and I do not think that has been changed in the proposed amendment. Those circumstances are: if the administrator resides outside of this state; if the applicant for

administration is a creditor of the estate; or if a beneficiary of the estate lacks capacity. That would usually be in the case of a beneficiary of the estate being a child, but it may be an adult who lacks the capacity for some reason other than mere minority.

I think the court also has a general power to declare that an estate could be vulnerable, so this provision should not be read as meaning that the estate is likely to be the subject of any more contention or difficulty than any other estate which is being administered. If the administrator in any of those circumstances does not behave properly or does something wrong (maladministers the estate in some way), if the administrator lives in another state or is a creditor, or if the beneficiary lacks the capacity to take action about the maladministration, it can be significantly more difficult than it might otherwise be. So, the court set up these rules to say that, in those circumstances, the court will require an administration bond.

Until now, in that circumstance, an administrator requiring a bond would simply pay commercial rates to an insurer to provide that bond and the matter would then proceed. If a maladministration then occurred, an interested party could sue on the bond, recover the value of the estate from the administrator and the sureties, and had to hold that money in trust for everyone who was entitled to a share of the estate. The difficulty which has arisen in practical terms is simply that there is currently no insurer in South Australia willing to be a surety for such administration bonds. That comes as no surprise, because it seems to me that insurance companies only want to take premiums at an exorbitant rate for things that are very little risk and not take on anything which is a risk—which, in my thinking, was the whole basis on which we would have insurance, but we will leave that aside. Suffice to say that the insurance companies are no longer willing to provide these administration bonds, even at commercial insurance rates, and the consequence is that, even though there is not much risk to an insurer in doing so, they are not willing to do it, so the practitioner is left with the problem that no-one can take on the bond.

Under the current legislation, there is the option for a private person (a natural person) to be prepared to undertake that bond, but it means risking that person's own assets or funds to become sureties to the bond. That, obviously, is pretty hard to do: it is pretty hard to find any natural person who is prepared to go surety for someone administering an estate. Hence, we have the problem that this bill seeks to address. Various other states have had similar problems and come to a number of conclusions. I understand that Victoria has abolished bonds and has a general power for the court to require sureties to guarantee in any case that it deems appropriate, but does not as a matter of course require bonds. Western Australia is similar.

In New South Wales, both the bond and sureties are still required in all administrations but you can make an application to the court to dispense with the bond or surety altogether or to reduce its amount. In Queensland, neither a bond nor a surety is required and, indeed, they simply treat administrators in the same way as you would treat the executor of any estate where there is a will and probate is granted. So, different states have taken different approaches. There is no clear-cut direction for this state in the sense that we cannot look at every other state and say that we are out of step, because each state has taken its own approach.

In essence, as I understand it, this bill seeks—and I note that it is based on a request from practitioners in the field and comes with the support of the Law Society—to introduce a compromise position. Currently, the administration bond is essentially a document involving the Public Trustee, and this amendment will take the Public Trustee out of the picture. Instead of the bond being with the Public Trustee, there will be simply a surety guarantee—that is, a third party willing to guarantee to meet a person's liability should he fail in his duties as an administrator. And it is important to note that this only comes into play if the person who is the administrator fails in his duty as an administrator.

The bill further allows that a court can, indeed, dispense with the requirement for a surety guarantee and simply appoint joint administrators as an additional safeguard. In practical terms, that means that all administration documents which generally need to be sworn to be filed with the court will need the signature of both administrators (which would normally be either family members or a family member and their lawyer or accountant), and each of those people will be jointly and severally liable. So it puts in place the safeguard that anyone signing such a document is likely to ensure that what is attested to in the document is, in fact, correct.

That, in essence, is what the bill seeks to do. As I said, the Liberal Party supports that position, and certainly I do not have any difficulty with it. I have one question for the Attorney, so he may wish to listen to me on this occasion.

The Hon. M.J. Atkinson: I am always listening to you.

Mrs REDMOND: Of course, the Attorney is always listening to me. In response, I would like the Attorney to give an explanation as to the structure of the bill, and that might save us going into committee because I do not want to take up the time of the house unnecessarily. I note that the first part of the bill substitutes quite a comprehensive new section 18 for the old section 18 in the Administration and Probate Act. In the existing legislation, section 18 is in fact the second of a series of sections dealing with the sealing of grants made outside the state. In other words, if someone has obtained probate or administration in another state of Australia, the UK or in a foreign country, as defined, they can in fact bring that document into this state and have it sealed in order to deal with assets in this state. That is basically all that section 18 does.

Section 17 in the existing act provides that if you have probate or administration from a court of competent jurisdiction elsewhere, you can get it sealed in this state. Section 18 in the current act simply says:

> Where an administrator is required to enter into a bond under section 31 of this act—

which is the general provision in the act for dealing with the circumstances in which bonds are required—

> no administration shall be sealed under section 17—

that is, we will not get a seal of an interstate or foreign document in this state—

> . . . until that bond has been given.

And that makes perfect sense. But I am puzzled as to why in the bill we have set out in the new section 18, which substitutes for the existing section 18, a series of 13 subsections which are, essentially, to my eye pretty much identical to what is set out in section 31. I do not understand, as a matter of drafting, why section 18 does not simply, as it does now, refer to the requirements of section 31. The only difference I note at a quick glance is that in the proposed section 18(5) the court, having asked for an additional or a further guarantee, if it is not given, may cancel the seal of the administration; whereas section 31(5), in the same circumstances, refers

to the court's revoking the administration. But I do not understand why it was not simpler to say that the provisions of section 31 would apply to section 18. Subject to some clarification as to why it has been drafted in that way—

The Hon. M.J. Atkinson: So, why has section 31 become section 18, or part of it?

Mrs REDMOND: Yes, why holus-bolus take the section 31 provisions and stick them back in section 18?

The Hon. M.J. Atkinson: Not all of them.

Mrs REDMOND: Just about all. I am curious as to why it has been drafted in the way it has been. Subject to clarification of that, I anticipate that there will not be any need for us to go into committee on this bill. As I said, the opposition supports it. It is a sensible change and is necessary because, once again, as in many circumstances, we are being held to ransom by the insurance companies in this state and elsewhere. The insurers are not prepared to provide the sort of commercial insurance that they used to provide in these circumstances—which I am sure made them money, but they are not prepared to do it any more—so we need to change the system, and this seems to be a reasonable compromise. With those few words, I indicate that the Liberal Party supports the bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Heysen for her contribution. The answer to her question is that previously section 18 just referred those who were seeking to seal in this state administration granted in another state to section 31, and invited them to comply with the requirements of section 31, which applied to grants for administration in this state. Parliamentary Counsel has decided, I suppose out of an abundance of caution or a desire for clarity, to reproduce most of section 31 in new section 18, so that, if you have been granted administration in another jurisdiction and now seek to have it sealed in South Australia, you will not have to go outside section 18 to find all the requirements, and section 31 remains, in all its glory, to apply to those who apply for grant of administration in South Australia.

Mrs Redmond: With respect, Attorney, that is exactly the argument I put to you on a matter that we debated in this house previously on a definition which referred to a different act, which was a commonwealth act.

The ACTING SPEAKER (Mr Snelling): That was a rather lengthy interjection from the member for Heysen.

The Hon. M.J. ATKINSON: The things that agitate and amuse oppositions are on show. Again, this is what the member for Heysen is reduced to, but I thank her for her close textual analysis and hope that there will be many more contributions of this kind. I do not quite recall the inconsistency on another act, but no doubt the member for Heysen can write to me and demonstrate it. The decision here is one of Parliamentary Counsel, and it is essentially Parliamentary Counsel with whom the member for Heysen is quarrelling, not me.

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

AUTHORISED BETTING OPERATIONS (LICENCE AND PERMIT CONDITIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 87.)

Mr BROKENSHIRE (Mawson): I will be brief, given the workload of the house today. This is really a technical bill, which addresses two matters of a procedural nature. I have put this bill to our party room, which is well aware of the reasons why these technical matters have arisen and need to be addressed. Like so much legislation in the parliament, often technical amendments need to be made. That is the case with this bill, and I advise the house that the opposition will be supporting it.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the member for Mawson for his contribution and the opposition for its assistance in the passage of this bill.

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

STANDING ORDERS SUSPENSION

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I move:

That standing orders be so far suspended as to enable me forthwith to move a motion without notice.

Motion carried.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.W. WEATHERILL: I move:

That the interim and final reports of the Select Committee on the Crown Lands (Miscellaneous) Amendment Bill be noted.

The Hon. J.D. HILL (Minister for Environment and Conservation): In fact, I have spoken on both these reports on previous occasions, so I do not want to take up the time of the house now. Perhaps I could speak at the end of the debate to address issues that may have been raised by any of my colleagues.

The Hon. G.M. GUNN (Stuart): I have been waiting for a considerable time for the opportunity to make a few comments in relation to this sorry saga, which has dragged on for some 12 to 15 months. Let me say from the outset that I am not the lead speaker for the opposition; the member for Davenport is. Unfortunately, he is indisposed this afternoon but hopefully he will be here tomorrow.

This whole matter came into being with the change of government. Let us ask the simple question: why did it come about? The question can be very simply answered. The minister accepted recommendations that he did not understand. He did not understand the principle of freeholding and the history of it. Of course, he was handed a lemon. But the lemon turned out to be a hand grenade. The people of South Australia who held perpetual leases were under the belief that a lease was issued in perpetuity and could not be altered. Until days before this policy change was announced, officers of the department of environment in regional centres were advising people who made inquiries that there was no need to hurry. They said that the policies could not be changed and that there was nothing to worry about. Accountants and land agents were giving people the same advice.

Ever since perpetual leases were issued, there has been a clear understanding. If you read a perpetual lease, you see it says quite clearly that the lease and the rents are issued in perpetuity. No government has attempted to dishonour that

solemn agreement that was entered into. If the government of the day is permitted to break that arrangement, what other lease or agreement that the government has with individual citizens is safe? What other lease or agreement will they set out to change to alter or to plunder the pockets of the unsuspecting people of South Australia? I say from that outset that, if this government wanted to be completely open and upfront, it should have told the people of South Australia prior to the last election, 'If we become the government, we intend to increase perpetual leases.' That should have been the clear undertaking. Of course, we know if that had taken place what the results would have been. There would have been an outcry. It did not do that, and it is the first concern the opposition has.

The second concern is that we were aware that these recommendations had been made to government before from within the department. We as a government rejected them out of hand, because in my view the suggestion is not only obscene and improper but contrary to decency and commonsense. The Liberal Party will not be party to any suggestions to increase rents or make life more difficult for lessees. One could say that, if the Labor Party had a few people like the late Tom Casey, to whom we paid our respects earlier today, this measure would not have come to the parliament.

Why did the government get it so wrong? I was amazed to read the press release put out by the minister on 11 July 2002. I do not think the minister understood the matter. I would like to know who put this press release together, because it is mischievous, misleading and scurrilous in its content. Whoever was responsible should be thoroughly ashamed of themselves. It states:

> The state government has moved to stop the use of Crown land for peppercorn rent by increasing the minimum charges for the use and freehold purchase of Crown leases.

Then it goes on to say:

> In some cases the existing rent paid for Crown leases turns the land into a taxpayer funded gift to the leaseholder, for example:
> · a motel in Whyalla, valued at $2.6 million, is located on a lease with an annual rent of $3.07.

What is wrong with that statement? I will tell you what is wrong with that. The Crown does not own the improvements. The value of that land is minimal without the improvements. Therefore, that is a misleading and scurrilous statement. It is the same with a commercial chicken farm in the Adelaide Hills. It is also the same with a farm in the Mid North. When that farm was taken up and that lease was issued, there were no improvements on it. The improvements have been put there by the lessee, the lessee's family or new lessees. If you have to buy the lease you have to buy the improvements. That in itself is misleading. It is the same with the example on Kangaroo Island.

It talks about having to rejuvenate damaged land. The only perpetual lease I know that has been degraded is one at Jamestown. The only reason it has been degraded is that the people concerned broke the law. It is not the fault of the rest of the perpetual leaseholders in South Australia. So this press release was quite wrong. Minister, I do not blame you for it, because I do not think you were the architect of it.

The Hon. J.D. Hill: I take full responsibility.

The Hon. G.M. GUNN: Minister, you and I both know that that is technically correct but in practice it is a nonsense. We know that. Like the other advice you got on this issue, it was ill conceived and, shall we say, less than prudent. That is as kind as I can be. The select committee was the result of a considerable amount of work in the corridors over a couple of evenings by members of the opposition dealing with the Independents, and we got the select committee put together. The member for Fisher became the chairperson, and we received wheelbarrow loads of submissions, because this matter attracted a great deal of concern with lessees. Many lessees held multiple leases. Some of these stand-alone leases were non-viable, and the whole process was going to be a disaster, and people in some cases would have been paying thousands of dollars to maintain an operation which they have had for many years, without warning and without any ability to justify their position or appeal against these ill-conceived and unfortunate decisions.

The select committee took all sorts of evidence. What were some of the difficulties? There was a real problem with the people who adjoined the coastline and those who joined the rivers and the River Murray. The survey costs were astronomical, and no person would accept those lessees, if they were doing the right thing and handing over 50 or 60 metres of land, you would then have to compulsorily pay tens of thousands of dollars of survey costs. That matter needs to be addressed. Of course, then we had the argument whether a transitional zone or a range land zone should be able to be freeholded.

In no circumstances will the opposition be party to denying those people the ability to freehold their land. There is no reason for this to happen. When we had the final discussions relating to range land, the paper put up by the department was a weak effort, and I am pleased the minister agreed that each case would be judged on its merits. Let me say that, if they are not allowed to freehold under this government, they will be able to do so under the next. I will not forget what took place under the previous government, where there was a policy to allow people to freehold. The department then got around the minister and changed the policy without the approval of the party room. In my view, it was an outrageous decision, it was unconscionable and some of us have not forgotten it.

If there is one thing that will keep me in this place for another term, it will be to ensure that land-holders get fair treatment. This exercise has brought home to me very clearly the vulnerability of these people at the behest of those who have been less than forthright in relation to their aims and objectives. The worst thing that happened to the people of South Australia, in my view, was the day when the old Department of Lands was abolished and placed under the umbrella of the department of environment and its other agencies. It was a day when people from within that department—which had an affinity with rural people, which understood their problems and which was cooperative and helpful—were turned into a group whose objectives were anti-farmer and anti-rural and who had a left wing bias—these young ones out of the university. I have seen it first-hand in the time that I have been here.

So, where are we now? The Liberal Party put to the select committee 13 points of policy. We were not successful. Those policies were that all perpetual leases should be able to be freeholded except those in the metropolitan area, and that all miscellaneous leases used for broadacre agriculture should be able to be freeholded on the same basis as perpetual leases. That is important, because we are aware that there are in departments people who want to get their hands on these miscellaneous leases. These people are entitled to have their leases protected for ever and a day. They should not be subject to the whims of those departmental people, who want

to get as much land as possible under government ownership and take it out of private ownership.

The other contentious issue is the cost. I am hoping that, if the minister speaks to this debate, he will tell us exactly how many people have applied to freehold their land, because at this stage we have not been told.

The Hon. J.D. Hill interjecting:

The Hon. G.M. GUNN: Does the minister have the figures to date?

The Hon. J.D. Hill: It's about 85 per cent.

The Hon. G.M. GUNN: I am pleased about that, but my concern is about those people who are caught in these difficult situations, and particularly those people whose freeholding cost is calculated on 20 times the rent—people such as the Malones, south of Jamestown. It is unfair and unreasonable, and it should not be. They should be charged the same fee as any other person seeking to freehold their land. It should be based on the number of leases involved.

Another matter of contention is those people who have certain Crown improvements on their land that were placed there years ago, most of it well before the current lessees occupied the land. In some cases, the lessees have no knowledge whatsoever that they are liable to meet these costs before they are allowed to freehold it. I believe that should be written off, because the value of those improvements today would be minimal. Of course, we cannot have compulsory freeholding, as that would create uncertainty, it would create great difficulties and it would be quite unfair.

The other matter of concern is where people have non-contiguous leases but they are used for the one farming enterprise. That matter needs to be handled carefully, and we need to ensure that these people are treated sensibly. People do not have tens of thousands of dollars to pay out for land when, in many cases, they are facing difficulties. South Australia is going to experience a pretty good agricultural season, with some exceptions. There are those people in the marginal areas (a lot of them are in my constituency—those north of Orroroo) who would want to freehold. They should be given more time; they should not be compelled to do it. The attempt to take thousands of dollars out of their pockets was not only unreasonable and unfair but it was also unwise, and it was contrary to all the decent principles of democracy, to which I referred earlier.

The other matter of concern is the cut-off date of 30 September. That is fine.

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

The Hon. G.M. GUNN: It is interesting to note that in the electorate of Chaffey there are approximately 4 000 perpetual leases; Stuart, about 3 800; Flinders, just over 2 000; MacKillop, about 1 800; Hammond, about 1 200; Schubert, a couple of hundred; Giles, a couple of hundred; Goyder, a couple of hundred; Finniss, a couple of hundred; Frome, a couple of hundred; and Mount Gambier and others, a minimal number. Selected areas of the state are affected by these proposals.

The select committee was an excellent opportunity to give people a chance to express their point of view and to point out anomalies in the government's proposal. The evidence received from the valuer Mr Newton was very good. The evidence received from the gentleman from Wesfarmers was also very good evidence and explained the difficulties that could be created if well-meaning people do not get it right. Therefore, the points that were made need to be considered very carefully. The member for Chaffey has peculiar issues in her electorate which need to be considered. The amendments, which the opposition will be bringing forward when this matter is debated at a later stage, hopefully will help to alleviate some of those issues. In conclusion, this has drawn to people's attention the need to freehold their land if they can do it at reasonable cost. I think it also clearly demonstrates that people are entitled to have the most secure and effective title possible. That is why the Liberal Party will be pursuing other measures at a later date to ensure that pastoral leases are permanent and secure. If people are going to invest and continue to make a strong contribution to the economy of South Australia, they are entitled to have certainty and to know they will be fairly and reasonably treated. I do say to the minister that the issue of 20 times the rent is terribly important. It will create anomalies for a few people that should not be. The need to deal with the survey of the coastal River Murray is of great importance. Mr Lochie Goss spoke to me the other day in relation to that particular issue and the River Murray.

I understand it is government policy to control the land that joins the River Murray. I do not think the land holders who currently own that land have a difficulty with that, but we have to reach a fair agreement to ensure that this can take place without unreasonably dipping our hands into the pockets of these people, because they will not do it otherwise. It is unfair to force them, because they never created the problem which we now face. The 16 select committee meetings were interesting and challenging and the evidence was considerable. It collected a huge amount of paper in the process. I hope we have all learnt something from it. At the end of the day, I sincerely hope that we will have a better, streamlined land title system in order to ensure that the agreements that were entered into many years ago—over 100 years ago—are honoured; that the state can get out of this lease system and let people freehold their land at fair and reasonable cost—which is in everyone's interest. Controls, for example, the minister needing consent to transfer a lease, are no longer required. All the other restrictions are covered by other acts of parliament, so I think the time is right to move forward and to give people confidence.

I look forward to the committee stage of this bill. Hopefully, my colleague the member for Davenport, who has done a lot of work in this area, will be fit enough to participate. The opposition will be moving a considerable number of amendments at that time, and we will be debating vigorously some of the government's amendments. We will agree to some of them and we will oppose others, because we think they are unnecessary. I thank the house for its indulgence.

The Hon. R.B. SUCH (Fisher): I will be very brief. I will leave it to other members to canvass the detailed aspects of the committee's report and recommendations. It is hard to believe that the select committee was set up more than a year ago, on 17 July 2002, and I commend the government for agreeing to set it up. I thought that it was the appropriate thing to do, and I believe that everyone would agree that the outcome, even though not perfect, is a lot better than it would have otherwise been. It was a very detailed and comprehensive consideration of the lease issues. However, I am the first to acknowledge that you will never be able to satisfy everyone's particular requests or concerns.

It is fair to say that, with both the interim and final reports, a lot of progress was made to ensure that the government got some revenue out of the process and that farmers and lease

holders, in general, got better consideration than they would have otherwise if the original proposal had stood. The committee was dealing with in excess of 15 000 leases. Clearly, it could not examine, at first hand, each lease—it would be impossible. Given the amount of advice the committee received and the complexities of the issue, I think it did very well.

I was privileged to chair the committee, and I pay tribute to its members: the member for Giles, the member for Davenport, the member for Stuart, the member for Chaffey and the member for Napier. I also congratulate the minister because he is one who does listen, who is prepared to consider suggestions and who responds accordingly. No one is naive enough to think that, as I hinted earlier, everyone will get all that they seek or want. As the member for Stuart pointed out, the world has changed and there is now little justification for the bulk of those 15 000 leases remaining in that form. We now have measures relating to soil conservation, native vegetation and so on. The question of whether or not a piece of land is lease or freehold is largely irrelevant.

The outcome expressed in terms of the bill will be a major step forward. I cannot be absolutely sure, but I think the majority of lease holders is happy with the outcome of the recommendations of the committee and is happy with the legislation which is likely to result, as projected. All in all, it has been a worthwhile exercise. It highlights the fact that we are all better off if legislation and proposals are examined in detail before they get on to the floor of the house. It is a process that ought to be systematised so that all legislation coming before this place gets detailed and critical examination by a committee before it gets on to the floor of the house.

I thank all members who participated in the select committee. It was a very long process—I do not know the exact number of submissions, but I think roughly in the order of 800, which is a large number. I have been on other select committees where there were fewer than 20 submissions. It was a major undertaking, and I repeat: not everyone will be happy with all the outcomes, but I think most lease holders that I am aware of are reasonably happy and certainly prefer it to what would have been the alternative outcome if we had not gone through this process.

Mrs MAYWALD (Chaffey): Firstly, I would like to say that someone in government should do an analysis of the process that has been undertaken with this whole Crown lands debacle. In my view, this would make a very interesting case study for analysis of the worst possible process to change and implement government policy. It has been an absolute disgrace.

We started with a press release at the release of the budget last year, Thursday 11 July 2002, from the Minister for the Environment and Conservation which was headed 'An End to Peppercorn Rents for Crown Land'. I am going to read this press release because it is an interesting starting point in this whole debacle and it demonstrates the ignorance on which the decision was first made to go down this track. The press release reads:

> The state government has moved to stop the use of Crown lands for a peppercorn rent—

At this point, I should reiterate for the record, as I have in the past when establishing the committee and speaking to this legislation before, that I am the owner of a very small perpetual lease in the Riverland. The press release continues:

> . . . by increasing the minimum charges for the use and freehold purchase of Crown leases. The Minister for Environment and Conservation, John Hill, said a minimum and indexed rent of $300 per annum would be introduced for all Crown leases and licences and the freehold purchase price for perpetual leases would increase to a minimum of $6 000.
>
> 'These changes, which are included in a review of the Crown Lands Act 1929, are aimed at making sure South Australia receives a fairer remuneration for the use of its land assets,' the Minister for Environment and Conservation, John Hill said.
>
> 'In some cases the existing rent paid for Crown leases turns the land into a taxpayer funded gift to the leaseholder; for example:
>
> - A motel in Whyalla, valued at $2.6 million, is located on a lease with an annual rent of $3.07.
> - A commercial chicken farm in the Adelaide Hills has two leases which costs $2.20 and $1.70 per annum.
> - A farm in the Mid-North, valued at $1 million, with an annual rent of $3.50.
> - A farm on Kangaroo Island, valued at $750 000, with an annual rent of 83 cents.
>
> These annual rents are minuscule when compared to commercial rents for a similar property and represent an unfair subsidisation of businesses which have Crown leases over those that don't.'

That last paragraph, in particular, is so misleading and so inaccurate of the true circumstances surrounding those leases which are actually quoted in this press release that it is absolutely disgraceful. What the minister fails to mention in this press release is that those properties were actually purchased at full freehold value in many instances. Those people, unlike other commercial renting ventures, have actually paid for the lease in perpetuity which in the market is considered equivalent to freehold. They have not been gifted land at $3.50, they have purchased the right in perpetuity to access that land, and they did so at the same rate as though that had been freehold tenure. To suggest that they were having a ride on the taxpayer is absolute bunkum, and the minister and the person who wrote this press release for him should be ashamed.

This was the starting point for the debacle that has carried on for well over 12 months now. This debacle has impacted on my electorate disproportionately to the rest of the state. In the state, there are close to 16 000 leases, and of those more than 4 300 of them are in the electorate of Chaffey. The gun that the minister has put to the heads of constituents in my electorate, forcing them with the penalty of higher charges or a tax, an extremely high impost in freeholding in the future, has meant that $6 million at least, in my estimation, has been ripped out of the heart of my electorate—$6 million. That is $6 million for an electorate of 35 000 people. So, 35 000 people have copped the brunt of this debacle. They have had to pay $6 million for which they have not budgeted. They have been able to negotiate time payment of that amount, but it is still $6 million that is being imposed on one community. It is not being imposed on anyone in the southern suburbs, the northern suburbs or any metropolitan area.

What is of most concern to me is that in this whole debate the consideration of how the land was settled in the first instance has been regarded as irrelevant. It is of particular interest to me that everyone in the crown lands department says that that is because of an historic quirk. That historic quirk has meant that these people have been discriminated against in this state to the extent that they are forking out $6 million that is going into a nice handy little PLAF (perpetual lease accelerated freeholding) group. Forty of them are happily working away in a nice little job. Well, we are really pleased. I think it is really exciting when we get those updates out of the PLAF group. They send out these nice little coloured glossy brochures with all of these PLAF people

smiling brightly as they rip our money off us. That is exactly what they are doing.

For the minister to actually think that he has done leaseholders a favour is laughable. The reason these leases were still in leaseholds is because historically the policy has been bad, and to perpetuate bad policy is not good government. There are other ways and means that this issue could have been dealt with, but the minister chose to deal with it without any understanding of the consequences, and it is obvious from the press release that he put out that he had no understanding of the impact of the decision he made during the budget bilaterals. For example, when I questioned the minister on what it would mean to pensioners who had retirement homes on perpetual leases and whom he was going to charge $6 000 to freehold or $300 a year, he had no idea that there were pensioners who actually had small blocks within townships. He was not well informed on this whole issue, and the argument that was taken to cabinet was not well prepared.

The leaseholders have seen this government undermine the value of their properties. In history, this is the first time that the price to freehold has gone up. It has gradually come down over a period of time for the very reason that people were not prepared to freehold because they had paid good money up front to access their property in perpetuity. The perpetual leases they were issued historically were meant to be in perpetuity. They were protected by law. When you purchased a perpetual lease you were told by the real estate agent, your banker and your conveyancer: 'It's protected by law, they can't change the rents, so don't worry about that.'

People purchased properties on that basis. With this measure, the government is going back and changing everyone of those contracts and saying, 'We're going to rip those up; I'm sorry, we're going to increase your rent.' Fortunately, the government saw the light through the process of the select committee and withdrew its attempt to put up the rents, but it then decided that a $300 fee would be more appropriate.

The Hon. J.D. Hill: That was your suggestion.

Mrs MAYWALD: The minister says it was my suggestion. I think it is really unfair to say that, because when we were debating this matter in the select committee the suggestion was—and the minister well knows it—that if you are having to actually change the process and ensure that the government was not losing money, then other options should be looked at and perhaps one of those could be a fee. I had no idea that the minister would impose a $300 blanket fee regardless of whether you had a 10 000 hectare property or a one hectare property.

The Hon. J.D. Hill: Remember we shook hands on this, Karlene. Just be careful.

Mrs MAYWALD: The minister says that we shook hands on this. We have had a lot of discussions and we have worked through a lot of issues, but that does not mean that I agreed. I made that quite clear to the minister on a number of the provisions, and that is reflected in the select committee's report, to which I will now refer. Recommendation 5 states:

> The committee notes that it does not unanimously support the introduction of a service fee.

I think the minister will recall in the debate we had during that committee that I do not support and have never supported the introduction of a service fee. The minister will also recall from the discussions—and as stated in recommendation 25—that the committee notes that it is government policy that provisions relating to crown lands will be amended to provide the power to impose a service fee in addition to rent.

That, the minister will also recall, I opposed during the process. I did agree to trade off some areas to ensure that it was the best deal we could achieve without going back to a $6 000 fee on freehold properties, or a $300 administration fee or an increase in the rent. We negotiated a better outcome than that which the minister put on the table in the first instance, although it is certainly not something that constituents who hold perpetual leases are happy with. However, it is a far sight better than the initial proposal.

I would also like to say that leaseholders found, once this proposal was first announced, that there was a huge confusion in the market place. Real estate agents started to advertise freehold property versus perpetual lease property, and people who had perpetual leases were experiencing a reduction in the value of their property. This was because of the uncertainty, first and foremost, but also because the perpetual lease freehold price went up for the first time, distorting the market place as it was operating.

During the course of the deliberations in the select committee, discussions were held in respect of the kind of impact this might have had. We were advised by people from Crown Lands that the market should not have been dealing with them in that way, and they considered that the market acted inappropriately by treating freehold and perpetual leases in the same way.

As the so-called owner of this land, as the government has stated it is, it was saying that the market should have known better. Crown Lands did nothing to correct this error in the market place, if it was an error. They believed quite strongly that it was the market's fault: the market should not have been treating them the same. Because the market had been treating them the same, unchecked by the department, Crown Lands did not believe it needed to consider the matter or thought it was not its position to intervene. By intervening in the way in which the minister did, when he made that announcement back on 11 July 2002, he impacted adversely on the property market. For any government to do that I believe is unconscionable.

I would like to move on to the select committee report. At this point, I would like to say to the minister that I appreciate his support for the establishment of a select committee and the way in which he handled the dealings within the select committee. I believe that the minister did listen, although the position that he had made was very difficult to come back from. The Select Committee on the Crown Lands (Miscellaneous) Amendment Bill has worked through an arrangement for a better deal, providing a window of opportunity for all lease holders to freehold in the interim, before the cost of freeholding their property rises to $6 000.

For the pensioners in retirement homes in Barmera, who purchased their small retirement homes on less than a quarter acre block—in fact probably half of a quarter block—the prospect of having to spend $2 000 is still a big ask. The minister's agreeing to reduce the freeholding price to $1 500 for those residential properties is applauded but, at the same time, it is still a huge impost on pensioners.

The select committee was able to negotiate a term payment for pensioners, and this has certainly relieved some of the immediate financial burden and has given them the opportunity to save for it. Unfortunately, however, pensioners do not have the capacity to supplement their income to this extent. It will, therefore, still be a significant burden,

particularly on top of escalating electricity prices and other costs that they are presently facing.

The other issue that the select committee was successful in negotiating was to have the issue of waterfront properties deferred to 2005, and to have as much water as possible go under the bridge in respect of those leases. I thank the minister for taking those out of the equation and giving us the opportunity to deal with them as a separate issue.

Another issue is the establishment of the review panel. I think this was a very good initiative to come out of the select committee, and it will result in a fairer outcome for many people who have multiple, non-contiguous, single farming unit properties in different interests and names. Given the way in which the property market operated, there was no fear in setting your property and farming enterprise up with, perhaps, the husband and wife on one lease, the husband on another, Mum and the husband on another lease, and various other ways in which the farming properties have been amalgamated into single farming units. I did not think it appropriate that, simply because they had different names on the title, they should be adversely affected and pay a higher penalty than those who had put them all in the same name. When they purchased those properties and moved to set up their succession planning they had no idea that this kind of cost impost might be imposed. So, I think the review panel will be extremely useful in reducing the costs for people with multiple leases and people who have imposts 20 times the annual rent. I understand that about 85 per cent of leaseholders have applied to freehold their leases, and that is extremely good news. Leaseholders who do go through the process and the pain of having to expend the money during this time will benefit from having that land in their own fee simple and, therefore, can no longer be victimised by future governments. But it is a high price to pay in the short term.

Another issue is that of the surveys in waterfront, and we will deal with that in the next few months. Another issue is that of the rangelands, and the government is still strong in their policy that they are not looking to freehold the rangelands but will look at it on a case by case basis once they have undertaken an environmental assessment. I am greatly concerned about that process and, as I said during the process of the select committee deliberations, I am strongly in favour of those leases being able to be freehold, particularly for those people who have combinations of perpetual leases in the transitional zone, in the safe agricultural zone and also in the rangelands. It seems to me particularly unfair to single out those people with a different set of rules when we have a lot of other legislation—and I mention here the Natural Resource Management Act that is about to come before the parliament, the Native Vegetation Act and various other acts—that protect land from future abuse and ensure that people who operate within the law do so sustainably—and we hope that most people do.

One of the things that I have found most frustrating throughout this whole process is seeing the pain on people's faces. My office has copped the brunt of most of the public protest, and I would particularly like to thank my staff for the way in which they have handled the issues that have been raised in my office. We have had well over 800 submissions go into this particular select committee, which is an enormous number, and I can tell you that each and every one of those has also probably come into my office or rung my office or contacted my office in some way. People have been genuinely despairing over what has transpired here. They do not understand that a government can do this to them. They do not understand that a minister or bureaucrat sitting down in Adelaide can have any understanding of the impact or the pressure and stress that this has put onto families out there in the regional areas. I will go back to that press release of Minister Hill; it is an incorrect assumption to assume that these peppercorn rents—and it is just outrageous to call them peppercorn rents—would be people having a ride on the taxpayer. It is and always was an absolute nonsense, and it should never have been considered in this light. I feel very strongly about the process which enabled the department to put that argument forward and allow a minister to put this out, because I believe that is absolutely disgraceful. The minister was either misled about the actual situation when he went to cabinet or he chose to ignore it; I would like to believe that the latter was not the case.

Mr O'BRIEN (Napier): In speaking to the interim and final reports of the Select Committee on the Crown Lands (Miscellaneous) Amendment Bill, I acknowledge that it is the first select committee on which I have served. I found it a positive experience in terms of the committee being able to readily identify the crux of the issues referred to it in the terms of reference. My experience as a new member on his first select committee was also shared by a number of the more experienced members of the parliament who commented that the conduct of this committee was exemplary. This is a reflection not only of the composition of the committee but also the adroit manner in which the chair, the member for Fisher, assisted in working through each of the issues. I also single out Mr David Pegram (the Secretary of the committee), Ms Helen Smith (the Research Officer) and the various officers from Crown Lands SA, who kept the committee well briefed on the many issues that emerged during the course of our deliberations.

In addressing the issues contained in the Crown Lands (Miscellaneous) Amendment Bill 2002, my starting point was that the crown owned the land as lessor and that the increase in rent that had been sought to a minimum of $300 for all leases was fair, particularly when Crown Lands SA's administrative costs exceeded the rent collected by $500 000. In this context I also thought that the increase in freeholding charges from $1 500 to $6 000 was fair and reasonable. The evidence and research material presented to the committee changed my opinion on both those matters and led me to the conclusion that the state should not be in the business of leasing land.

The starting point on the road to this conclusion was the history of crown lands in South Australia and begins with the Wakefield plan. As members of the house are aware, the Wakefield plan was the basis on which the province of South Australia was to be settled and developed. The sale of land was to fund the administration of the colony and the provision of infrastructure, as well as the cost of emigration and skilled farm labourers. Also, the Wakefield plan floundered within a matter of years at the commencement of European settlement, and it was not until the introduction of the Wasteland Amendment Act 1869, known as the Strangways Act, that the occupation and development of land in South Australia could be carried out other than through the sale of crown land. The Strangways Act allowed for agricultural land to be purchased by credit arrangements and was tailored to assist genuine farmers on to the land.

The Strangways legislation struggled to achieve its objectives. Land prices were high by intercolonial standards and the last years of the 1860s were bad for farmers. At the

time of the general election of 1870 the Strangways Act had been in operation for a year and less than 200 credit arrangements had been taken out, and few of them by farmers. The general election was dominated by the issue of further land reform and, when the new parliament met, Strangways was quickly turned out of office.

The Strangways Act was finally replaced by the Crown Lands (Consolidation) Act 1877, which introduced 15 to 21 year leases, with the right of purchase, and increased the tenure for which pastoral leases could be held from five to seven years to 14 years. In 1888 the Crown Lands Act abolished the sale of land on credit and substituted the principle of the letting of crown lands, either in perpetuity or with eventual right of purchase. This was a radical departure from the long held principle of establishing farmers on freehold land. It was a sensible modification of policy for the environment of the marginal regions. Perpetual leases came into being, initially subject to rent revaluation every 14 years and later in 1893 without rent revaluation provisions.

Essentially, the perpetual lease was a means of expediting agricultural land settlement programs by providing an alternative of the payment of a relatively small annual rent in perpetuity to prospective settlers who could not afford to purchase the freehold interest for a capital sum. At locations along the River Murray, cooperative groups were allocated land under perpetual leases. The land was then divided among the members and irrigated. However, these settlements rapidly failed and only one such village settlement, based on the lease arrangements, exists at Lyrup today. By 1903, right of purchase leases were abolished. The main methods for tenure in agricultural areas were agreements for sale/purchase or perpetual lease. Perpetual leases in irrigation areas gave the government control of the water supply and the essential coordination role required for maintaining these lands.

The settling of Eyre Peninsula and the Murray Mallee began in earnest in 1900, the majority with perpetual or other long-term leases. In 1929, the mix of assorted legislation pertaining to crown lands was consolidated in the Crown Lands Act and it is to this act and the proposed amendments that the select committee addressed itself. As I noted, the 1988 Crown Lands Act was introduced to assist the settlement of land by those who lacked the financial resources to purchase freehold land. What of the situation today?

The committee heard evidence from Neville Newton, a licensed real estate valuer, who said that over the past 25 years the value of freehold and leasehold properties had become equivalent for valuation purposes. Lessees of crown land, rather than considering themselves to have no equity in the land they leased, actually believed that they owned the property. In many instances, they have paid full market value to occupy their property. There is certainly a widespread expectation that on sale of their land they will receive full market value.

What has happened to the State of South Australia's equity in our crown lands over the past 100 years or so is of concern to me, as the total amount of community asset flowing into private hands must run into billions of dollars. Under the Wakefield plan, this would have flowed into the public coffers for the purposes of state development, but decisions by governments more than a century ago have meant that this has not happened. Instead, we have lease holders, if the lease has remained in the family for many generations from initial settlement, who have not paid a dollar to the state for their land, except for rental payments, yet these people strongly—and not unfairly—believe that the land is theirs. We have other lessees who have paid full market value for land to previous occupiers of the land when, in fact, the land is owned by the Crown, even though the lessee has a right of occupation of the land in perpetuity.

It is against this background that many, if not most, leaseholders felt that the proposals contained in the Crown Lands (Miscellaneous) Amendment Bill 2002 were manifestly unfair. A general consensus appeared within several meetings of the select committee that the time had arrived, in historic terms, for the state to quit its role as lessor of large tracts of state land. The state had, over the course of more than a century, relinquished any notion in the minds of those occupying crown land that the state or Crown was the owner of the land. Rents had also failed to keep pace with administrative costs, meaning that the continued ownership (in its very vaguest sense) of crown land by the state was a drain on the public purse for no real benefit. In addition, rents were considered by many, if not most, lessees to be little more than a tax which delivered absolutely no tangible benefits. Submissions received by the select committee also pointed out that any increase in rents to cover the cost of administration would cause great hardship to a large number of lessees, either on farming or pastoral land or in townships. For various and largely identical reasons, the committee ultimately arrived at a position of unanimity on the issue of encouraging the process of freeholding so that the state may ultimately quit its role as landlord.

The scale of the project of freeholding is enormous. There were 1 133 miscellaneous leases at June 2002 and 15 062 perpetual leases at August 2002. A map presented to members of the select committee showed that these leases cover a considerable area of the state. What the recommendations of the select committee will bring is a profound change in the nature of ownership of a large area of the state. The select committee has handed down a report that finalises a matter that has hung over the state's background for over 100 years.

I would like to think that the conclusions at which we have arrived would sit easily with Edward Gibbon Wakefield, leading, as they will, to the freeholding of large areas of South Australia. The minister has, in fact, indicated today that around 85 per cent of leaseholders have taken up the option to freehold. This is a clear and unequivocal endorsement of the recommendations of this report.

Mr WILLIAMS (MacKillop): I will canvass a number of issues with regard to this matter because I would like to be speaking to the Crown Lands (Miscellaneous) Amendment Bill. However, when that bill was introduced into this house on 11 July last year, I think, during the second reading debate you, sir, proposed a select committee. A number of us contributed very briefly to that debate because we wanted to get on and establish the select committee before the winter recess, which meant that we were to leave this place for a little while. We wanted to get things progressing.

When the minister finally brings this bill on for debate, I and my colleagues on this side of the house, at least, would like to contribute to the second reading debate in a more extensive way, but, unfortunately, I am afraid that we will not be able to do so because we have already spoken.

The Hon. J.D. Hill: You have this opportunity now.

Mr WILLIAMS: Yes, that is what I am explaining. So, I will canvass a number of issues with regard to this bill as I continue. Let me say from the outset that it was not lost on me today during the condolence motion for the late Tom Casey that comments made by opposition members and,

ironically, by members of the government pointed out that Tom Casey, although a member of the Labor Party and a minister of several Labor governments, knew what was going on out in the bush. He was one of the few members that the Labor Party has ever had in this place to have any understanding of what goes on past Gepps Cross or the other side of the tollgate.

The DEPUTY SPEAKER: Order! We are not in a sheep station now, as my mother would say. The member for MacKillop.

Mr WILLIAMS: Thank you, sir. This whole farrago of mismanagement shows how little the minister understands his portfolio but, even sadder, it shows how willing he is to go out on scant advice from some bureaucrats, stick his neck right on the chopping block and make outrageous statements on something about which he obviously knows nothing. He has been caught very seriously with this matter.

Other members have already pointed out the ridiculous nature of some of the statements made by the minister and have referred to the original press release where he talked about the end of peppercorn rentals in South Australia. A couple of examples were quoted, and the one that sticks in my mind is in relation to the property at Whyalla which he said was worth $1½ million or $2 million. He did not mention that that piece of land had a motel on it and that most of the value was the capital improvements made on it. He tried to give the impression to the general public of South Australia that the taxpayers of South Australia would be fleeced by a peppercorn rental for a property that was worth several million dollars. It was the owner of that property who had spent the money to establish the motel on that property, and that is the situation with a hell of a lot of the crown leases about which we are debating now. It is all very well for members of the government to say that the owners of these leases are getting something for nothing. It is all very well for them to say that Wakefield and the Wakefield plan would not have supported this situation.

When you value land, be it leasehold or freehold land, you should know something about where and how the value of this land first arrived. If you go out, say, into the Mallee and you look at a piece of land and say that the land is worth X on the books of the state, just work out what that value reflects. First, it reflects the clearing of the land. Now, the government and the taxpayers put no money into the clearing of that land, be it leasehold or freehold. Secondly, it reflects the development of that land—the tonnes and tonnes of superphosphate that have been poured into that land over 50, 60, 80 or 100 years. Without that development that land would have a very small value today.

These are the sorts of things I am talking about when I say that the minister and the members of the government have no understanding. They have no understanding of the years of work and development that go into producing the value of this land. It disappoints me greatly that we are even having this debate, because the minister is overturning something that has been going on for a long time in South Australia. Evidence to the select committee certainly showed that all those who are buying, selling and trading in these leases (and these are mainly rural property, farming property), and actually making productive use of that land, have always believed that the government would stand by its contract—that the government would honour the perpetual lease.

It came as a shock to those rural South Australians that a government would not honour a contract, and that is what we have here: a government has decided that it would not honour a contract. That is not the only example by this government: just recently it was going to overturn a contract. I might urge some of my federal colleagues to take the same attitude as this government and suggest that they overturn a contract which the federal government made with the Labor Party a few years ago when the Labor Party was in power and which would save the taxpayers of Australia many millions of dollars.

Let me move on. The previous speaker talked about the Wakefield plan. The Wakefield plan was about using capital derived from selling land to build other infrastructure in South Australia and to establish the colony in South Australia. When we reached the point in the development of this state where there was land—and it was generally agreed that it was quite marginal land—the people were not willing to go out and purchase it from the government to develop it because the development costs, as I have just pointed out, were probably equal to the value of the land after it had been developed. So, there was no point in purchasing the land.

The government of the day said (and this has been carried on by every government since), 'We will give you this land at a very low rent to encourage you to go out and develop it so that you can be productive for the state. Bring that land into production to provide production for the state.'

Ms Bedford interjecting:

Mr WILLIAMS: Might I suggest to a couple of members on the government benches that profit is not a dirty word, and a lot of people in South Australia are very proud to make a profit. If this government continues to grind down those people who do make a profit, we will end up where we were 10 years ago. I know that is where we are heading with you lot, but that is where we will end up if you continue to grind down people who have the temerity, in your eyes, to seek to make a profit, to seek to make a living. No-one will be able to feed those people who have not got a job if those other people who have got a job and who are productive are not making a profit.

Ms Bedford: And a pretty one, too.

Mr WILLIAMS: If the member knew anything about farming, she would know that there are no huge profits in farming, but there is a hell of a lot of hard work.

Members interjecting:

The DEPUTY SPEAKER: Order! It is sounding a bit like a poultry farm in here at the moment. The members for Florey and Norwood need to come to order. The member for MacKillop has the call.

Mr WILLIAMS: Thank you, sir. One of the things that government members fail to understand is that the average piece of South Australian farming land changes hands about every 23 years. One of the things that has made government very easy for you lot at the moment is the windfall revenue boost you have got through stamp duty, and a lot of stamp duty comes from people buying farming property. Many millions of dollars change hands on a regular basis and, even though this land was not purchased from the government in the early days, apart from the rates and taxes paid on it to local and state governments, stamp duty continues to be paid on it on a very regular basis as it changes hands. So, members opposite should not forget that. Again, as I have said, it is unfortunate that this government does not have at least one Tom Casey, because I am sure that he would have been able to point out the error of their ways.

So, the crown leases were established in the first instance because it was not viable for someone to buy the land and then develop it. That happened again, and I will cite the case of some farming land that I know is now in the hands of my

wife's family in the northern Mallee. Crown leases were established on land there in, I think, 1934 at the height of the depression. They had a drought year through the Mallee and the farmers who were farming the land literally walked off it. It would have been an absolute disaster if that land had not been managed into the future. The government of the day very wisely established perpetual crown leases over that land and invited the neighbouring farmers to take it over at these low rents. This was done purely because the government in those days had some wisdom and saw that farmers were needed to manage that land and stop the whole lot turning into something not unlike what the Simpson Desert is today. So, again, those leases were established because they were marginal and someone was needed out there to work and manage the land.

I think the minister and his colleagues on the government benches fail to recognise that, as well as making a profit (which they seem to have some problems with), the farming community of this state manages most of the land in the state. If it was not for the farming community doing that very important work, we would have a very sad state of affairs as far as the environment of this state goes. Sir, as I said earlier, there was a farrago of mismanagement with regard to this issue, and I congratulate you for bringing to the house the idea of setting up a select committee. The select committee has also been through a long and tortuous process, coming down with an interim report over six months ago.

I will read from a letter dated 2 December, addressed to me and signed by the minister, in answer to some questions I put to the minister. The letter states:

> For a period of six months only, commencing from the date that legislation is proclaimed, lessees will be given the opportunity to freehold perpetual leases at a purchase price of $2 000 or 20 times the rent, whichever is the greater.

So, on 2 December last year, the minister wrote to me so that I could pass on to my constituents this information that he would give six months from the date of the proclamation of this very legislation—the Crown Lands (Miscellaneous) Amendment Bill—which he has refused to have debated in this house until the 30 September deadline, which he set some time after he wrote this letter, had passed. So, in December last year the minister told me in writing—and I passed it on to my constituents—that after the legislation was passed he would give those leaseholders across the state six months to decide what they were going to do. At the time, the minister thought that would be good and that would be the way to go about it; to tell them where the goal posts were—that is what the legislation is all about—and then the government would give them six months to make up their mind.

The Hon. J.D. Hill interjecting:

Mr WILLIAMS: I am saying that the minister wrote to me on 2 December, saying that that six month period would start from when the legislation was proclaimed. Unfortunately, the minister refused to bring it on. The minister keeps changing his mind. The minister has written to leaseholders all over the state. I will quote from the latest press release I have from the minister on this. It is dated 9 September, so it is only a month ago. He is still talking about a $300 annual service fee. The minister has been quite happy to blackmail the leaseholders in this state into applying. He has just said that 85 per cent—

The Hon. J.D. HILL: I rise on a point of order, Mr Deputy Speaker. That would seem to me to be unparliamentary language.

The DEPUTY SPEAKER: Order! It is unparliamentary to suggest that the minister is blackmailing the people. I ask the member for MacKillop to withdraw.

Mr WILLIAMS: Sir, if it is unparliamentary, I am quite happy to withdraw the word 'blackmail'.

An honourable member: Bully!

Mr WILLIAMS: How about bully? The minister issued a press release on 9 September, saying there will be a $300 annual service fee. At the time, the minister was fairly sure that the parliament probably would not give him that power. The minister was aware of that, but he still chose to put out the press release. He also said that, if they did not take up the offer by 30 September, the freeholding fee would change to $6 000. His bill still has to go through the parliament—and I know he can do that by administrative fiat, and he may well do it—but his bill might change considerably before it gets through the parliament and he might not be able to do that. If the minister did not blackmail them, he certainly bullied them.

The minister has been running around the countryside. I have heard him on the *Country Hour* on the radio claiming that what he has done is fantastic, because 85 per cent of the lessees have applied to freehold. He is saying that that is really good, because they all wanted to freehold. I make the point that 85 per cent of the leaseholders in South Australia felt that they had no choice, because the minister keeps talking about an annual fee of $300. Is the minister confident that he will get an annual fee of $300? Is he confident of that? Was he confident on 9 September? I dare say that he probably was not.

I wish to raise a number of issues, and I will come to some of them when we finally get to the third reading of the bill. One of the issues that really concerns me is that I have a constituent who has a number of properties, and on one of them the entire lease has a heritage agreement. So, for the benefit of the backbench members of the government, I point out that it returns no profit. It is being held under a heritage agreement for the protection of biodiversity for the people of South Australia. I wrote to the minister and said, 'Minister, these people get a rebate under the appropriate legislation from council rates. Are you prepared to give them a concession on the freeholding of this piece of land?' In reply, I received a most amazing letter from the minister, and I will quote a couple of sentences, as follows:

> The recommendations in the Interim Report of the Parliamentary Select Committee on the Crown Lands (Miscellaneous) Amendment Bill 2002 offered no specific concessions to leaseholders with heritage agreements over the land.

He then goes on and says how other concessions were proposed. He continues:

> I have carefully considered the specific issues raised by your constituent. However, I am not prepared to reconsider any alteration to the policy and provide concessions to leases that are affected by heritage agreements.

This is a bit dated; it goes back some months. The minister was of the mind that, even if 100 per cent of a piece of land was covered by a heritage agreement and the landholder was making no profit on it but providing something tangible to the people South Australia, he would not consider any concessions. He was going to ask them to pay the full $2 000. Fortunately, commonsense has prevailed. I am disappointed that a lot of the concessions that are now being mooted—they have not been offered but have been mooted—will be subject to some tribunal. They will be subject to review, and there are a lot of principles that the select committee has come up with

which would make the changes proposed by the government equitable.

The member for Chaffey talked about the fact that various leases are owned in different names. These poor people will have to front up to some tribunal, and nobody knows what criteria the tribunal will use. I am pretty certain that the main criterion they will use is how much money the government is going to get at the end of the day. I am not certain, but I have some idea that the minister needs $6 million because he does not have the ability to go into cabinet and argue that his department needs the money. He cannot get it through cabinet, and his cabinet colleagues will not give him the money.

He thinks that there is some important environmental work but he cannot convince his cabinet colleagues that the money is necessary, and they said 'Go off and find it somewhere else.' That is where this whole thing came from. When he went back to his department, this is the suggestion they came up with. It was a bad idea in the first place. It was born out of a misunderstanding of the situation by the minister and his senior advisers, and it has gone from bad to worse. As the member for Chaffey said, it has confused and upset many honest, hard-working South Australians. I make no apology that those very same South Australians are out there endeavouring to make a profit so that they can feed their wives and kids and pay their taxes.

Mr VENNING (Schubert): I agree that the findings of the select committee be noted, realising that tomorrow we will be doing this again when we see the legislation. I do not have any conflict of interest in relation to this bill because we did have several leases which we addressed under the previous government. These were mainly historic water leases that existed along watercourses, and we freeholded them back then. I support the words of my colleague, the member for Stuart. Land tenure was an issue I raised in my maiden speech on my first day in this parliament 13 years ago. I pressed the previous Labor government and then the Liberal government about addressing these anomalies in this situation.

Indeed, my colleague the member for Stuart joined me in successfully convincing the minister in the Liberal government in 1995, when you, Sir, were present, to address this situation and allow freeholding to take place for people who were sitting on little leases, saving the government a lot of money. Of course, this was a very successful time, when we allowed freeholding of all these lands under these leases. We must not forget why we went down this track. First, it gave people inalienable rights over their land and assisted in raising finance with financial institutions. Secondly, and most importantly from the government's perspective, it was to save the government money. It was spending an average of $50 or $60 then to collect some of these rents that were only $5 and $10.

The Hon. J.D. Hill interjecting:

Mr VENNING: Or 5¢, the minister reminds me. Clearly, it was ridiculous. This was discussed before the parliament for some time—the last 20 years, not just the last four or five. It was clear that something needed to be done as it was costing the government much more to collect the money than it was actually collecting. Also, farmers were not differentiating between land tenure when purchasing these properties, and that was a mistake that they were lulled into over many years. As the minister would now know, irrespective of his first press release, there was no price differential at all paid for that land at auction, irrespective of the way the land was held.

The previous (Liberal) government brought in this policy and it was very successful after much debate, and many people took it up. Many chose not to, because they were only paying these very small rents, as the minister just said. They said why would they, when it was better sense just to leave it as it is. So, what did this government do when it came to power 18 months ago? It upped the fees and charges and really forced these people—85 per cent of them—to apply to freehold, even before we saw the legislation that has been introduced in this parliament. I question why the minister chose to do that. I know that he had to bring some finality to all this, but why could he not have waited for legislation? The minister (for whom I have some personal time) is a man of goodwill, and he will be tested in that, because I believe that, after the legislation passes the parliament, the minister should contact all leaseholders and tell them how the legislation affects them and then, if he is a man of his word, allow them to apply if they wish at the old fee of $2 000.

The Hon. J.D. Hill: We've just done that—85 per cent.

Mr VENNING: The 15 per cent who have not applied—

The Hon. J.D. Hill: A third of them have got waterfront; they have got an extra couple of years. We are down to the last thousand.

Mr VENNING: It could be only 25 people: the figure does not really matter. Some people have not chosen to do it because the legislation is not there. Let us see, once the legislation is passed in one form or another, whether the minister will consider doing that, because I believe it is unfair that these people are locked out.

I believe that many principles should underlie this legislation, particularly that all perpetual leases, except those in metropolitan Adelaide, should be available for freeholding. All miscellaneous leases used for broadacre agricultural purposes should be available for freeholding on the same basis as perpetual leases. Freeholding of multiple leases should be permitted under the following conditions: $2 000 for the first six leases; $300 per lease for seven to 10 leases; $200 per lease thereafter; each lease being able to be replaced with a title; and $1 500 for residential properties less than one hectare. Also, I believe that 20 times the annual rent should no longer apply as the basis for establishing the cost of freeholding. I believe that the provision for compulsory freeholding on transfer of ownership should no longer apply. I will not use the words 'blackmail' or 'bullying' but, certainly, as the land is sold it will become a severe encumbrance on the land and it will affect the sale of the land and the estate, and the family would suffer hardship. Hardship cases should be given three years to meet the costs of freeholding. Those people who operate various leases as one farming unit in a council area should be allowed to freehold under the same conditions as contiguous leases, that is, to bulk them up.

All lessees with multiple leases should be advised of the cost and future consequences associated with the options to amalgamate or include multiple leases on one application prior to freeholding, with the government to recommend to lessees that they take professional advice prior to a decision to freehold. I also believe that all lessees who determine that it is not economic and viable to amalgamate or freehold should be permitted to pay 20 years' rent, or 25 years' rent, in advance (and that would solve everyone's problem, because the government would only have the one collection fee: they could pay the money in advance and then they have

some surety about what is going to happen), or they should surrender their lease for merger with an adjoining title after that. A retired judge should be appointed as an arbitrator to determine fair and equitable resolutions for anomalies and disputes that arise between leaseholders and the department as a result of the accelerated freehold policy. I hope that the minister listens to this, because I hope he will include some of these in his amendments to the bill. Perpetual lease land used for community purposes should be transferred to local government or their nominee at no cost. Lessees whose property abuts water courses on the coastline should not have to bear the cost of the survey (I believe that that could be addressed, and the minister has spoken about that). Any title with a heritage agreement on any portion should be able to be freeholded as per the above principles, except the fees are to be charged on a pro rata basis, in line with the percentage of unencumbered land.

I also note recommendation No. 1 of the select committee, which, under the heading 'Scope of freeholding', states, 'Freeholding of perpetual leases in the transitional zone will be permitted.' I hope that the word 'transitional' is clarified because even when the Liberal government was in office—

The Hon. J.D. Hill interjecting:

Mr VENNING: The minister says that it does not include range lands but it does include some pastoral lands—

The Hon. J.D. Hill interjecting:

Mr VENNING: We found that when we were in government it was a grey area. I hope that when the minister comes to making a decision he will make a decision in favour of the landowner rather than the book. We did freehold much of this area, but there are still many grey areas, and the word 'transitional' is not altogether clear. I hope that it will include some pastoral leases because I believe that down the track—we could revisit this in 10 years—all pastoral leases should one day be able to be freeholded. I cannot see any reason why a pastoral owner should have any different entitlements to his land than I do as a grain grower—none at all. Why are the pastoralists not permitted to do this? They do not rape and pillage the land; they are responsible landowners.

The Hon. J.D. Hill: Transitional areas were ones that you determined when you were in government. All those people have been offered the freehold.

Mr VENNING: That is right; the minister has given me that assurance. I hope it is as clear-cut as that when he comes to do it. I remind the minister that this was a policy of the previous Liberal government, which his government took up, and that it is about saving money. This is really forcing landowners who were quite happy to continue with a perpetual lease. If one looks up 'perpetual' in the dictionary, one sees that it means a long time, forever. Many will be forced to pay a lot of money which will not assist them to become more efficient or to increase their production in any way at all. Eighty-five per cent of people have applied to freehold. I am amazed that the figure is so high. It means that people certainly got the message from this government or the previous government, or the minister's consultation process has worked.

However, 15 per cent of people have not applied. Even though 10 per cent may be irrigated blocks, seafront and riverfront properties, it still means that 5 per cent of the people have not applied. I hope when we see the final legislation that they will not be penalised, that they can be reassessed and that they do not receive a severe penalty. Many people do not understand, and nor did the minister. I want to say to the minister, for whom I have some time, that in future he should never put out a press release prepared by his bureaucrats, the *Yes, Minister* syndrome people, without asking people who understand. Had the minister come across to this side of the house, I would have given him advice, particularly in relation to the first couple of lines of his press release, which says:

> The state government has moved to stop the use of crown lands for peppercorn rent by increasing the minimum charges for the use and freehold purchase of crown leases.

Did the minister think that these people had the use of these lands for nothing more than that rent?

The Hon. J.D. Hill interjecting:

Mr VENNING: You just thought that they were using this land for 5¢! Minister, that is naive in the extreme. Minister, you only needed to come over to this side of the house, and any number of members certainly could have told you. I believe that if the Hon. Tom Casey had still been here he would certainly have put us right on this matter. The Labor Party should put up the white flag and encourage people such as Bill Hender or Ben Brown to come into this parliament—they would not be making mistakes such as this. I know them both and they are both traditional ALP supporters—or they were.

The Hon. J.D. Hill interjecting:

Mr VENNING: I suggest to the minister that he should arrange to have them put on their Legislative Council ticket, because I believe they would add something to his team at the moment. I know that the minister in the other place does a valiant job, but you cannot beat grassroot experience on issues such as this. I feel sorry for the minister; he walked into this trap. I forgive him, as long as he has learnt and as long as he does not do it again. He was new in the office and he walked into this hook, line and sinker. As I said, Tom Casey would never have allowed this to happen. Minister, I look forward to Bill or Ben being on your ticket one day to put some colour and flavour to the ticket. The minister should bring on the legislation. I note the select committee's recommendations, but it just means that we will have this debate twice. As I said to the minister a few moments ago, I hope he will listen and make further amendments so that, when we eventually debate the bill, it will have a better outcome.

Finally, I give a commitment to all landowners who are concerned and worried, and to all those who have contacted me and whom I am honoured to represent, that members of the opposition will do the best we can on their behalf. When in government I did all I could to encourage people to freehold for the $1 500 fee. We implemented the bulking-up of adjoining leases so people could do it conveniently, and we encouraged many to do that. We treated them as one. Many did that, but others made the decision not to. As the minister has said, their lease payments were so small that it was not financially viable to do so. Many of these leases are very small lots of one or two acres. Many of them, as mine used to be, were water leases from many years ago. Before reticulated water, people had a small lease of land, some one or two acres on the river, so they could water stock. They walked the stock down daily and watered them and then drove them home again. A lot of these things are a result of what happened in those days, back in the late 1880s and 1890s before water was delivered to the farms.

I note the select committee's findings, but I notice that many people have changed position on this issue. The minister highlighted in an earlier discussion across the chamber that a few people have changed their position. I will

not name them, but people in the community can read the debate to see who has moved ground. Certainly, I have not. I commend the minister for what he has done. He has had an extensive consultation period and introduced amendments, about which I am pleased. We still have a little way to go and, hopefully, in the next 24 hours the minister will come the whole way and we will be able to pass the bill quickly. Let us get on with it and bring on the bill.

Mr MEIER (Goyder): Certainly, this has been a long saga. Most of what needs to be said has already been said. I acknowledge the contributions of the members for Stuart, Chaffey, MacKillop and Schubert, in particular. I thank them for their contributions. I do not think there is any point in my rehashing so many of the particular issues. In my opinion this should never have come before us. It was very clear that the new government wanted to try to tax wherever it could. We are seeing that in a multitude of areas. I asked a question in this house today in relation to the new licensing fees that apply—or, shall I say, the new interpretation of licensing fees that applies—and I highlighted a case where the fees had gone from something like $300 for a family company to in excess of $900 for the same company.

In relation to crown leases, we have seen very clearly that the government is determined to make a killing, if I can use that term. Prior to this government's interference in miscellaneous leases and leases generally, leasehold land was sold and the asking price was not a lot different from surrounding land that was freehold land. Anyone who bought it had to pay top dollar for the land. On top of that, they had to pay a rental, and that rental has been described by the minister in a press release, which the member for Chaffey read into *Hansard*, as a 'peppercorn rental'.

My only comment about that is that it was a rental and it was an extra imposition on people. In addition, if they wanted to freehold the land there was an extra expense of $1 500—a very reasonable amount which was there to encourage people to freehold. But, what have we seen occur? We have seen a catastrophic increase from $1 500 to $6 000. As we have heard from many of the speakers, many people have leasehold lots, so that there are quite a few $6 000 lots that would be applicable if they sought to freehold. That is obviously going to hurt.

The trade-off, up until 30 September, has been $2 000 to freehold, and I am very pleased that some 85 per cent of people have taken up that option. Certainly, in my electorate, I encourage anyone who is thinking about it to freehold. I have no idea how many may have taken up the option. Whatever the case, we will now see a massive escalation from, originally, $1 500; it was then $2 000; and it is now proposed that it will cost $6 000 to freehold. It will hurt many people, and it completely moves away from what was the original idea of the leasehold land. The rental, which was described as a peppercorn rental, was often in the vicinity of $25 or less per year, but it now goes up to $300 per year. We will see where things go and it will be interesting to follow the debate in the committee stage.

I am exceedingly disappointed in the government for having gone down this track. It is a clear case of where the bureaucrats have dictated what they believe should be the policy. That is a sign of weakness by a government. If a government is going to be strong, the minister should lead by what he or she believes is right. I do not believe that that has occurred here. I look forward to what the shadow minister has to say about that. I again thank my colleagues in particular for their contributions and I refer any readers of *Hansard* to those contributions. I do not intend to repeat the matters.

Mrs BREUER secured the adjournment of the debate.

ADJOURNMENT

At 8.55 p.m. the house adjourned until Tuesday 14 October at 2 p.m.