HOUSE OF ASSEMBLY

Monday 10 November 2003

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

MOTOR VEHICLES, ROADWORTHINESS

A petition signed by 321 residents of South Australia, requesting the house to reject the Motor Vehicles (Roadworthiness Inspection Scheme) Amendment Bill and retain the system of random road checks, was presented by the Hon. J.D. Hill.

Petition received.

SCHOOL CROSSING

A petition signed by 212 residents of South Australia, requesting the house to urge the government to establish a children's crossing to the east of the Main North Road and Regency Road intersection, immediately in front of Our Lady of the Sacred Heart College, was presented by Mr Rau.

Petition received.

ANNUAL REPORTS

The SPEAKER: I lay on the table the following annual reports for 2002-03:

Joint Parliamentary Service.

Office of the Employee Ombudsman.

City of Charles Sturt, pursuant to section 131 of the Local Government Act.

CONSTITUTIONAL CONVENTION

The SPEAKER: By leave, I lay on the table the final report of Issues Deliberations Australia on the Constitutional Convention.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 7, 8, 25, 30, 59, 61, 73, 78, 82, 122, 126, 131, 146, 162 and 175.

HOSPITALS, MOUNT GAMBIER

In reply to **Hon. DEAN BROWN** (16 September).

The Hon. L. STEVENS: The honourable Deputy Leader of the Opposition refers to "practice rights". There are two types of privileges that specialists may hold, namely admitting privileges and clinical privileges.

It is assumed that the question refers to admitting privileges. The GP-anaesthetist in question still has clinical privileges in the South East region. He terminated all his dealings with Mount Gambier and Districts Health Services (MGDHS) in July 2003, and specifically his locum arrangements, effective from 14 July 2003.

The CEO of the MGDHS indicated to the GP-anaesthetist that this had the effect of terminating his "admitting privileges" at the public hospital. This is disputed by the lawyers for the GP-anaesthetist.

In relation to the private hospital, this is a separately incorporated body with its own board of management. The question of admitting privileges for the private hospital is a matter for that hospital.

HOSPITALS, QUEEN ELIZABETH

In reply to **Hon. DEAN BROWN** (25 September).

The Hon. L. STEVENS: All doctors will have access to the full suite of computerised patient information systems in the new 200 bed wing of The Queen Elizabeth Hospital. In anticipation of moving to the new wing, new and replacement computer hardware has been acquired and will be installed in the new 200 bed wing during the commissioning phase.

In addition, the redevelopment has included cabling infrastructure to each bedside should the technology to support bedside access to such systems become viable in the near future.

ATTORNEY-GENERAL'S REMARKS

In reply to **Mrs REDMOND** (23 September).

The Hon. M.J. ATKINSON: The ministerial statement was based on information from the Office of the Director of Public Prosecutions, the South Australia Police and the State Forensic Science Centre as well as information on file in the Attorney-General's Department.

The Victims of Crime Co-ordinator dealt with members of the Cheney family and he prepared the draft ministerial statement.

Paul Rofe QC, the Director of Public Prosecutions, checked the statement. It was reviewed by staff from the Policy and Legislation Section of the Attorney-General's Department. Information from the South Australia Police and the State Forensic Science Centre that was incorporated into my ministerial statement was also checked with staff in these agencies.

LICENSING COSTS

In reply to **Hon. R.G. KERIN** (23 September).

The Hon. M.J. ATKINSON: I have received this advice:

In previous financial years partnerships in some occupations licensed by the Commissioner for Consumer Affairs received discounted licence fees. As part of the budget process for the 2003-04 financial year so that we could fund high-priority programs. Cabinet approved the removal of fee discounting for partners. This was done because the alternative was to impose bigger general licence fee increases. Assuming an increase in returns from licence fees, the change provides a fairer spread of fees among all licensees, as all licences require similar administration costs and all licensees obtain a benefit from their licences, no matter what their level of day-to-day work in their businesses.

Most states charge full licence fees for partners and South Australia does not have the highest licence fees.

The Commissioner for Consumer Affairs is notifying licensees of changes to partnership fees in newsletters distributed with their licence annual return forms.

RESPONSE TIMES

In reply to **Mr BROKENSHIRE** (Estimates Committee B, 24 June).

The Hon. P.F. CONLON: The Minister for Emergency Services has provided the following information:

Funding of $6.13 million over four years was announced as part of the budget announcements to manage increased workloads of SAAS.

The funding will enable the employment of 60 FTEs (primarily operational roles). A breakdown of the additional FTEs is as follows:

Role	Number of FTEs
3 Ambulance Transfer Service (ATS) Teams (Metropolitan)	10
2 Medical Transfer Service teams (MTS) (Metropolitan)	22
Country Workload—Barossa/Woodside	10
Country Transfers—Upper Yorke Peninsula	7
Country Transfers—Murray Bridge	7
Ambulance Education Unit	3
Support Staff (HR)	1
Total	60

The specifics for regional areas are as follows:

- Conversion of the Woodside ambulance station from a primary on-call station to a 10/14 ambulance team providing a 24 hour 7 day ambulance response;
- Conversion of one ambulance team within the Barossa Valley from a primary on-call station to a 10/14 ambulance crew providing a 24 hour 7 day ambulance response;

- Introduction of a new ambulance team on the Upper Yorke Peninsula (April 2004);
- Increasing resources at the Murray Bridge ambulance station (December 2003).

A separate submission for an additional six FTEs ($1.57 million over four years) to meet increased support workload was also approved as part of the bilateral process.

Details of these additional FTEs are:

Role	FTEs
Infection Control	1
Operational Rostering	1
Revenue Processing	2
Records Management	2
Total	6

All of these additional FTEs will enable SAAS to address increasing workload demands and begin to reduce the current level of overtime being worked by paramedics.

STEVENS, GREG, CONSULTANCY

In reply to **Hon. I.F. EVANS** (Estimates Committee A, 24 June).

The Hon. M.J. WRIGHT: After making inquiries, I have been advised that since concluding the industrial relations review Mr Greg Stevens has been engaged to undertake three projects for public sector agencies. I have received advice in relation to those projects as follows:

1. Mr Stevens was engaged by the Department for Correctional Services to investigate if there was inappropriate workplace behaviour amounting to bullying or harassment at Mobilong Prison and to investigate any incidents of bullying reported during the investigation. He was paid a total of approximately $8,000.

2. Mr Stevens was engaged by the SA Metropolitan Fire Service to conduct a review of the SAMFS promotion policies and procedures. Following this Mr Stevens facilitated negotiations between SAMFS and the United Firefighters Union regarding promotion procedures. He was paid a total of approximately $5,000.

3. Mr Stevens has recently been engaged by the Women's and Children's Hospital to conduct a sensitive industrial investigation. Mr Stevens has completed interviews and prepared a report. To date one bill for $1,831 has been received and paid by the Women's and Children's Hospital, and a further bill, for the preparation of the report, is still expected. At this stage, the Women's and Children's Hospital has no indication of the amount of this second bill.

TERRORISM

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

Leave granted.

The Hon. M.D. RANN: The death of 17 people and the injury of a further 120 (which includes the death of five children and the injury of 36) in yesterday's terrorist attack in Saudi Arabia reminds us all that the human cost of a terrorist attack can be great. Terrorism is now an ever-present threat, and the South Australian government (along with the commonwealth government and other state governments) is strongly committed to ensuring the safety of Australians through the adoption of strong counter-terrorism measures. We must do everything we can to fight terrorism; we cannot let them succeed with their attempt to force innocent people to live in fear.

The South Australian government and this parliament have cooperated with the commonwealth by passing legislation that refers certain powers to the commonwealth to assist with the fight against terrorist organisations. The Prime Minister recently requested that our state support the federal government's move to prescribe two further terrorist bodies. I can report to the house today that the South Australian government has advised the Prime Minister that we support the banning of Hamas and Lashkar-e-Tayyiba (LeT) as terrorist organisations. We also strongly supported the banning of the Hezbollah terrorist wing earlier this year.

I have also advised the Prime Minister that I am willing to work with him and his government in developing a national approach to the banning of terrorist organisations independently of the United Nations. It is my government's view that any alternative process of listing terrorist organisations should include consultation with state and territory leaders. I believe that support from state and territory leaders plays an important part in reassuring the Australian public that the actions taken by the commonwealth have been taken to protect the national interest and do not unfairly target any group in our community.

Consultation also ensures that, as Premier, I would be in a more informed position from commonwealth agencies about any potential threats facing South Australians and that I am able to share any intelligence that we have with the commonwealth and other states and territories about potential terrorist organisations. Australia's governments and crime-fighting agencies are cooperating together for the benefit of a safer nation.

POLICE NUMBERS

The Hon. K.O. FOLEY (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise today to inform the house of the government's decision to significantly increase the number of police in South Australia. Recruitment will begin shortly for an extra 200 police officers and eight public servants to work in the South Australian police force. These new officers will be in addition to recruitment to replace those who leave the force and will therefore represent a significant increase in staff available to the police commissioner to fight crime in this state. The extra officers underline this government's commitment to making South Australian streets safer; they build on our initial policy of recruiting against attrition; they back up the tough changes this government has made to the law; and they will further utilise the increased resources we provided in the last budget in areas such as DNA testing, fingerprinting and anti-terrorism.

Today's announcement follows discussions with the police commissioner which began in August this year. As part of those discussions, the commissioner will begin an advertising campaign almost immediately to attract the best quality candidates possible. Training will begin for an extra 50 cadets this financial year, with the full increase of 200 in place by the end of 2005. The commissioner advises me that the top priority is to put more police on the beat in our suburbs where they are needed.

The Commissioner of Police will assign 72 officers to provide extra patrols in the Adelaide metropolitan area's six local service areas; 15 more detectives will be used to bolster the fight against organised crime (including bikie gangs); the commissioner will put 20 more staff into country areas and 13 extra staff for the new police stations being built throughout the state; 15 staff will be assigned to backfill those extra officers who have been put into police prosecutions, and six extra prosecutors will be added; and 13 additional officers will boost the gathering of criminal intelligence in local service areas.

Seven police officers and four civilians will investigate serious sexual offences, including the abuse of children and offences committed before 1982. Three officers will form a group tasked with investigating the security industry. Extra officers will also be assigned to the Anangu Pitjantjatjara

lands, the Star Group, the protective security branch, electronic crime, the protection of the state's critical infrastructure and the confiscation of criminal assets.

The increases we have announced today will fulfil the Premier's promise to provide more police than any of his predecessors. This increase in police numbers will be a large feature of the forthcoming state budget. It is a substantial financial investment in achieving a safer community. The cost of the extra 200 officers in a full year is estimated to be around $19 million. The extra spending will be funded through finding efficiencies and savings in other parts of the public service in line with the government's priorities of health, education, and law and order.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Capital City Committee—Adelaide—Report 2002-03

Chief Magistrate and Deputy Chief Magistrate Salary Review—Determination and Report of the Remuneration Tribunal

Public Employment, Office for the Commissioner for—SA Public Sector Workforce Information at June 2003

Social Development Committee's Poverty Inquiry Report—South Australian Government Response.

QUESTION TIME

ELECTRICITY PRICES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Energy. When and how did the minister first become aware that the electricity regulator had set the 2003 electricity price without having reviewed AGL contracts?

The Hon. P.F. CONLON (Minister for Energy): In fact, I think I advised the house that that was the approach taken. The proposition that what the regulator should have done is look at the actual contracts drawn up by AGL, when they were the monopoly retailer going into full retail competition, and then simply allow that price to them, would have meant that we would have told AGL they could go out and write any contracts they want and that the South Australian electricity consumer could pick up the price. I have known about that for some time. I have told the house that before. You may not have paid attention; that does not surprise me. But it is the way that people do the business.

ANANGU PITJANTJATJARA LANDS

Mr CAICA (Colton): My question is to the Deputy Premier. What is the current status of SA Police operations in the AP lands?

The Hon. K.O. FOLEY (Deputy Premier): I thank the member for Colton for his question. On 29 and 31 October I visited the Far North region of South Australia, including communities within the Anangu Pitjantjatjara lands. I was accompanied by the Commissioner of Police, the Under Treasurer, the Chief Executive Officer of the Department of Justice and a number of serving officers. The aim of the trip was to gain an insight as police minister, Treasurer and Deputy Premier into the significant issues confronting those particular communities and also to look at the policing and interaction between various state jurisdictions, and the Northern Territory as well.

I visited a number of communities and, in particular, I took the opportunity to visit a number of police stations at Coober Pedy and Oodnadatta. SAPOL's policing role in the AP Lands is currently conducted by community constables at six of the larger communities and patrols at present emanating from the Marla police station. Offences against persons and property, crime and substance abuse are unfortunately and, in many cases tragically, prevalent in the AP Lands and are placing increased demands and stresses on our officers who are serving in that area. Since 2002, SAPOL has acted to increase its presence on the lands by rotating two members from Adelaide through the lands each week using the police aircraft. These officers support the community constables and normal patrols from Marla.

As part of the long-term strategy, SAPOL has recently positioned a house at Umuwa, which will serve as an accommodation and office base for patrols servicing the AP Lands. Cross-border intelligence gathering and sharing between Western Australia, the Northern Territory and South Australia now occurs and we intend to increase that activity. There is an ongoing operation dealing with domestic violence in the AP Lands and SAPOL has established a memorandum of understanding with a number of the groups in the area. This is to ensure that police are fully aware of the domestic violence incidents that occur and to enable appropriate and early intervention. Although I am told that there has been much improvement in the lands over the last few years, on my assessment, we have a very long way to go. With the cooperation of the people living on the lands, the government is committed to improving law and order through sensible policing strategies in the Anangu Pitjantjatjara lands. It became very clear to me that as vitally important as the health and educational needs of that community are, until we can deliver civil order in that community, it will be very difficult for us to deliver the vital health and educational needs.

I met a number of wonderful people doing outstanding work. The Minister for Education and Children's Services and her teachers who are on the lands do an outstanding job in very difficult circumstances. Of course, the ministers for health both at a national and state level are putting resources into the lands equally in very difficult circumstances but are delivering outstanding services.

One area of great cooperation, particularly in policing, is that we want to see better cooperation amongst the three states. I travelled on the Northern Territory police plane—as you would expect, a much better police plane than we have, which is something we are addressing—

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: The NT has everything better than us, I think. We looked at a police station in the Northern Territory which will have Western Australian police based at that station. What we have to do—and the attorneys-general and the solicitors-general are looking at this—is change the laws to enable our police not only to serve in another jurisdiction—for example, police in Uluru are closer to the AP Lands than our officers in Marla; we can get an officer from the Northern Territory into Umuwa, Amata and other places within the hour by plane and a couple of hours by road—but also enable them to take the people whom they apprehend back to their jurisdiction for processing. You cannot do that at present. We are now looking at ways in which that can be done so that the two states and territory can have combined resources so we do not see unnecessary duplication and territorial issues limiting the availability of resources in that area.

All three governments are talking about this. The Northern Territory and Western Australia are more advanced than us, but we are playing catch-up and we are keen to see how we can join that. What we are doing is seriously addressing what is a tragedy. I conclude by saying that the overwhelming issue with which I was left was the unacceptable rate of domestic violence in the community. One community leader from one of the communities pulled me to one side and asked me dearly and quite passionately in a softly spoken voice for us to pass laws that stop husbands bashing wives. It rings true, and only makes one even more sensitive to the urgent need for better policing and more civil order in the community.

This is not a political issue or a state issue but an issue for all of us to address, and an issue that none of us have dealt with as well as we should have. Part of the package of the 200 officers that we announced today will be more police into that area, but we need to do more. We need to do it better and we need to do it quicker.

ELECTRICITY PRICES

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Minister for Energy. Was the minister advised to return the regulator's price ruling to the regulator for reconsideration and, if so, when and by whom?

The Hon. P.F. CONLON (Minister for Energy): From memory, the person who advised me to do that was the opposition spokesperson, who said it should be 20 per cent lower.

Members interjecting:

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

The Hon. P.F. CONLON: For the sake of the opposition, it is very plain from a number of comments that it has either not understood or will not understand the components of the price set by the regulator in the decision that was made. The major increase in price was the network charges. That is identified by the regulator, identified by Dick Blandy and identified by everyone. Not even the opposition will say that we can do anything about that. They know we cannot, because they set them at privatisation. They know that we cannot do anything about their network charges—

Mr WILLIAMS: I rise on a point of order as to relevance. The minister obviously has either misheard the question or is choosing not to answer it and is talking about something totally unrelated to the question, which was quite specific and asked: was he advised, when was he advised and by whom was he advised that they should return the pricing order to the regulator for reconsideration.

The SPEAKER: I understood the question the way the leader put it to be the way in which the member for MacKillop has restated it, and I was waiting for the minister to come to that explicit material. I am still waiting.

The Hon. P.F. CONLON: I said at the outset that the only person I remember advising me to do that was the opposition spokesperson. I do not recall anyone else advising me to do it.

Members interjecting:

The Hon. P.F. CONLON: And if they stay quiet for a moment I will explain why. I am quite happy to check whether anyone else anywhere has given me that advice. Let me say why I think it is unlikely. I want to explain the components of that very decision that is referred to. The opposition raised the decision of the regulator at the time and whether I should have sent it back and told him to do it again. To understand that, you need to understand the components of the price of electricity. I challenge members opposite to stand up and say that this is not correct, but the major differences are the network prices locked in by them at privatisation. They have never had the gall to say that we should lower those, because they know that they locked them in. They never had the gall to say that we should lower those, because they know we cannot. They know that they locked them in.

The other major component is, of course, the wholesale contract price of electricity. Despite all the stuff that has been running around the decision of the regulator, what a prudent retailer in the position of AGL would have had to do was allow a contract price which averaged out at the median price involving a whole load of different contracts for different things—at about $71. As I understand the first year of FRC in Victoria, which was a year earlier, the contract prices ranged from $65 to $76, with the median price at about $70. Given that they burn coal in Victoria and gas in South Australia, if the regulator was not right then I do not think they were right in Victoria, either.

But the truth is that that is the price that was set. We cannot go to the network costs: what we can argue about is whether we can get that contract or wholesale price down. You might get it down by $5 a megawatt hour or $10 a megawatt hour, and that is the sort of thing we are looking at. But we are talking about being marginally able to achieve reductions of 4 or 5 per cent because we cannot get at the network prices.

When I hear that the Leader of the Opposition is going out and saying, 'Put it down by 10 per cent straightaway,' what does he want us to do? Does he want us to reduce his network prices unlawfully? Does he want us to repudiate the deal they did in privatisation? Is that what they want us to do? We cannot do that, because people would not do business with South Australia ever again. It is time we had some clarity from the opposition about this matter of electricity prices. The truth is that when they privatised they transferred the debt burden to South Australian electricity consumers, and you cannot make it go away.

CASTALLOY

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Environment and Conservation. What has been the impact of the environment protection order issued to Castalloy to stop production of oil pans at the North Plympton foundry?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his question. I acknowledge his strong representations on behalf of his constituents in relation to this matter. As he knows, and I guess the house knows, the EPA has been closely monitoring the environmental impact of Castalloy's foundry for many years. I think the member for Schubert has an interest in this, too. Most recently, EPA officers investigated an increase in odour from the site and discovered that Castalloy was casting oil pans for the new Holden all-wheel drive in an area not approved for commercial casting operations. The EPA therefore issued an environmental protection order for the company to cease casting the oil pans until better odour control measures were in place. The order was appealed in the Environment, Resources and Development Court, where Castalloy argued that the order would threaten its delivery

deadlines for Holden. However, the court refused to lift the order to protect residents from additional odour emissions. Her Honour Judge Trenorden, in the conclusion of her judgment, said:

> I have also taken into account and given weight to the likely significant financial consequences for the applicant should the order continue in operation, thus preventing it from being able to fulfil its commitments. However, on balance, I am not satisfied that this factor should take precedence over the possible environmental consequences of the applicant's process being resumed, should the operation of the environmental protection order be stayed.

Following Castalloy's unsuccessful court action, the EPA has been working with the company to transfer the production of the oil pans to the company's Wingfield foundry.

I can report that production of the oil pans commenced at Wingfield on Wednesday 29 October, and testing has confirmed that emissions are in the acceptable range for that site. That means supply for Holden has been unaffected. This is a good commercial outcome for Castalloy that also benefits the environment and local residents in North Plympton. The EPA will continue to work with the local community and Castalloy to improve the environment for residents near the foundry.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): When the Minister for Energy required the Essential Services Commissioner to set electricity prices for 2003, did he also require the Essential Services Commissioner to take into account AGL contracts and, if not, why not?

The Hon. P.F. CONLON (Minister for Energy): I will go and get the terms of reference for the letter sent to him and I am happy to bring that back in. It is not always easy to understand what point the member for Bright is trying to make. I assume that what he is suggesting was suggested by the opposition last week: the way the tariff should have been set was by the regulator looking at the actual contracts written instead of what a prudent retailer would do. As I understand it, Lew Owens did look at some of AGL's contracts. When I brought the bill to the house, I indicated that the approach taken would be to look at what a prudent retailer would do. I am quite happy to go back and get the *Hansard* on that, too. I am very sure that, at some point in the debate on legislation establishing the Emergency Services Commission, I made it very clear that the approach was that we do not simply allow the retailer to write any contracts it wants and give them a blank cheque for the government to do it—

An honourable member interjecting:

The Hon. P.F. CONLON: Sometimes I am just a victim of my own charm; I apologise. The opposition needs to be clear. Does it say that the regulator should have examined the actual contracts and not what a prudent retailer would have done? I certainly do not agree with that approach. There is absolutely no doubt that Lew Owens, in his discretion, has the power to look at contracts. There is absolutely no doubt in my mind—and we will certainly check the *Hansard*—that when we introduced the bill we indicated that the approach that should be taken was to examine what a prudent retailer would have done. As I understand it, that is what the regulator did: he looked at what a prudent retailer would have done in drawing those contracts. It would be very amusing to go back and rewrite it, and let them look at the contracts, and find that AGL wrote higher ones, because that is what they said they did. And we have had them putting up the price of electricity again, because that is what they love: they just love putting up the price of electricity. They were still doing it with their Murraylink decision long after they lost office. But, sir—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. On a number of occasions you, sir, have raised the extent to which ministers must comply with standing order 98 and stick to the substance of the question.

The Hon. P.F. CONLON: I am sorry, sir.

The SPEAKER: Has the honourable minister finished?

The Hon. P.F. CONLON: Yes, sir.

RIVERLAND WATER

Mrs MAYWALD (Chaffey): My question is to the Minister for Administrative Services. What has the government done to ensure that the company, Riverland Water, delivers on its economic development commitments? In recent years, Riverland Water built the water filtration plants along the River Murray, many of which were in the Riverland. As part of their contracts, they were required to meet certain economic development commitments that they have had difficulty in meeting.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for her important question. She is indeed correct: Riverland Water has had some difficulty meeting the economic development commitments that it made in the contract it entered into with the previous government. The then minister for government enterprises, now the Minister for Infrastructure, put in place a process of reviewing that failure to conduct that particular commitment in the way in which it was envisaged by the contract. Unfortunately, the way in which the contract was structured by the previous government provided some difficulties in being able to resolve that issue satisfactorily, so some innovative negotiations had to take place under the auspices of the Attorney-General as chair of the contracts review committee of cabinet. This was part of our commitment to ensure that the outsourcing arrangements that the previous government had entered into were fully scrutinised, in order to ensure that the people of South Australia received what they were entitled to.

We can announce today that the state government has reached a compromise with the company to enable them to fund a $30 million package of water quality enhancements at South Australia's 10 Riverland filtration plants. The contract with Riverland Water required them to build, own, operate and transfer 10 water filtration plants along the River Murray and, because the state government is committed to developing the best possible outcomes for South Australians in terms of services in this part of South Australia, we have negotiated this important compromise.

The alternative benefits that will be in place will include: Riverland Water to install and operate ultraviolet disinfection on six of the Riverland plants; Riverland Water will operate all 10 plants to more stringent turbidity and colour performance levels for the remainder of the water treatment and economic development agreement contract; Riverland Water will maintain its head office in Adelaide for the remainder of the contract; United Utilities will maintain its Australasian head office in Adelaide for the next 10 years; Riverland Water will operate SA Water's Renmark-Paringa pump station as a utilised asset; and Riverland Water will provide enhanced chlorine ammonia disinfection performance.

This $30 million package represents an unprecedented level of compensation for an Australian contract of its nature.

To understand the significance of this, in March 2003 the federal government confirmed that suppliers under its IT outsourcing contracts would not be penalised for missed industry development targets, despite repeated breaches by some outsourcers. It is worth noting in a more general context that economic development commitments broadly are quite difficult to police and enforce. This has been a tremendous outcome for the state. It ensures an on-going and continuing valuable relationship between ourselves and the outsourced contractor and will benefit the community of the Riverland.

ESSENTIAL SERVICES ACT

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. Has the minister exercised his authority under section 35(1) of the Essential Services Act to require the Essential Services Commissioner to inquire into any matter and, if so, when and for what purpose? Section 35(1) of the Essential Services Commission Act 2002 reads:

The commission must conduct an inquiry into any matter that the minister by written notice refers to the commission.

Mr Brokenshire: Good question.

The Hon. P.F. CONLON (Minister for Energy): From memory, and I go back a year from now—good question, they reckon; goodness me, they are very easily pleased, aren't they.

Members interjecting:

The Hon. P.F. CONLON: Well, look at their leader. From memory, when AGL was invited to publish a tariff it came out with some number and I referred it to the regulator. That is a matter of public record. In an earlier question I promised that I would get a copy of the written reference and bring it back. There are no secrets to keep.

Members interjecting:

The Hon. P.F. CONLON: They do not understand whether it is a yes or no. For the benefit of the rather slow member, I would say it is probably a yes if I said that I have done it. From memory that was the process. I cannot recall it; the truth is that we have a large number of dealings with the regulator on matters other than simply that tariff set in 2003. We have had discussions about what should be done about the very bad system we inherited for extensions and augmentations. We have usually done that by discussion and the regulator has been proactive in engaging those things. We have discussed better systems, of levelling out the cost of extension and augmentation, which would be a very good thing for industry in South Australia in making it fairer. From memory I do not think any of those things were a stated reference, but I will go back and check the records for all references to the regulator under the section quoted (and under any other section for that matter) as I believe in providing the house with all the information we possibly can to assist members opposite in their vain attempt to understand.

RAPID RESPONSE HOME HEALTH SERVICE

Ms THOMPSON (Reynell): My question is to the Minister for Health. How will the expansion of the rapid response home health service enable more people to receive health care in their own home and avoid unnecessary admissions to hospital?

The Hon. L. STEVENS (Minister for Health): I thank the member for her very important question. The new metropolitan home link service will extend the rapid response home health service beyond the northern and eastern suburbs to all metropolitan areas to provide services to people with health problems that their doctors say can be better cared for at home. An amount of $1.6 million has been allocated to provide these services—an increase of $1 million. Metropolitan home link will enable people to avoid unnecessarily being admitted to hospital by providing a range of short-term services at home to meet people's needs. The new service is part of the government's response to the generational health review to deliver better health services close to where people live.

The services being provided include GP home visits, wound dressing, showering, personal care, transportation, medical supervision and client observation in their own home. It is about fast responses and intervention and public hospital emergency departments and GPs working in partnership to provide a better service for people. The new service will be coordinated by the Advanced Community Care Association Incorporated. This is a collaboration between Resthaven, the Royal District Nursing Service, the South Australian Divisions of General Practice, Metropolitan Domiciliary Care, Helping Hand Aged Care and the ACH Group.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): Did the Minister for Energy receive advice from Professor Richard Blandy, the Chair of the Energy Consumers Advisory Council, to refer the electricity price determination for 2003 back to the Essential Services Commissioner for reconsideration? During an interview with the ABC on Wednesday 5 November, leading power industry analyst and consultant, Dr Robert Booth, advised that it had been recommended that the government go back to the Essential Services Commission and say, 'Please do it again.'

The Hon. P.F. CONLON (Minister for Energy): If the member for Bright has read the recent report of the Energy Consumers Council, I think he will see that there is a recommendation there.

Members interjecting:

The Hon. P.F. CONLON: I read it a long time before you. The difference is that I understood it, Robert. As I understand it, there is a recommendation, and a difference of opinion is obviously manifest at present between Richard Blandy and the regulator about the wholesale price of electricity. That certainly does not bother me, and one of the reasons that we set up the Energy Consumers Council with persons of the distinction of Richard Blandy on it was to create a second stream of advice.

The Hon. W.A. MATTHEW: I rise on a point of order under standing order 198. The minister was asked a very specific question that requires a specific answer. To date he has not told us whether he was advised by Professor Richard Blandy to refer the matter back to the Essential Services Commissioner.

The SPEAKER: The minister.

The Hon. P.F. CONLON: I will say it again: as I understand it, if they have read the report, there is a recommendation in it that the price go back to the regulator for review.

Members interjecting:

The Hon. P.F. CONLON: I fail to understand—

Members interjecting:

The Hon. P.F. CONLON: When they're through, sir.

The SPEAKER: Order! The minister has the call.

The Hon. P.F. CONLON: It is their time, after all. I have had a number of discussions with Dick Blandy, and I think Dick Blandy and Robert Booth on occasions have expressed views about me.

The Hon. W.A. Matthew interjecting:

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

Members interjecting:

The Hon. P.F. CONLON: Ivan, I did say yes a little earlier. I said I think it is in the report. That is a yes. I know that the member for Schubert struggles but, in an attempt to provide as much information to the house as possible, I am trying to say—

Members interjecting:

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

The Hon. P.F. CONLON: The member for Bright is going well, isn't he! I have had a number of discussions with both Dick Blandy and Robert Booth, and I know that they have opinions about that proportion of the wholesale price of electricity, and I know that their opinion is that it should be lower than that set by the regulator. What I have said against that is the regulated price set by the regulator in the first year of FRC—2003—for the wholesale price is to the best of my knowledge very similar to the wholesale price set in 2002 for the first year of FRC in Victoria.

We have deliberately set up two streams of advice, and it would be a waste of money having a second stream of advice if it was always the same. What we have done with the Energy Consumers Council is the same thing as the Economic Development Board: we have had the courage to set up a second stream of independent advice, and it is serving us well. It served us well with the Economic Development Board. I am meeting with Lew Owens and Dick Blandy over the next few days about their difference of opinion—

Members interjecting:

The SPEAKER: The member for Bright will remain silent and the minister will address the question.

The Hon. P.F. CONLON: My understanding of the advice of Dick Blandy goes to the price after 2003 and into 2003-04. I cannot recall any conversation with him in the past that suggested anything about the price in 2003. I do not think there is any way to check informal conversations with Professor Blandy but, to the best of my knowledge, the only advice that he has given me refers to the price in 2004. This is still a matter for discussion between Dick Blandy and the regulator at this very moment, so I am really struggling to understand where the opposition is coming from.

WORLD SOLAR CHALLENGE

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. How has the World Solar Challenge showcased the talents of South Australia to the world?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): This is a happy coalescence between our policy of bringing tourists to our state, policies within our economic development portfolios to develop an interest in renewable energy, and policies of the environment department to protect our environmental resources. The 2003 World Solar Challenge from Darwin to Adelaide was held last month in conjunction with the solar bicycle race and provided an opportunity to showcase some of our specialist vehicles, particularly the Biobus. The event attracted 22 solar car teams from 10 different countries and included the Emerging Transport Technology Conference, the Australian International Model Solar Challenge and the World Solar Cycle Challenge.

The International Model Solar Challenge may have been seen by some members in Victoria Square where schoolchildren presented small boats that they had solar powered, and the Solar Cycle Challenge was a particularly exciting event which included vehicles from around the world. There was a lot of media interest from Europe, North America and Asia. Some of the countries that received regular reports included: the Netherlands, Japan, Puerto Rico, the USA and Germany. There was front page coverage in *De Telegraf* in the Netherlands and other print media coverage in Canada, Germany and Puerto Rico, as well as *The New York Times*.

The Netherlands' Nuon solar team win (which was witnessed by the Deputy Premier) took place in a record time of 30 hours 54 minutes at an average speed of 97 km/h. There was an exceptional amount of coverage in the Netherlands, and Tourism SA will exploit this with additional marketing of South Australia following on the many television images of the Outback and regional areas which were shown to the Netherlands community.

The first South Australian car to cross the finish line, *Kelly*, finished eighth overall in the production class. *Kelly* is the second car to be produced (the first was *Ned*) by a consortium consisting of the Regency Institute of TAFE, UniSA, Fremont Elizabeth High School and Seaton High School, with significant industry sponsorship. I am pleased to say that the University of South Australia was responsible (in collaboration with all these groups) for the initial design and concept testing, as well as compliance issues and power distribution technology.

Staff and students of Regency TAFE provided manufacturing expertise to put together the car and were involved in the organisational aspects of the race. This project was used as part of their courses in manufacturing, engineering and electrical work. Again, the environment department (in the area of renewable energy), education and tourism have come together to work toward providing a distinct advantage for our community, particularly if (as we expect) the Minister for Transport continues to support *Benny*, the Biobus, which runs on 20 per cent vegetable oil and has a significant impact in reducing emissions.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Does the government have full confidence in the Director of Public Prosecutions?

The Hon. M.J. ATKINSON (Attorney-General): Yes, we do, and I expressed that at the news conference in the aftermath of the Nemer case on Friday.

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I had a news conference at the State Administration Centre and I think that was the first, second and third question I was asked. As is well known, the Director of Public Prosecutions was given a second term by the previous government. It is also known that the Solicitor-General is inquiring into charge bargaining generally in South Australia and charge bargaining in the Nemer case, and we await the outcome of that report.

Charge bargaining is a hot topic among prosecutors generally. There will be a conference of prosecutors in South

Australia soon and charge bargaining is high on the agenda of that conference. New South Wales has recently completed an inquiry into charge bargaining. My understanding is that between 70 per cent and 80 per cent of matters handled by the Office of the Director of Public Prosecutions are resolved by a guilty plea, and if that were not so the system simply would not work. There is a place for charge bargaining. It is used in every jurisdiction in the English-speaking world. I do not support the opposition's advocacy of American-style plea bargaining in open court; that would simply be resource intensive and not achieve what the public would expect charge bargaining to achieve.

Yes, I do have confidence in the Office of the Director of Public Prosecutions. I think it does an outstanding job, and I do not wish that office to be undermined in any way by the remarks of the opposition spokesman.

EDUCATION, EARLY CHILDHOOD

Ms RANKINE (Wright): My question is directed to the Minister for Education and Children's Services. What impact will the commonwealth government's plans have on the South Australian early childhood sector?

The Hon. P.L. WHITE (Minister for Education and Children's Services): That is a very difficult question to answer, because the federal government has not made clear its plans. In fact, the responsible minister, Larry Anthony—

Mr BRINDAL: I rise on a point of order, Mr Speaker. In answering the question the first words the minister said were 'as the commonwealth government has not made clear its plans'. I therefore ask you to rule that this is a hypothetical question.

The SPEAKER: The member for Unley raises an interesting point but misses the general thrust of hypothetical questions which are out of order when they seek hypothetical answers to circumstances that are not real. In this instance, the minister is able to state what the consequences will be one way or the other and, accordingly, spell out what those consequences will be, rather than having been asked a question about matters which are never going to happen or may never happen. In this case, it is an either/or situation.

The Hon. I.F. EVANS: I seek clarification, Mr Speaker. How can the minister possibly advise the house of the effect of a plan that on her own admission is yet to be released? The question has to be hypothetical. The question was about how a federal plan will have an effect in this state. The minister admits the plan is yet to be finalised or released.

The SPEAKER: The questions that are hypothetical and out of order are those which invite a specific solution to a hypothetical question that is not ever likely to happen or which may be a commentary on circumstances that are not clear. In this instance they are clear: there is a plan in preparation. The minister does have information about that plan presumably, or, if the minister does not have information, she will say so; but the member for Wright is entitled to discover what information the minister may have about the effect of the commonwealth government's determination.

The Hon. P.L. WHITE: Sir, it is interesting that the opposition does not want me to answer this question because the responsible federal minister, Larry Anthony, made an announcement around the country (in fact it was on the front page of our daily newspaper) that there was a federal government plan for removing the cap on childcare places around the nation. What we found out afterwards—and this is not the first time that he had hinted along those lines—was that there was no such cabinet approval for such a plan. In fact, last week, when the minister was asked a question in the federal parliament, the Prime Minister jumped up in his stead and said that it was an idea and that it would be considered, so indeed—

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. I think the minister has more than ever just highlighted how she is breaching standing orders in answering a hypothetical question because she has even acknowledged that there is—

The SPEAKER: I uphold the point of order.

STAMP DUTY

Mrs REDMOND (Heysen): My question is to the Treasurer. Why are properties bought off the plan now being charged stamp duty calculated on the Valuer-General's estimation of the value at settlement, rather than (as was the case previously) on the price paid in the contract?

The Hon. K.O. FOLEY (Treasurer): I am happy to get an answer for the honourable member and return to the house with it.

GAMBLING

Ms BEDFORD (Florey): My question is to the Minister for Social Justice. What initiatives has the government adopted to address the needs of problem gamblers who are from different cultural and linguistic backgrounds?

The Hon. S.W. KEY (Minister for Social Justice): In June the government launched 'Think of what you're really gambling with', a campaign based on radio and television advertisements. The campaign urges people to seek help if they have a gambling problem. To back the campaign, the government significantly increased funding to counselling services. However, we know from research that, while problem gambling affects people from all walks of life, people from a migrant background are less likely to use the mainstream services such as help lines. Last week, I was pleased to be able to launch a further part to this campaign, this time focusing on people who come from non-English speaking backgrounds.

The campaign consists of radio advertisements, press ads and print materials. The radio ads in 12 community languages will go to air on ethnic radio community stations. The press ads will appear in seven ethnic newspapers and the pamphlet will be produced in 11 languages. This latest phase of 'Think of what you're really gambling with' campaign has been made possible by an allocation of approximately $40 000 from the Gamblers Rehabilitation Fund. Problem gambling is now affecting a significant proportion of South Australians. This campaign seeks to ensure that culturally and linguistically diverse communities are aware of the services that exist and, most importantly, encourage people to talk about this issue.

The English language campaign launched in June resulted in a predicted 100 per cent increase in the number of calls to the gambling help line. I am confident that this latest initiative will reach further people in our community and make sure that our campaign is successful.

LAND TAX

Mrs REDMOND (Heysen): My question is again to the Treasurer. Why is land tax on company title apartments, such

as those in some large city complexes, now being based on a percentage of the value of the entire building and not on the value of the apartment itself? A constituent came to see me last week regarding land tax payable on an investment unit for which last year he paid land tax of $262 but this year paid in excess of $1 200 because of the change of basis of valuation.

The Hon. K.O. FOLEY (Treasurer): I am happy to get the honourable member a considered answer and return to the house as soon as I am able.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

Mrs GERAGHTY (Torrens): My question is to the Minister for Industrial Relations. What evidence is there to demonstrate an increase in occupational health and safety enforcement action under this government?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Occupational health and safety is as important to the government as it is to the member for Torrens, and the government supports a mix of strategies. Education, prevention and compliance are all important. Occupational health and safety inspectors enforce compliance. Improvement notices and prohibition notices are useful tools for them. We now have an understanding of how these figures are heading. In 2002-03 under this government there have been 1 977 improvement notices. In the last full year of the Liberal government (2000-01) there were 532 improvement notices. That is over 2½ times more improvement notices. In 2002-03 under this government there were 364 prohibition notices. In the last full year of the Liberal government there were 184 prohibition notices. That is almost double the number of prohibition notices.

Increases had been achieved before the implementation of a 50 per cent increase in inspectors, the biggest increase ever in South Australia's history. This is serious, and we must keep ensuring that South Australian workers have a safe and healthy work environment. Safer workplaces mean fewer deaths, fewer injuries and less disease at work. A massive positive impact on families, business and the broader community can come as a result of a healthier workers' compensation scheme. The government is getting on with the job of delivering better outcomes for all South Australians.

SCHOOLS, CRAIGMORE HIGH

Ms CHAPMAN (Bragg): Can the Minister for Education and Children's Services assure the house that the five Craigmore teachers who, despite rulings of the Industrial Relations Commission and the Supreme Court, are currently refusing to teach at the schools to which they have been transferred, are not currently accessing or in the process of accessing workers' compensation benefits?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am a little surprised at the question, because it has been reported—

Members interjecting:

The Hon. P.L. WHITE: I am much surprised at the question, because it has been reported in the press that those teachers did put in applications for workers' compensation, and that is publicly known. Surely, the honourable member could read the press about that.

SMALL BUSINESS

Mr O'BRIEN (Napier): My question is to the Minister for Consumer Affairs. What is the government doing to help small businesses and community groups avoid unnecessary expense when leasing premises?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): Some small businesses and not-for-profit organisations have advised me that it is too expensive to set up for short-term accommodation arrangements in community halls. Scout halls are often rented out during the evenings to small businesses or clubs offering dance classes, food cooperatives or judo. These fall within the definition of a commercial lease and give the tenants protection from unfair practices. However, the Retail and Commercial Leases Act says that the lease must be for five years. The purpose of this is to protect the tenant against a landlord threatening not to renew a lease after a couple of years, just as a tenant gathers goodwill in the business. The act allows a tenant to waive the five-year lease rule, but doing this means having a solicitor certify that the tenant understands the consequences of waiving his or her rights. The cost of legal advice is usually between $300 and $600. As you can imagine, this sort of figure is a big cost for a judo club, for instance, which is hiring a hall for six hours a week and which does not want to commit to a five-year lease.

However, it is not only tenants who are suffering. The owners of these halls advise me that it is difficult to rent out their halls, because most of their prospective tenants cannot afford the legal fee. The result is that halls stand empty rather than being used for good purposes. The Labor government is proposing to exclude small businesses that hire halls from not-for-profit organisations from the five-year lease rule. This means that, if both parties agree that a lease is for fewer than five years, they will avoid the need to seek expensive legal advice. The exclusion will apply to leases between not-for-profit landlords and tenants with leases that are for not more than 15 hours per week.

The Office for Consumer and Business Affairs has just completed a consultation on these proposed changes. I am pleased to say that all of the responses supported the proposal. New regulations will be in place soon to bring relief to not-for-profit organisations and their tenants.

SEXUAL SLAVERY

Mrs HALL (Morialta): Will the Minister for Police advise the house if the government is concerned that Australia's flourishing trade in the trafficking of women and children for sexual slavery, estimated to be worth about $50 million, has spread from the eastern states to South Australia? If so, what arrangements are in place for the South Australia Police to work with the new Australian Federal Police strike force established to combat this trade? Interpol advice recognises that organised criminal, syndicate-controlled trafficking of women and children for the purpose of prostitution as one of the world's biggest criminal activities. However, according to the South Australian Commissioner for Police, no prostitute working in a brothel has been prosecuted in South Australia in the past two years and, in the words of the Commissioner, 'the police are impotent in their interaction with brothel owners.'

The Hon. K.O. FOLEY (Minister for Police): I am not quite sure what I heard at the end of that question, but it is a very serious question and I take it very seriously. I will seek

advice from the Police Commissioner on that. I would be happy to provide information publicly and, if appropriate, I would also be happy to provide a private briefing to the member if there are matters that should not be in the public domain.

WATER RESTRICTIONS, MULTILINGUAL INFORMATION

Mrs HALL (Morialta): Will the Minister for Administrative Services advise the house what action has been taken to ensure that people of non-English speaking backgrounds receive education as to their obligations regarding water restrictions? During the Estimates Committee on 20 June this year, the minister stated that a specific form of multi-lingual information for non-English speaking background people was receiving the government's attention. More than three months have now passed since the implementation of water restrictions, and constituents in the electorate of Morialta tell me that written foreign language education material is still not available.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for her important question. It is inaccurate, in fact. Considerable details about access to translation services are contained in the most recent publication of the water conservation measures, which document was sent out to every household, and there is also some written material in a range of foreign languages on the back of the material itself.

As I understand it (and I would have to clarify this, but it certainly was the case with the water restrictions, and I am almost certain that it would be the case with the water conservation measures), we did take steps to use the ethnic press to advertise the water conservation measures. In fact, with the water restriction measures, I took the opportunity to go on a number of ethnic radio stations where the measures were translated into the relevant language. In fact, quite a lot of bores are sunk by members of non-English speaking backgrounds in various homes' backyards, and I received a number of frantic phone calls about what they could do with bore water. Of course, bore water is not subject to the water conservation measures, and we clarified that for a number of those members.

So, specific attention has been paid to this matter. I would like to say that we were going to attend to that in any event, but the member for Morialta's question during estimates reminded us of that, and we did act on it. If members look carefully at the material that has gone out to each of the households, they will see a quite extensive set of measures which address the needs of non-English speaking people to obtain the relevant information about water conservation measures.

In fact, I believe that the free-call number is contained on the back of the relevant document and that the particular logo for the translation services is contained in the water conservation document, which I must say is a fine looking document: it has a light blue tone and nice graphics. There has been quite a lot of feedback about the 'Slow the Flow' slogan—which has captured the imagination—

Mr BRINDAL: I rise on a point of order. Ministers are required to address the substance of questions. This answer is not only proving repetitious and boring but it is also proving distracting.

The SPEAKER: Like me, the minister may believe that the graphics are as much a legitimate part of the communication of the message as the text. The subjective appraisal of whether it is boring or otherwise is something each member can make—it is not the chair's prerogative to determine. Question time is not meant to be either entertaining or boring: it is meant to provide information.

The Hon. J.W. WEATHERILL: I am sorry if I was not entertaining enough for the member for Unley, but what I was trying to say was that the pamphlet itself contains the handy hints which are equally as important as the water conservation measures and which are contained within a set of graphics. They are understandable in any language. They talk about not hosing down the footpath, a practice in which, I understand, certain members of the community do engage from time to time. But it largely communicates a number of very simple and easy to understand messages.

Mr BRINDAL: I rise on another point of order, sir. During question time today the Minister for Education, in her reply to a question asked by the member for Bragg, basically told the house that we should all read the paper. I ask you at your leisure, sir, to consider whether that is an orderly answer and respectful to the house.

The SPEAKER: I shall do so, but my first reaction to it was that it was hardly so. Standing orders expressly preclude commentary on what is contained in the media, and these days what purports to be news is, more often than not, anything but, and intended for entertainment as much as for anything else. Whilst subjectively I regret that, the chair is not in a position to determine any such thing. However, ministers' answers should not invite honourable members then to ask questions as to the veracity of the information contained in the press report to which the honourable minister had explicitly alluded in the answer. Should there be any further objective information that I can provide to the house, I will bring back a written response.

GRIEVANCE DEBATE

WORLD SOLAR CYCLE CHALLENGE

Mrs PENFOLD (Flinders): I am delighted today to honour the world champion Port Lincoln High School team and its entry, Yurno, the local Aboriginal word for sun, in the 2003 World Solar Cycle Challenge, coordinated by Bike SA. Some other South Australian entries came from Quorn Area School, Port Augusta Secondary School, Smithfield Plains High School and St Columba. The World Solar Cycle Challenge was first held in 1997 in conjunction with the World Solar Car Challenge—a biennial event. This was the first time the cycle challenge was staged wholly in South Australia. Four of the eight days of the challenge were spent on Eyre Peninsula, starting at Ceduna and taking in Streaky Bay, Elliston, Coffin Bay, Port Lincoln, Tumby Bay, Cummins, Lock, Cleve, Cowell and on to Whyalla.

This year, also for the first time, Pedal Prix teams were invited to compete on a demonstration basis. Westminster School from Marion was the only team to accept the invitation. With 11 teams participating this year from Italy, Malaysia, Vietnam, Victoria, New South Wales and South Australia, this event could become a showcase for our state similar to the Tour Down Under as the recognition of solar

energy for vehicle propulsion is applied more widely and more teams enter the challenge. The coverage in overseas media was excellent advertising for our state, with one Italian newspaper carrying full front-page reports for five consecutive days. Such coverage is of inestimable future tourism value. The Port Lincoln team won its section, was the first Australian cycle to cross the line and came fourth overall in the event behind the three international entries.

High school technology studies teacher and team leader Gary Pelletier was the driving force that started the project just two months before the race. He was strongly encouraged and assisted by David Hawes, Max Coulson, John Bell, Morna Shane and Darylee Pelletier. The eventual team, six of whom were riders, were Luke Kovacic, Rachel Scott, Andrew Bennett, Shane Dennis, Sarah Heuppauff, Rita Archer, James Adams, Matthew LeBrun, Eric Thiel, Matthew Doughty, Ben Raven, Kathren Adams, Jakob Reinbott, Aaron Dunchue, Leigh O'Reilly and Peter Coleman. Congratulations to these dedicated young people on their outstanding effort, particularly keeping in mind the very short time frame in which they had to prepare. Parents who accompanied the team over various sections of the route were Kaye and Lester Reinbott, Cindy and Bill O'Reilly, Robyn Archer and John and Liz Raven. Thank you to all parents for assistance given to our riders and the support team. Port Lincoln businesses, individuals and others from outside the city who contributed as sponsors are also sincerely thanked for their support.

It is worth mentioning that Mr Pelletier put in a considerable amount of his own money, and donations towards the cost of the school's next entry in two years time are now being gratefully accepted. The state government also gave invaluable assistance, with the provision of a school bus that was utilised to carry riders, support personnel and equipment, as did the Port Lincoln High School and teacher Gary Pelletier as funders of last resort, for which I sincerely hope they will not be penalised and will be refunded by the department. The support given to the challenge throughout the journey by SES members and other volunteers is testimony to the huge volunteering effort in the state. Without these people, events like this that showcase our state to the world would not be possible.

Port Lincoln High School's entry cost $9 000 compared with the third across the line Italian entry at $42 000, the second placed Malaysian team at $92 000 and the winning bike from Malaysia at $130 000. Yurno had an inauspicious start to the race when the bike's control and booster box burst into flames on the first day. Some technical changes and rewiring eliminated the problem and made the bike faster. The team's average speed over the eight-day event was 33 km/h, with a top speed of 86.3 km/h.

I have to make special mention of the small town of Cleve, where the community used the event as a fundraising opportunity for the school by holding a fair. All participants in the challenge were made most welcome. Mr Pelletier said that the victory has opened many doors for the school, including offers of sponsorship from companies like Holden for the team's next entry. In addition, Elabtronics, the South Australian company that designed the solar technology for the bike, is endeavouring to obtain funding for an advanced technology hub at Port Lincoln High School.

CALLISTHENICS

Ms BEDFORD (Florey): The Australian Callisthenics Federation has been established to promote callisthenics nationally and to standardise rules for all states. National competitions are held annually and South Australia has been the most successful state since these competitions began in 1988. I recently travelled to Perth to support our state team there. Competitions are also held annually in Ballarat during October, and I have just returned from supporting our state senior championship team, and I will give more details about that later.

Competitors in Ballarat compete on a similar age grading structure as used in South Australia, that is, tinies are six and under, subjuniors are nine and under, juniors are 12 and under, intermediate girls are 16 and under, and seniors are over 16. South Australia sends representative teams to compete and, over the years, they have had amazing successes. These teams are selected with the primary aim of developing callisthenics at a grassroots level. Completely new teams are selected each year with a maximum of one member from each of the affiliated clubs in this state, and that ensures a regular turnover and that each state team member contributes to the improvement of her own club at the local level.

In South Australia alone there are more than 50 local community clubs offering callisthenics classes to girls of all ages. Over 3 000 young women are involved in this. The clubs have a geographical spread throughout the state from the South-East to the West Coast and the Iron Triangle. Whilst clubs are graded from division 1 to division 6, a promotion-relegation process is followed to improve standards and ensure that competition remains at appropriate levels. Regional competitions are held in various country centres, with our state championships held annually from July to August. The state championships cover all age groups and gradings.

I bring this to the attention of the house because, having recently returned from the competition in Ballarat, I note that our senior team performed extremely well and came third overall. Our senior championship team coach was Tracey Emes, and she was assisted by Alexia Blackwell. The demonstrator was Shannon Mossop and our manager was Andrew Jack. The chaperone was Jenny Starick and the team official was Jan Tinker-Casson. I congratulate all the girls on their outstanding level of competition in both presentation and technical ability, and I also pay tribute to the number of family members who travelled to Ballarat to support the team.

The Ballarat competitions are run by the Royal South Street Society. The society began in 1879 as a young men's debating society. Over the years it took hold, and they added other areas such as acting, singing—

An honourable member: What took hold?

Ms BEDFORD: The actual competitions at many levels took hold. They added music, callisthenics, spelling, typewriting and cooking, and even gum-leaf playing became part of the bill of fare. Brass bands commenced in 1901 and became immensely popular, with callisthenics joining in 1903. This competition is second only to the Australian national competitions, with 80 clubs represented at Ballarat this year.

I also mention an interesting article which was reproduced in the souvenir program from the Ballarat *Star* of 1904. Under the heading 'Physical culture in Adelaide, A go-ahead city, Interesting chat with Mr Leschen', the article stated:

> A representative of 'The Star' had an interesting chat with Mr Hugo Leschen at Phillips' Hotel.

He was obviously in Ballarat to look at the competitions. The article continued:

Mr Leschen, it may be remarked, gave his services gratuitously for Saturday's work and our representative remarked: 'Under the circumstances, I suppose there is no need to ask whether you take a keen interest in your physical culture?'

The answer was, 'No, indeed.' It goes on to talk about the sorts of competitions that were going on in Adelaide, and we have a long and proud history in callisthenics. Mr Leschen said that his father was involved in practical gymnastics in Adelaide 45 years ago, and, bearing in mind that the article was written in 1904, that gives members some idea of the length of time I am talking about. The article quoted Mr Leschen as follows:

He founded the first gymnasium through the strong representations of the late Dr Bayer. As for myself, after qualifying in South Australia, I went home to Europe and went through a teacher's course in a training college. . .

He visited many parts of Europe, such as Dresden in Germany, and took part in many competitions. He was involved in one final, where he took off the prize of the oak wreath, losing by only three-tenths of a point. Having travelled all over Europe, he came back to Adelaide, putting great impetus into physical culture and gymnastics generally in the South Australian community, introducing modern methods into the many public schools and colleges involved in the activity. Classes for ladies and gentlemen were carried out in Adelaide gymnasiums run by the YMCA under his control, and about 3 000 pupils passed through his hands every week, many staff and instructors being involved in the activity.

ADELAIDE INTERNATIONAL HORSE TRIALS

Mr HAMILTON-SMITH (Waite): I bring to the attention of the house the outstanding outcomes achieved over the weekend during the Adelaide International Horse Trials, which were held in front of large crowds and with great fanfare, despite the government's best efforts to scrap the event. It truly was an outstanding three-day festival, the action being on Friday, Saturday and Sunday. The course was expanded on this occasion and, in technical terms, it was probably the most outstanding event held so far in the city.

It was a splendid event in the parklands, fully supported by the Adelaide City Council and a large number of other sponsors, which I will mention in particular. Mitsubishi was the key sponsor, and I have already mentioned the council; other sponsors included Ausport, Horseland, Banrock Station, R.M. Williams, Kidman and Co., Coopers, Commonwealth Bank, Novotel, Bowden Printing, Ricoh and Oneclickaway. It was also supported by Vili's Cakes, Streets Icecream, SA Staging, Jeffries Garden Supplies, Australian Staging and Rigging, Coca-Cola Amatil, DeYoung's Salvage Suppliers and Hamilton Sunscreen.

Without these sponsors, such an event would simply not be possible, particularly given the government's erratic approach to funding the event. Its first decision, in effect, was to cancel the event by getting it out of the city and moving it to who knows where, which was followed by its spectacular backflip in the face of overwhelming representation not only from the opposition but from literally thousands of advocates for the trials who wrote to the minister, who prepared a petition, which was tabled in this place by me, and who lobbied earnestly for the government to rethink its silly, shoddy and half-cocked decision to cancel the event.

It was nothing more than a razor gang slice designed to save $650 000 per annum. The backflip resulted when the minister was either directed by the Premier or others, or came to the sudden realisation that it was not a winner, and it led to $500 000 this year and $350 000 or so in subsequent years. It has been cut back but, nevertheless, within these budget constraints, Australian Major Events (AME), in cooperation with the Horse Trials Association and all involved, managed to put on an outstanding event.

I specifically congratulate AME General Manager, Belinda Dewhirst; Group Manager, Marketing and Commercial, Rob Nelson; the Event Manager, Marcia Probert; and others on the AME staff such as Alicia Cavallaro, Matt Smith, Jarred Styles, Michele Manno, Jo-Anne Marshall, who absolutely excelled with this.

There was one glaring mistake. In cutting funding for the event, the government failed to ensure that the event received adequate media coverage. There was $3.5 million worth of in-kind coverage in previous events. This year, there was hardly a television camera to be seen. The funding was pulled from the media coverage of the event. That cost us, in kind, over $3 million of free promotion of South Australia in Europe, the UK, the United States, New Zealand and across the nation. One must question the judgment of this government when it cuts off its nose to spite its face.

Earlier, the minister spoke about the positive PR that was generated from the Solar Challenge. Here is an example where another $100 000 would have generated anything up to $3.5 million worth of free promotional coverage for this state. It was a glaring shortcoming in the government's ability to manage the event.

TERRORISM

Mr RAU (Enfield): I want to make a few remarks which probably sit very well with the Premier's ministerial statement today about the effect of terrorist activities in Australia (particularly South Australia), and they are also relevant to the Deputy Premier's announcement in relation to increasing police numbers in South Australia. My remarks come from the following perspective. It is very important for the people of South Australia that we not only have proper legislative frameworks available for us to deal with terrorism if it is going to impact on people in South Australia—let's face it: there is every reason to believe that we are as much a target as anyone else in this country—but that our police force has every opportunity to do what it has to do in order to protect our citizens from outrages perpetrated by terrorists.

I was very disturbed to read in *The Advertiser* of 8 November an article entitled 'Terrorist "sleeper" may be in Australia' by Ben English (in Paris), which states in part:

French terror suspect Willie Brigitte helped set up a 'sleeper' explosives expert in Sydney, his lawyer has claimed. In an interview with *The Advertiser*, Phillipe Valent—

whom I take to be the lawyer—

said [amongst other things] that. . . he believes French authorities deliberately allowed Brigitte to enter Australia with the full knowledge he could pose a terrorist threat here.

The article goes on to state:

He believed the French had deliberately withheld information from Australian authorities in order to gather evidence about his activities. Mr Valent said the French secret service routinely used this strategy to bolster cases against terror suspects and they had done so in this case.

In relation to an earlier African episode, Mr Valent said:

The secret service admitted they had worked with the assassin right up until the final days before the planned killing in order to build enough evidence against him.

If these reports are true and if it is the case that Mr Valent does have information about the activities of the French secret service, we are in a very outrageous situation, it seems to me, and we face the risk of the French intelligence service, by omission, doing something every bit as serious in this country as they did by omission in New Zealand a few years ago when they blew up the *Rainbow Warrior*. If they know that their criminals are coming to this country with the intent of getting involved in terrorist activities and do not notify our authorities, how will the legislation that we put through this place to deal with terrorism be effective without intelligence? How will our police force (an extra 200 of whom we will shortly have on the beat) be able to apprehend these terrorists if we do not know about them?

I think it is about time that the federal government actively took up the issues raised in this article because, if this is true, the federal government should be seeking an explanation from the French government as to why they think it is fair to let our country be a playground for these characters without notifying us when ultimately we will bear the consequences of these people being in our country and misbehaving. If this fellow, who has been apprehended and sent back to France, was operating a cell here, instructing people on the use of explosives, etc., surely that is the sort of thing that our authorities in South Australia should be made aware of very promptly. It disturbs me that I have seen no other reports in relation to this matter and no indication that the federal government is taking up this matter with the French. If this is true—I emphasise 'if'—it is very serious indeed.

OPERATION FLINDERS

Dr McFETRIDGE (Morphett): Last weekend, the member for Morialta and I had the great privilege of flying north to Warraweena Station and taking part in Operation Flinders. For those who do not know, Operation Flinders is dedicated to the rehabilitation and recovery of some of the damaged young people of our society. Warraweena Station is about an hour's drive south-east of Leigh Creek and covers about 400 square kilometres of wonderful Flinders Ranges country. It is owned by Tom Brinkworth who has destocked the station and allowed its use for Operation Flinders for the last 18 months.

John Shepherd, who organises Operation Flinders, has been trying to get all members of parliament to go there. I recommend that, this weekend, all members of parliament go north and see what Operation Flinders is doing for many of the young people of South Australia. The young people who are selected to go on these weekends come from varying backgrounds. They are normally aged between 13 and 16 years. Some are under court orders, and they get 100 hours taken off their community service order if they go there for a week. Some come from a background of sexual assault and some have behavioural problems. I must admit that some of them have very severe behavioural problems.

The team leaders at Operation Flinders showed to me and the member for Morialta over the weekend that they are gifts to South Australia. They are wonderful people. The young people with whom they deal are very challenging. These young people are selected by various schools and other organisations. They are put on a bus and driven north to Beltana, they turn east for about another hour, and then they are told to get off the bus. They are then organised into teams and given backpacks, and off they go. Seven days and 110 kilometres later they get back to camp and back on the bus.

During those seven days in the bush they are subjected to a number of personal challenges. One challenge, which was very obvious from the size of the blisters on their feet, is just walking. To walk 110 kilometres in that environment would be challenging for anybody. I hope to participate next year as a team support person and do the walk. Hopefully, I will be a bit fitter than some of those kids were. They went through the pain barrier, they were determined to go on, there was a lot of peer pressure, and there were personal goals to be realised.

We talked to these individuals and watched them go through various exercises. It is amazing to think of their background and to see the opportunities that Operation Flinders is providing for them. The activities give them self-confidence, the ability to make decisions, and a feeling that they can start taking charge of their own lives. Each team had a person called the garbo, who organises the site, makes sure it is clean, that toilet paper is handed out, and that the rubbish is buried afterwards. There are the cooks who prepare breakfast and the evening meals. There is the hygiene person who hands out bandages for blisters, and they look after their own personal hygiene. There is also the mascot bearer. Each team has the mascot, a teddy bear, for a short period. This teaches them to take responsibility for someone else's welfare.

There are individual challenges such as abseiling. It was interesting to watch some of these people overcome their own personal fears. I overcame some of my personal fears and abseiled down the cliff a couple of times. It was easy for me; it was far more of a challenge for some of these young people. You saw the tears and heard them swearing, but they got on with the job. If anyone swears, the whole group has to do 10 push-ups. The self-discipline that is instilled in these young people will be a worthwhile attribute for the rest of their lives.

Mr Caica: Did you have to do any push-ups?

Dr McFETRIDGE: I didn't have to do any push-ups; I was very well-behaved. Standing on top of the cliff getting ready to abseil, it is quite a drop. I had great faith in the team leaders. They are fantastic, confident people, and I recommend that all members of parliament visit Operation Flinders.

POORAKA TRIANGLE

Mr SNELLING (Playford): I rise to talk about the development in the Pooraka Triangle area in my electorate, which runs between Main North Road, Briens Road, South Terrace and the old Northfield railway line. The old Northfield railway line was pulled up some years ago (it was closed in the 1980s). It would be my personal preference to have the railway re-established but, nonetheless, I am pretty happy with the proposed development for this area. Salisbury council has, in fact, leased the old rail corridor and is establishing on it a substantial skate park and an adventure playground. The skate park, as I said, is substantial and I was on site last Friday inspecting the area with Salisbury Council's Levels Ward councillor, Mr Brian Goodall.

Part of this development has been made possible because of a $135 000 grant by the state government, and the development is being named Unity Park. The construction of the all-access playground and skate park and high quality

landscaping will be a feature of the redevelopment, and paths are being incorporated into the previously funded stage of project works and are consistent with the reserve's master plan. The grant to the City of Salisbury was made by the state government through the regional open space enhancement subsidy program, which is aimed at improving public use of open space in partnership with local government.

The reserve is being developed as a significant open space park and will be a welcome addition to the local area, particularly for the many young families in my electorate and those young families which are moving into the new residential developments such as Walkley Heights. It will provide residents in the area with a new park to gather for picnics and other recreational activities, as well as becoming a significant and proud addition to the state's open space system. The grants through which this development will happen are being made to local government throughout South Australia and seek to enhance the state's network of quality parks, waterways and trails. They are made available from the Planning and Development Fund, a statutory trust fund established to provide for open space. Landowners and the development industry pay into the fund when strata and community titles are created, or from land division applications where no open space land is provided and there are less than 20 additional allotments developed.

I welcome this development in my electorate. I look forward to taking my own children there. I do not think they are quite old enough for the skate park, but I have no doubt that they will make use of the adventure playground, and I very much look forward to taking them there and, with other residents of my electorate, enjoying those new facilities.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. Gail Gago to the committee in place of the Hon. J. M. Gazzola (resigned).

AUDITOR-GENERAL'S REPORT

The Hon. R.J. McEWEN (Minister for Industry, Trade and Regional Development): By leave, I move:

That Standing Orders be and remain so far suspended as to enable the Report of the Auditor-General to be referred to a Committee of the whole House and for Ministers to be examined on matters contained in the papers in accordance with the following timetable as distributed:

Tuesday 11 November 2003
Approx.
7:30pm Attorney-General, Minister for Justice, Minister for Consumer Affairs, Minister for Multicultural Affairs (30 minutes)
8:00pm Minister for Environment and Conservation, Minister for the River Murray, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts (30 minutes)

Wednesday 12 November 2003
Approx.
7:30pm Premier, Minister for Economic Development, Minister for the Arts, Minister for Volunteers (30 minutes)
8.00pm Minister for Infrastructure, Minister for Energy, Minister for Emergency Services (30 minutes)
8.30pm Minister for Urban Development and Planning, Minister Assisting the Premier in Social Inclusion (30 minutes)
9:00pm Minister for Education and Children's Services (30 minutes)
9:30pm Minister for Social Justice, Minister for Housing, Minister for Youth, Minister for the Status of Women (30 minutes)
10:00pm Minister for Transport, Minister for Industrial Relations, Minister for Recreation, Sport and Racing (30 minutes)
10:30pm Minister for Industry, Trade and Regional Development, Minister for Small Business, Minister for Local Government, Minister for Forests (30 minutes)

Thursday 13 November 2003
Approx.
4:00pm Deputy Premier, Treasurer, Minister Assisting the Premier in Economic Development, Minister for Police, Minister for Federal/State Relations (45 minutes)
4:45pm Minister for Tourism, Minister for Science & Information Economy, Minister for Employment, Training & Further Education (30 minutes)
5:15pm Minister for Health, Minister for Administrative Service, Minister for Gambling (30 minutes).

Motion carried.

SELECT COMMITTEE ON CEMETERY PROVISIONS OF THE LOCAL GOVERNMENT ACT

The Hon. R.B. SUCH (Fisher): I move:

That the time for bringing up the committee's report be extended until Monday 24 November.

Motion carried.

EDUCATION (MATERIALS AND SERVICES CHARGES) AMENDMENT BILL

In committee.
(Continued from 23 October. Page 659.)

Clauses 2 and 3 passed.
New clause 3A.
The Hon. P.L. WHITE: I move:

Before clause 4 insert:
3A—Amendment of section 14—Report
Section 14—after subsection (1) insert:
(1a) The report must include a report on the operation of section 106A during the period to which the report relates.

New clause inserted.
Clause 4.
The Hon. R.B. SUCH: I move:

Page 4, lines 7 to 14—
Delete all words on these lines and substitute:
the prescribed sum

The Hon. P.L. WHITE: I would like to signal, as I did in response to the second reading contributions, that the government is pleased to support this amendment and believes that the concert operation of this amendment and the one to be moved by the member for Mitchell are good ones.

Ms CHAPMAN: I indicate that, in relation to what effectively is a process to enable the enforcement of voluntary fees, if the whole matter of school materials and services charges was to be reviewed, it would be very important. The opposition has taken the view that, in the light of the government's position and the fact that this bill perpetuates the pre-existing position, this is a matter which needs careful consideration, whether on its own or presented in concert with the foreshadowed amendment by the member for Mitchell, which, I understand, will have the effect of introducing another layer of process to be undergone before there can be an imposition by the school (with the approval of the Director-General) and, indeed, under the member for

Mitchell's amendment, another level in relation to the school community's having some kind of vote to bring about this process.

After these prerequisites, it then appears that a fee can then be implemented, and implemented in its fullest sense—in particular, the capacity to recover the amount that has been agreed to by that school community. In its present form, this requires the school council's determination with the approval of the Director-General. I would suggest that this needs far more thorough examination if we are to take this course. Nevertheless, I note the government's position on the matter and that it is now going to introduce unlimited school fees at the request of the school.

Amendment carried.

Ms CHAPMAN: I move:

Page 4, after line 29—
Insert:

(12a) The Director-General must make services available (free of charge) to school councils for the recovery of outstanding materials and services charges.

I say in support of this amendment that one of the most significant issues from a practical application point of view which schools have raised with me and my colleagues on this side of the house has been the considerable imposition on the school leadership, and in particular members of the school council and the administrative staff of the school, in the enforcement of the materials and services charge. In anticipation that the government would elect to continue the charge, which could be increased significantly at the behest of the school community (with the approval of the Director-General), the concern which has been raised with me in relation to the enforcement will only be compounded.

The purpose of this amendment is to provide an opportunity for the school community, and in particular the school council, the leadership and administrative staff of the school, to be relieved to some degree of the obligation and responsibility of the day-to-day administration of the recovery of the outstanding materials and services charge, whether it be the compulsory amount (as we know it) or the newly formed voluntary payment. What this will do is prevent those parts of the school community from coming into conflict with other parents in the school community in attempting to recover this fee.

At present, a service is provided by the officers of the department for the purpose of the collection and recovery of fees paid by international students and, as I understand it, those families pay in advance. As I indicated in my second reading contribution to the house, we are looking at fees of some $9 500 per year being paid by these students on a cost recovery basis for the education services that they receive in South Australia.

I do not in any way criticise that process. Indeed, I compliment it, because I think it is a very valued addition to the education of those children and our own children who mix with them in that situation, but the government provides that service, so no responsibility is placed on the school to engage in the enforcement, the issuing of notices of payment, recovery, the suing process, or anything of that nature. I think I have also highlighted that in that situation many of the international students undertaking education in our public schools in South Australia—and I believe that some 80 per cent attend schools in and around my electorate—have the advantage of being able to have this service provided by the department.

The purpose of this amendment is to extend that service to all schools wishing to have that service available to them. It may well be that the school does continue to elect to be responsible, especially if they have a low recalcitrant rate of non-payment or they find that with initial action the payment is made and they do not need to take further litigious action. From the point of view of making that service available to schools in general, first, it would have the effect of making it an equitable service available to all schools for the recovery of all fees applicable, whether they be on an international cost recovery fee basis or a materials and services charge basis with which we are dealing today; and, secondly, it will relieve the school community from having to be involved in clearly what is an unpleasant situation in enforcing action against other members of the community—parents, friends and other people who live in the community and who are well known, especially in small rural communities. It would be an enormous relief to members of the school council, teaching staff and administrative staff who are required to ring up parents and ask for the money to be paid. I commend this amendment to the committee, and I hope that the government will give some appropriate sympathy and support to the same.

The Hon. P.L. WHITE: The government rejects the amendment. The issue raised by the honourable member about international students is somewhat of a red herring. In relation to international students, there is some commonwealth government involvement in visas, and so on. The debt of their fee is not to the school council: it is a debt to the state government. But it is a bit of a red herring; there is negligible default on international students. Those students have to have a certain monetary capacity to get into the country in the first place, and those are up-front fees, as I have said. However, the main reason why the government rejects the honourable member's amendment is because she seeks to break the link between the setting and the collection of fees, and that is not a good thing.

One of the really important things done at a local level by schools is to gain an understanding about the capacity of their school community and to develop relationships with individual families. The honourable member is suggesting that that be broken and the collection be done centrally. Of course, it would have to be applied in a bureaucratic and homogenous way, and I do not think that that would be a good thing for the management of the setting of school fees.

As I may have indicated in my second reading explanation, for 2004 the government is for the first time implementing a debt collection policy that will guide schools in interaction with debt collection agencies. As members would appreciate, for a number of years debt collection agencies have been involved in the retrieval of school fees. The government is also moving for the first time to put out to tender and implement a panel contract that will enable the government to apply some influence in the management and behaviour of those debt collection operations. The government will be able to interact with the agencies in a formal way on issues such as the tone of letters and approaches, making sure that they understand the law, the rules and the guidelines given to schools around this subject.

The government rejects the honourable member's amendment, which might have superficial appeal to some. However, the critical point here is that the honourable member is seeking to break that link between the setting of school fees, which the school council does in concert with its school community, and the collection of those fees. That would not be a good outcome, because it is the local school

community which builds up the knowledge of families' circumstances and which needs to understand its local community when it goes about setting the fees, because the two interact in an important way. The government does not support the amendment.

Amendment negatived.

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

Page 4, after line 32—
Insert:
prescribed sum means—
(a) the standard sum; or
(b) if the Director-General has, on application by the school council, approved in writing an amount greater than the standard sum in respect of students enrolled at the particular school for the whole or part of the calendar year—that approved amount;

Amendment carried.

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

Page 4, after line 37—
Insert:
standard sum means—
(a) in the case of a student enrolled at a primary level—$166 multiplied by the relevant indexation factor; or
(b) in the case of a student enrolled at a secondary level—$223 multiplied by the relevant indexation factor,
or, if some other amount is prescribed by regulation, that amount.

Amendment carried.

The Hon. R.B. SUCH: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Mr HANNA: I move:

Page 4, after line 37—
Insert:
(14) A school council must not make an application to the Director-General for approval of an amount greater than the standard sum unless all persons who, in the opinion of the council, would be liable for the greater amount if approved have been given an opportunity to participate in a poll on the matter and the application is supported by a majority of the persons who responded to the poll.

The Labor Party and the Liberal Party want to have a firm legislative foundation for schools and preschools to be able to collect fees from parents and students. The member for Fisher has taken it one step further by giving schools the ability to have higher than the regulated fee. I say that that should be allowed only if due democratic process is followed within the school community. So, on behalf of the Greens I am moving this amendment to allow a poll to take place of those families that would be affected by fee increases consequent upon the amendment by the member for Fisher. In my view, it is not sufficient for the school council simply to put a submission to the Director-General and have fees increased; there should be this additional step. The reason is that in practice many school councils or governing councils consist of parents who are the only parents who turn up to the general meeting at the time, so they are not necessarily representative of the full school community, even though I have no doubt that they make the best decisions they can as required. It is important to properly consult the school community and, in my view, the best way to do that is to ensure that a poll of the affected people is conducted before the Director-General's permission can be obtained for the imposition of higher fees than specified in the regulations.

The Hon. P.L. WHITE: The government accepts this amendment. As I signalled before, the amendment by the member for Fisher and the member for Mitchell acting in concert is a fair thing.

Ms CHAPMAN: I have some questions on this matter, if I might address them to the member for Mitchell. My first question relates to the wording of the amendment, which states:

. . . would be liable for the greater amount if approved have been given. . .

Is that the correct grammar?

Mr HANNA: In respect of the question asked by the member for Bragg, I have relied on parliamentary counsel to provide the actual drafting. I realise that the clause is quite lengthy, but if it is broken down into its constituent parts it should be reasonably clear. The reference to those who 'would be liable for the greater amount if approved' relates to the persons referred to in the earlier part of the clause, and it is those persons who also must be 'given an opportunity to participate in a poll'. So, if read carefully, it does make sense.

Ms CHAPMAN: I would like to ask the member for Mitchell, in two facets, how this will work. One is how the relevant parties are going to be polled, and in that sense, who is going to be polled and how many votes do they get according to the number of children they might have at the school—that is, the number of fees that they are to pay. Secondly, am I correct in assuming that the school council can still make the determination to increase a fee—for example, with the Director-General's approval, even if the majority of those polled oppose that—because there is a consultation process which I think says that they must not make the application for the greater amount. However, it does not say that they actually have to support it. Am I reading that correctly?

Mr HANNA: I have two comments to make. First, I follow on from the previous question and answer. I have taken further advice from parliamentary counsel and, in fact, the amendment I have moved really should have the comma after the word 'approved' instead of after the word 'council'. That will help make sense of the clause, and I sincerely thank the member for Bragg for her question, which has brought this matter of grammar to light. I ask the chair, as an aside or as a point of order, whether that can be taken into account without any other formal motion?

The ACTING CHAIRMAN (Mr Snelling): Yes, that is just a clerical correction. That will be fixed.

Mr HANNA: Thank you, sir. In respect of the matter just raised by the member for Bragg, the way I see it working is as in the following example. A particular school council considers that the annual fees should be $500 rather than whatever appears in the regulations, so before applying to the Director-General for approval of that amount the school council would need to consider the conduct of a poll of those persons who would be liable for the greater amount, if it was eventually approved by the Director-General.

The clause deliberately allows flexibility in relation to the specific manner in which the poll is conducted. It does leave open the possibility that the poll could mean that every student effectively has a vote. It could be done in a way that every relevant household has a vote. It does seem to me that the most democratic method would be to ensure that a vote be counted for or on behalf of every student who is going to be the subject of the greater fee, on the basis of one vote, one value.

However, there is that flexibility there, because probably none of us here can imagine the specific circumstances of each school community in the state and, therefore, it is better to leave that flexibility in the legislation. Once the manner

and form of the poll is decided upon by the school council, I envisage that there would be a note sent home—either with the child or by email, however it is done in the particular school—and those people who are eligible to vote according to the manner decided upon would have the opportunity to respond by a certain date. If 30 per cent of the school population, or those voting on their behalf, were to respond then a majority of that number would need to support the fee specified or else the school council could not make application to the Director-General for approval. That is the intention.

Ms CHAPMAN: I have one other question following on from that. Could the member for Mitchell explain then, if the poll process is to be a matter determined by the school council, whether that should be in this section or at least defined somewhere, because at this stage—as I understand your response—you are intending that it would be the school that would make that determination according to their local circumstances. If that is the case, would you agree that that ought to be included in there: that is, to participate in a poll to be determined in such a manner by the school council, or words to that effect?

Mr HANNA: In the absence of any other indication, it would be up to the school council to determine how the poll is to be conducted. I would add to that, that we have a safeguard in the ultimate requirement of approval by the Director-General, so one would expect that in their application to the Director-General the school council would say, 'We have conducted a poll of our school community in such and such a manner. This many people responded, this many people said yes and this many people said no.' That is a matter that the Director-General could then take into account when determining whether to approve the higher fee or not. It is partly for that reason, because there is that safeguard, that I submit it is not necessary to spell out how the poll is to be conducted.

There is so much variety in our different school communities: there are some that have a very high preponderance of adult students; some that have many split families, that is, with separated parents; and there might be other communities which have a disparity in wealth between some sections of the community as opposed to others. Leave that for the school council to decide, knowing that ultimately the Director-General will be looking at how the poll is conducted when coming to his or her decision.

Ms CHAPMAN: I do not have any further questions. I just propose to speak in relation to this amendment and indicate that the opposition opposes this, not because of the sentiment of the attempts by the member for Mitchell to, I think, incorporate in any school's decision to introduce an enforceable voluntary fee a process that ensures full consultation with the parent community who, under current legislation, are going to be responsible for these fees. The opposition opposes this because we have here a proposal which does exactly as I indicated on the previous matter: that is, we are making a decision on the run in relation to attempting to bring in voluntary enforceable fees.

The very issue that I have just raised, namely whether, in fact, it is the school council that is going to make a decision, and the response that I have received from the member for Mitchell suggesting that there is some protection by the process of then obtaining the Director-General's approval, is exactly the circumstances which could create the situation wherein the Director-General becomes the arbiter of what should happen in that community in relation to their voluntary fee polling process. He will become the returning officer effectively in determining the rules in relation to this poll in that community.

If the member for Mitchell wanted to give the parents or payers of this fee some consultation process, it ought to be at the determination of the school council. In this situation we are introducing a process which will be fraught with difficulty and which will probably impose a considerable burden on the local school community in trying to comply with it. It is a matter that requires proper investigation. If we had had a complete review in relation to materials and services charges, as promised by the government, perhaps this issue would have been on the table and been clearly researched and properly implemented.

Here we are making laws on the run in relation to an amendment, which I suggest will not serve the individual communities well. It may be the member for Mitchell's objective to make it so complicated and difficult and potentially such a hurdle to overcome that there will never be an effective poll in the community. There will be avenues of complaint to ensure that a voluntary fee is never enforceable. That may or may not be the modus operandi of the actual amendment. However, I accept that the member for Mitchell is trying to make this process involve the consultation of the payers. It is just that it is clearly in a form which will not work and which will cause frustration in the school community.

The cost of effecting a poll of this nature in the community could cause even further frustration. I can just picture the advertising that would go on and the submissions for or against that each of the opposing parent groups would present in relation to this poll. So, here is a situation where, if we are to have a set of rules that will ensure an affordable and accessible process for parents and the school community to enter into, it ought to be done properly and not on the run. The opposition opposes this amendment and, hopefully, we can look at it further in a subsequent review in years to come, when clearly it will not have worked.

The Hon. P.L. WHITE: I point out to the house the effective impact of the opposition's stance. We have just passed amendments to allow schools to apply to the chief executive to recover higher than the standard amount that all schools are able to recover. The amendment before us moved by the member for Mitchell is to say that, for that to happen, those school councils before applying must ask their parent community. The government thinks that is a reasonable option.

The member for Bragg has stood here and said on the one hand that it is about higher fees. She has put out three press releases saying that fees are too high, and one of those releases on 14 October talked about abolishing fees altogether. So, the member for Bragg, on behalf of the opposition, is all over the place on this matter. She cannot have it both ways. What is her position? Her position seems to be against polling communities on this matter. The committee at this point has approved the member for Fisher's amendments. The government says that the member for Mitchell's cautionary measure in having those communities polled is a fair and democratic thing to do. The opposition's objection to this clause does not make a lot of sense and I urge all members to support the member for Mitchell's motion.

The Hon. R.B. SUCH: I rise to support the amendment moved by the member for Mitchell. If it is considered in conjunction with the amendments already passed, it provides a measure that many schools have been asking for. It has

some safeguards built into it in relation to the chief executive having a role, but the member for Mitchell (and I applaud him for doing so) has added a further democratic measure over and above that which one would expect from the governing council. The member for Bragg says that we are making decisions on the run; I am not sure what alternative she would propose.

The amendment moved by the member for Mitchell, coupled with the earlier amendments passed by this committee, are a big leap forward—I am trying to think of Chairman Mao's phrase, but it may be inappropriate. It was a long march; it is a big step forward. None of us have the wisdom or ability to be able to foretell the future in great detail, but the minister has an amendment to review this whole matter, and it has merit. We have come a long way. Schools are telling me they want this option, but they have to go through a process with safeguards built into it. It is a great advance. I commend the government for supporting it and I ask members to support the amendment moved by the member for Mitchell.

Amendment carried.

Ms CHAPMAN: I move:

Page 4, after line 37—Insert:
(14) This section will expire on 1 December 2005.

This amendment seeks to effectively sunset the materials and services charges position to 1 December 2005. The purpose of the amendment is quite clear from matters I raised previously. We were promised a comprehensive review by the government and permission in the sense of support was sought this time last year to enable the adjournment of this debate for a year to facilitate a comprehensive investigation into materials and services charges in schools. That was consistent at the time with the fact that a committee of inquiry had been established under the previous government to look at this matter, but its duties and ultimate reporting to the parliament were interrupted by the last state election.

Not surprisingly, with the incoming government's attention to other matters in the following six or seven months, it had not got around to this issue or undertaken sufficient investigation and, accordingly, it came to this house and sought the opposition's support to put off the matter for a year. In the circumstances that was obviously going to happen, and it did happen. A year later there has been no comprehensive investigation into this matter, so we are still in exactly the same position. I highlight for the benefit of Independent members in this place that in the 1991 debate on materials and services charges they stipulated to the previous government that it was necessary to sunset the materials and services compulsory fee and enforcement process.

They also wanted to be able to review that position. It did not happen and it still has not happened in the 18 months of this government, and we expect that it should happen. I particularly address my comments to the Independent members in the chamber. They needed it in 2001, and they supported the government in giving it another year to look into this matter. It still has not happened, so I urge them to support this amendment, and hopefully then we will get some assurance that it will happen.

The amendment introduced by the government today to facilitate the requirement to incorporate in the annual report of the department a report on the operation of section 106A during the preceding year, which is the year in which the report operates, in no way deals with a review of this issue. All it does is impose on the Director-General a requirement to report to the minister and, in turn, the minister to the parliament on a number of activities in relation to the action in the preceding year, including now the operation of this section. It does not in any way deal with the question of review.

I say to those who were so insistent on supporting a sunset clause, as members of the government were when in opposition, that we still need it for all same reasons that they insisted upon it in 2001, and I urge the committee to support this amendment.

The Hon. P.L. WHITE: The government does not support this amendment. In my view, this is silly politicking, and it is something that the school communities do not like very much, either. On the day that the honourable member put her amendment on file, my office contacted the principals' associations and asked them about that, and they did not support it, the reason being that they want this matter cleared up.

We have had a review or an investigation of this issue. It has been a long one and improvements have been made, and school communities are pleased with the improvements. If the member asked, she would find that groups believe that the changes made are a step forward. This is just a political tactic, but there are consequences for schools. The schools want this matter cleared up. They want uncertainty about this brought to an end. So, I appeal to members to keep in mind that the school communities that are affected do not think too much of the opposition's cheap political point. The member for Bragg wants to have this issue reignited just before a state election. That does not impress school communities, so I suggest that the committee throw out this amendment.

Amendment negatived.

Ms CHAPMAN: My question relates to proposed new section 106A(3), which provides that administrative instructions may be given under section 96 in respect of the materials and services for which materials and services charges may be imposed. Why is it necessary to repeat that in the new section 106A, when it is already a power under section 96 which is not confined to any specific aspect of the legislation?

The Hon. P.L. WHITE: Put simply, the government intends to distribute administrative instructions or guidelines.

Ms CHAPMAN: I assume from that response that they already have the power to do it. In relation to administrative instructions and guidelines, can the minister advise the committee whether they have been prepared and, if not, when they are likely to be prepared and provided?

The Hon. P.L. WHITE: A set of draft AIGs is ready to go out to schools. Obviously the final form of those will need to take into account the form in which the bill receives assent.

Ms CHAPMAN: On the basis that it is assented to with the amendments as indicated, when can they expect to receive them?

The Hon. P.L. WHITE: As soon as the bill passes this place, information will go out to schools. Some information has already gone out to schools, and we are awaiting passage of the legislation. As soon as that happens, buttons will be pushed and emails and faxes will be set in motion, and schools will receive the information, as they do each November.

Ms CHAPMAN: I have a question in relation to proposed new subsection (8), which is the new form of notice that the Director-General must approve under the preceding clause. Is that notice also ready to go out in contemplation of the legislation passing and, if so, will it go out with the passing

of this legislation forthwith, as the minister is indicating? If not, can schools expect to receive it before the end of the year?

The Hon. P.L. WHITE: Again, that is something that depends on the passage of this bill. Obviously, the government will not send out to schools anything that pre-empts the passage of this bill. As soon as that is done, the information will be sent out. When it comes to the setting of school fees, the government sends out information to schools around about this time each year.

Clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

Ms CHAPMAN: In this clause a new definition, which is an expansion in general terms, is proposed. I understand the importance of doing this, namely, to contemporise this determination but also to ensure that it covers more than just the original historical provision of materials and services. It is a bit like expanding the wholesale sales tax from goods to a GST for services because we need to contemporise the situation. In a press release issued on 14 October, I note that, for example, the new core materials and services can include school camps as a core expense. However, the cost of the transport to get to and from it is in the optional category and therefore cannot be incorporated as an expense on behalf of the school. Can the minister explain why that is the case and how that will operate? That may possibly introduce a situation where the children can be obliged through their parents to pay a fee to cover the school camp but not the transport to it. It seems an unusually definitive discrimination in those circumstances.

The Hon. P.L. WHITE: I did not quite catch all of the import of the member's question, but the issue that she raises about transport may involve the choice of private transportation, whether the children have to go in a bus, or whether some other arrangement can be made. That choice will depend on individual cases. The honourable member also referred to school camps and excursions. There is a difference between, for example, a snow trip to New South Wales and a trip to the museum. In each case, the type of service changes.

Ms CHAPMAN: Is it proposed that, in the guidelines or any other documentation to be issued by the department, a definitive list will be included to guide schools in what they will be allowed to incorporate as core materials and services and what they will not?

The Hon. P.L. WHITE: Yes. When the honourable member says 'core', I think she might be referring to my statements about stationery packs. For example, a school may have a core stationery pack and an extras stationery pack. The core stationery pack would be included in the charge, but the other would be an optional item which the parent could choose to have the school provide, or they might decide to purchase it themselves from another source. There is now a mechanism for schools to arrange their invoicing to cover that.

Ms CHAPMAN: Perhaps the minister misunderstood. I am referring to her press statement in which she refers not to a core package but to core materials and services. In this press statement, she highlights a number of things (apart from textbooks and stationery) dealing with excursions, camps, photocopying and the like. Separately, she includes other expenses such as entry fees for swimming pools, theatres and cinemas as well as transport and other matters. In relation to her own press statement, I ask whether there is proposed to be a comprehensive list of what is to be included as core materials and services and what is not to guide schools in dealing with this new expanded definition.

The Hon. P.L. WHITE: Yes, there is.

Clause passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 23 October. Page 660.)

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendments be agreed to.

Ms CHAPMAN: The opposition is pleased to welcome the Legislative Council amendments, which largely incorporate matters which were debated in this house. Whilst overall the opposition supports the government's comprehensive review of the University of Adelaide Act (particularly with regard to aspects of governance) we raised specific matters about which we had considerable concern and we were keen to ensure that those issues were amended in some way. In particular, we wanted to be clear about, first, the power of delegation of the council to itself (that is, either individual members or, in particular, a committee); and, secondly, the proposed penalties which may befall a member of council in the event of certain conduct being entered into, conduct which we have consistently said would essentially be covered by criminal or civil law in any event. So, these amendments are welcomed.

There is one other small matter which I place on the record relating to the new powers that are proposed for council to be able to sell university property, with certain exceptions which the opposition fully supports. It came to light during the course of the debate that at least one parcel of land (possibly two) which has been received under the Waite Trust charter and which is duly protected under the government's bill was not covered, because that land is owned by the University of Adelaide. It is not specifically part of the trust, but it clearly forms part of the Waite campus that is operational today. I have received a letter from the minister (for which I thank her) offering some reassurance that, whilst the university does have several parcels in this category, there are encumbrances over those parcels of land and it is not part of any plan to dispose of them.

I have discussed with the minister, and I place on the record, the importance of ensuring that the campus is kept intact and that there be proper consultation and possibly even future legislative amendment to protect these other parcels from being disposed of by the university. The university council, of course, is the body that now will have the effective absolute capacity to do this, no longer requiring ministerial/Governor approval. So, I thank the minister. I totally accept and understand her sentiment and that she shares that view, and I would not want the bill to be held up in its completion through this house today because of that. Whilst we could have attended to it legislatively, I thank the minister for her correspondence.

The other, smaller matter relates to some amendments suggested by members of the university community which seek, I suppose in a very small way, to change the annual

meeting procedure. A request was made that the meeting be able to be convened within four months after the end of each financial year and that there also be an amendment as to the person who should chair that meeting. These are not matters that necessarily require any significant debate and possibly could be incorporated in other processes through the council's management of this procedure. I would have liked to see them dealt with, but I accept the government's concern that the substantive amendments should pass through the parliament as quickly as possible. For that reason, I do not propose to press, on behalf of the opposition, any further amendment to deal with these matters, but I note them and they are now on the record for consideration by the council and implementation in the annual meeting procedure.

The Hon. J.D. LOMAX-SMITH: I think it is true to say that the government is pleased to finally pass this legislation. The passage of the bill will enable the University of Adelaide to get on with its business. Some changes to the original bill have been negotiated between the government, the Chancellor and the Vice Chancellor of the university, the member for Bragg and the Hon. Rob Lucas, and are included in the amendments made in the Legislative Council. The original impetus for the changes, of course, came from the University of Adelaide, and we have been through considerable consultation in getting to this point. The government acknowledges the robust public debate that this bill has generated and is pleased that so many people have taken an interest in the future governance of the University of Adelaide.

The house will be aware of the current higher education review conducted by the federal government. Legislation to give effect to the Backing Australia's Future package is currently before the Senate. One of the pieces of legislation currently before the Senate, the Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003, includes amendments to the Australian National University Act and the Maritime College Act 1978 to include the national governance protocols proposed by the federal government as part of the Backing Australia's Future package. For example, clause 51 of the Higher Education Support Bill amends the ANU Act to include similar provisions in relation to conflict of interest and care and diligence clauses to those in the University of Adelaide bill. The relevant section ensures that the provisions of the Commonwealth Authorities and Companies Act 1997 applies to members of the ANU council. While the Legislative Council saw fit to remove the penalties for council members who act inappropriately, the commonwealth is happy to apply criminal sanctions of up to five years' gaol and civil sanctions of fines of up to $200 000 to university council members who fail in their duty to the university.

Should the commonwealth reforms gain Senate support, increased funding for the universities will be subject to the state's agreeing to include the national governance protocols in university legislation, and this will require amending all three South Australian university acts in 2004. I am happy at this stage to allow the amendments made in the upper house to remain for the sake of passing the bill without further delay because, already, we have spent considerable time debating these matters. But I put on notice my intention to introduce further amending legislation in 2004 to all three university acts should an agreed set of national governance protocols require such amendment.

Further matters have been raised relating to the parcels of land around the Waite Trust, and we will deal with those, in accordance with my commitment, to ensure that the land is protected where appropriate. I thank the member for Bragg for her robust advocacy and interest in this matter and commend the bill to the house.

The CHAIRMAN: The chair notes the comments of the Vice Chancellor during the last week or so saying that the legislative requirements relating to the council had set the trend for the rest of Australia, and the chair notes with some satisfaction that that happened at the time the chair was the minister some years ago.

Motion carried.

SOUTHERN STATE SUPERANNUATION (VISITING MEDICAL OFFICERS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (DIVISION OF SUPERANNUATION INTERESTS UNDER FAMILY LAW ACT) BILL

The Legislative Council agreed to the bill without any amendment.

SURVEY (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): 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 *Survey Act 1992* provides for the licensing and registration of surveyors and makes provisions relating to the surveying of land boundaries. Only surveyors licensed under the Act can undertake surveys of land boundaries.

The Act came into effect on 1 January 1993. The legislation was recently reviewed as part of the State's commitment to the Competition Principles Agreement. While the Review generally commented favourably on the legislation, it identified that certain restrictions relating to the licensing and structure of companies were anti competitive.

It concluded that these restrictions had little to do with surveying land boundaries and were an unnecessary intrusion into the business operations of companies that employ licensed surveyors to provide boundary surveying services.

The Review recognised the need to continue to protect licensed surveyors from an employer exerting undue influence over the surveyor to perform surveys in an inappropriate or unprofessional manner.

These matters are dealt with in the Bill. The requirement for company licences or registration is removed and so also the provisions imposing special obligations on companies. A company or other entity that provides surveying services through the instrumentality of a surveyor will be subject to disciplinary provisions and it will be an offence for such an entity to direct or pressure a surveyor to act unlawfully, improperly, negligently or unfairly in relation to the provision of surveying services.

Prior to 1993, the registration and licensing of surveyors was carried out by a statutory board established under the *Surveyors Act 1975*. The *Survey Act 1992* altered this arrangement and introduced a co-regulatory regime where the Institution of Surveyors is responsible for the licensing and disciplining of surveyors, and the Government, through the Surveyor-General, sets and monitors surveying standards.

The Institution of Surveyors has requested amendments to the Act to improve administrative and disciplinary procedures. These include a change to the reporting and licensing periods from a calendar year to a financial year basis and clarification of the

authority of the Institution to delegate its investigating powers. The Institution intends to delegate its power to direct investigations to a small sub-committee of members.

The Bill will also remove the powers of the Institution of Surveyors to reprimand surveyors and place all disciplinary hearings within the jurisdiction of the District Court. These amendments are designed to separate the investigative and complaint processes from the hearing process to ensure that there is no issue of compromising principles of natural justice, equity and fairness.

The Bill also implements a number of minor amendments requested by the Surveyor-General to improve administrative processes.

The Bill has the full support of the Institution of Surveyors and has been endorsed by the Survey Advisory Committee.

I commend this 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 Survey Act 1992

Clause 4: Amendment of section 4—Interpretation

The definitions of company and share are deleted and new definitions inserted relevant to the imposition of obligations on surveying services providers—entities that provide surveying services through the instrumentality of a surveyor.

Clause 5: Amendment of section 12—Fees and levies

Section 12 requires the Institution of Surveyors to prepare a statement of account of fees and levies received under the Act in respect of each calendar year. This is altered to each financial year.

Clause 6: Amendment of section 13—Annual report

This amendment requires the annual report to relate to a financial year rather than a calendar year.

Clause 7: Insertion of section 13A

13A. Delegations

The new section enables the Institution of Surveyors to delegate functions or powers under this Act to a member of the Institution or a committee established by the Institution. It does not allow subdelegation by that member or committee.

Clause 8: Amendment of section 14—Obligation to be licensed to place survey mark

This amendment clarifies that the offence is committed by the person who personally places a survey mark on or in land without being licensed. (There is to be no offence where a survey is carried out by an unlicensed person or company acting through the instrumentality of a licensed surveyor or a person acting under the supervision of a licensed surveyor.)

Clause 9: Amendment of section 15—Obligation to be licensed to carry out cadastral survey for fee or reward

The section is amended to enable a cadastral survey to be carried out for fee or reward by an unlicensed person or company acting through the instrumentality of a licensed surveyor or a person acting under the supervision of a licensed surveyor.

Clause 10: Amendment of section 21—Applications

This amendment is consequential to the change to financial years for licence and registration periods.

Clause 11: Amendment of section 22—Grant of licence or registration

The subsection dealing with company applications for a licence or registration is deleted.

Clause 12: Amendment of section 24—Duration and renewal

This amendment provides for licences and registration to run for financial years rather than calendar years.

Clause 13: Amendment of section 26—Continuing education

This amendment is consequential to the change to financial years for licence and registration periods.

Clause 14: Substitution of Part 3 Division 3:

Division 3—Special provisions relating to surveying services providers

28.Improper directions, etc., to surveyor by surveying services provider

The new section provides that it is an offence for a person who provides (or who occupies a position of authority in a trust or corporate entity that provides) surveying services through the instrumentality of a surveyor to direct or pressure the surveyor to act unlawfully, improperly, negligently or unfairly in relation to the provision of surveying services.

Clause 15: Amendment of section 34—Proper cause for disciplinary action

The amendment to section 34(1) clarifies that a surveyor is liable to be disciplined if the surveyor has failed to exercise proper care in any aspect of carrying out a survey, including establishing survey marks or preparing a plan or record of the survey.

The new subsections provide that a surveying services provider, or occupier of a position of authority in a trust or corporate entity that is a surveying services provider, is liable to be disciplined if there has been a contravention or failure to comply with the Act.

Clause 16: Amendment of section 35—Complaints

The amendment is consequential to the extension of the disciplinary provisions to surveying services providers.

Clause 17: Amendment of section 36—Investigations by Institution of Surveyors

These amendments are, in part, consequential to the extension of the disciplinary provisions to surveying services providers. The amendments also extend the range of investigative powers available to the Institution of Surveyors by enabling the investigator to ask questions to identify who carried out a survey and to require any person who is in a position to do so to answer questions or produce records or equipment relevant to the matter under investigation.

Clause 18: Amendment of section 37—Consequence of investigation by Institution of Surveyors

The power of the Institution of Surveyors to reprimand a person under investigation is removed. If the Institution is satisfied that a person should be disciplined, the matter must be referred to the Administrative and Disciplinary Division of the District Court.

Clause 19: Amendment of section 38—Disciplinary powers of Court

These amendments are consequential to the extension of the disciplinary provisions to surveying services providers and enable the Court to prohibit a person from carrying on business as a surveying services provider or occupying a position of authority in a trust or corporate entity that is a surveying services provider.

Clause 20: Amendment of section 40—Restrictions on disqualified persons

This amendment makes it an offence for a surveying services provider to knowingly employ or engage a disqualified person to provide surveying services.

Clause 21: Amendment of section 44—Investigations by Surveyor-General

This amendment extends the power of the Surveyor-General to investigate a matter in the same way as the power of the Institution of Surveyors to investigate is extended.

Clause 22: Insertion of sections 55A and 55B

55A.Victimisation

This section makes it an offence for a person to cause detriment to another for disclosing information or making an allegation giving rise to proceedings (including disciplinary action) against the person under the Act.

55B.Vicarious liability for offences

This section provides that each person occupying a position of authority in a trust or corporate entity guilty of an offence against the Act is also guilty of an offence.

Clause 23: Amendment of section 61—Summary offences

This amendment removes the provision classifying offences against the Act. This is a matter now dealt with by the *Summary Procedure Act 1921*. The amendment excludes expiable offences (which have been introduced in the regulations) from the provision extending the period for prosecution to 2 years.

Schedule 1—Transitional provisions

Clause 1: Companies

Companies are to be removed from the registers.

Clause 2: Licences and registrations

Current licences and registrations are to be able to be renewed for either 6 or 18 months to accommodate the change from calendar year terms to financial year terms.

Clause 3: Annual reports

The next annual report of the Institution of Surveyors is to cover a 6 or 18 month period to accommodate the change from calendar year reporting to financial year reporting.

Schedule 2—Statute law revision amendments of Survey Act 1992

The Schedule contains statute law revision amendments.

The Hon. D.C. KOTZ (Newland): In the first instance, I would like to acknowledge that the amendments to the Survey Act of 1992 are supported by the Liberal opposition,

except for one area of the bill. We consider that the Survey Act is a fairly minor act. It did come into effect in January 1993, and since that time issues have been identified from the competition policy review into the act, the Institution of Surveyors and legal advice which has been provided, as well as the Surveyor-General suggesting that amendments to this legislation are necessary to comply. We could class six items as outcomes of the amendments. One outcome is to implement the recommendations of the competition policy review into the Survey Act of 1992.

As we are all aware of the state's commitment to the competition principles agreement, the Survey Act 1992 was reviewed to ensure it contained no unjustifiable anti-competitive provisions. The major recommendation of the review was that the current restrictions on companies and partnerships should be removed and new provisions added to the act making it an offence for any person to exert undue influence over a licensed surveyor to provide a service in an inappropriate or unprofessional manner. The bill repeals these restrictions and makes provisions under which it is an offence for any person to exert undue influence over a licensed surveyor to perform cadastral surveys in an inappropriate or unprofessional manner.

Secondly, item two clarifies that a survey plan produced as a record of a cadastral survey is part of the cadastral survey. Again the amending bill removes an anomaly that was found in this particular part of the act and the opposition supports that. A change was also required in the reporting and licensing provisions of the act from a calendar year to a financial year basis. Section 24 of the Survey Act sets the period or duration for a licence, or registration as a surveyor, as being a period of one year from 31 December. This has caused administrative and financial reporting difficulties to the ISA following the introduction of the commonwealth goods and services tax legislation, and to overcome these difficulties the bill brings the licensing and registration period in line with the financial year.

Thirdly, the amendments look to enable the Institution of Surveyors to delegate its powers of investigation pursuant to section 36 of the act. The current act deals with the disciplining of surveyors. It provides the ISA with the authority to investigate a complaint made against a surveyor (or former surveyor) and to make administrative arrangements for receiving, considering and investigating complaints against surveyors. The rules of the institution have established a Surveyors Board which is elected by the membership and delegated the responsibility for these activities. Legal advice has suggested that the institution cannot delegate all its powers under the act to the Surveyors Board.

It can delegate the administrative arrangements that enable the board to receive and acknowledge complaints and forward them to the institution. It cannot delegate the specific powers of conciliating, appointing investigators, considering reports of investigators, issuing a remand or lodging a complaint with the court. These powers can only be exercised by the division or committee consisting of the president, the vice-president, immediate past president and seven committee members and two federal councils. The surveying profession in South Australia is relatively small, with approximately 100 licensed surveyors actively lodging plans in the Lands Titles Office. Under the current investigation process, as many as 15 licensed surveyors could have an intimate knowledge of a complaint made against a surveyor and the outcomes of the investigation.

This does make it very difficult to maintain confidentiality and has the potential to cause personal damage and, indeed, embarrassment to a surveyor under investigation. The institution said that it, too, is concerned with this procedure. It has the potential to compromise an investigation and deny the passage of natural justice, as the subject of the complaint would be known to a large percentage of the surveying profession while still at the investigation stage. To overcome this situation, the bill empowers the Institution of Surveyors to delegate its investigating powers to an appropriately constituted subcommittee. Item five is the removal of the power of the Institution of Surveyors to issue a reprimand pursuant to section 37 of the act. This is sequential to the previous amendment to which I have just referred.

The one concern that the Liberal opposition would like to state very strongly concerns the amending of section 51 of the act, which looks at removing unnecessary duplicate notification procedures and limits the powers of the land and valuation court on hearing an appeal. On reading the act, the Liberal opposition does not consider that we are looking at duplicate notification procedures. What we are looking at is a set of procedures which have been set in the previous act and which therefore have become the law. Consequently, people who have an interest in the legal positions of boundaries, through the processes inherent in the existing act, may be able to get two notifications: one initially when the Surveyor-General announces that a certain area of the state will have a survey conducted to determine the boundaries which are legally termed as possibly confused boundaries of the state.

Under that first process, all people with a registered interest will receive notification that the survey is about to take place, and anyone who wishes to raise an objection can do so at that time. The people who are entitled to be notified are those persons who continue to hold the registered interest in land by reason of which they are so entitled, all persons with a registered interest in the land, all persons with a registered interest in the land adjoining the land and all persons who have a registered interest in land that is likely, in the opinion of Surveyor-General, to be directly or indirectly affected.

It is quite obvious that this particular area of the bill seeks to disallow the second notification and therefore diminishes the rights of individuals to be notified of a due process in areas which can certainly affect them in terms of the land that they own with regard to boundaries that may be incorrect as a result of very poor quality surveys, particularly in the early days of the settlement of South Australia.

Section 51 of the Survey Act provides a remedy for rectifying boundaries in areas that are declared by the Surveyor-General as confused boundary areas. These areas are determined on the basis of what is fair and equitable. The surveys are normally carried out by the Surveyor-General and are at no cost to the landowner. Land title dimensions are often altered as a result of the survey because the new boundaries will generally reflect the position of fencing and other improvements. As a result, some landowners gain small amounts of land compared to the dimension shown on their certificates of title and others may lose land. After the plan has been examined, the Surveyor-General is required to give notice to all persons with a registered interest in the land surveyed, advising them that the plan is available for viewing and that they have the opportunity to lodge an objection with the Surveyor-General.

The Surveyor-General, in consultation with the Registrar General, must consider any objections received and then

approve the plan with or without modification. The act then requires the Surveyor-General to once again give notice to all parties, notifying them that the plan has been approved and advising them that they have 14 days within which to lodge an appeal on the position of the boundaries with the land and valuation court. This bill in amending the current status of notification suggests that, if a landowner did not object following the initial notification, they have accepted the boundaries as determined and there is little likelihood of further objection. The opposition totally disagrees with that premise. In fact, one anecdote received in terms of a land boundary survey claimed that, in effect, one landowner gave back a portion of land that had not been considered under his own certificate of title for something like 100 years.

When the boundaries were tested and it was found that this portion of land belonged to the owner with the certificate of title for a certain area of ground, the Surveyor-General in completing the plan did return this piece of land that was wrongly surveyed to the person with the certificate of title. That individual then appealed to the court and won compensation of $1 000 from local government, which had been using this piece of land not correctly held by local council. In compensation for the fact that for 100 years the land owner had not had the use of the land, the court awarded $1 000 in costs. This individual had not in the first instance of notification registered any objection. It was not until the second notification arrived that the land owner, recognising the outcome of the whole process of delivering his piece of land to him after 100 years, took the action that he did. For those reasons alone it is suggested that those who register an objection after the first notification are the only people who will receive notifications the second time round.

I would suggest that the premise that the government is working on is entirely wrong, because that anecdote proves that the second notification is equally important as the first. It also brings into question the last part of section 51 that the government wants to amend. That is where it has suggested that no compensation is payable by any person as a result of a land boundary determined under this section. This is another amendment to the current status of this act that does not mention compensation at all. The current act provides that 'the court may make any further or other order as to costs or any other matter on the application of', etc. What the government is attempting to do in this instance is, first, to deny a right of appeal that could normally have come about through a second process of notification; and, secondly, to determine that the owner who has been wrongfully treated in the past through incorrect boundary assessments will not be able to seek compensation through the court.

In all cases of natural justice I would consider that the court is the final arbiter and that every person has a right to take an appeal to a court to get another finding on a matter that is dealt with from another entity, in this instance a government entity through the Surveyor-General's Office. The fact that the government wishes to deny access to compensation is again premised on the fact that this could set precedents that, apparently in the government's mind, could endanger the coffers of the state by great claims for compensation that may be made through the courts. In questions in another place in trying to determine how many precedents had in fact already been set, this was the only anecdote we were given. In fact, the minister has stated in another place that there has been only one since the time of his birth. I would suggest that so far the current act has served South Australians well. It does apply natural justice, and I find that this proposed amendment to section 51 of Survey Act by clause 21 of the amendment bill denies people those rights. Under all those circumstances, the Liberal opposition will not support this amendment. We will accept the status quo of the current act but we will not accept the amendment.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for her contribution. I note that those opposite have committed themselves to supporting the greater bulk of the Survey Bill and I thank them for their cooperation. I understand that two matters trouble them: one is the limitations on the opportunity to object to a relevant correction of a confused boundary by the Surveyor-General, which is limited to one opportunity; and the other is the limitation of compensation to persons who have suffered a detriment as a consequence of the boundary changes.

The first thing that needs to be said of this provision is that it is indeed a dispute resolution provision, directed at circumstances where there is not actually a live dispute. They are circumstances in which, in many cases, the relevant landowners may not actually know that they have this particular difficulty, so I think one needs to approach the process of dispute resolution with that firmly in mind. We do not want to create neighbourhood disputes where none exist already. It is simply a process whereby the Surveyor-General, at no cost to the land owner, involves himself in correcting these boundaries. Essentially, the purpose of the Confused Boundary Survey is to resolve boundary problems in areas where there are differences in the position of land a person occupies and their legal entitlement as shown on the certificate of title. This can often have a knock-on effect on a number of different blocks.

The legislation requires boundaries to be determined on the basis of what is fair and equitable. The usual result of the survey is that existing fences are accepted as the boundary, even though they may not line up with the current legal entitlement of the boundary. As a result, some landowners may 'gain' a small piece of land compared to those who are shown on their title to actually lose, but in any relevant sense they are just maintaining the status quo. While there may be significant differences between fences and legal entitlement, consultation with the property owners occurs at the time of the survey in an attempt to obtain an agreed position on the boundary at an early stage. As I understand it, in most cases agreement is capable of being reached on the actual boundaries.

The legislation only provides statutory processes to enable large areas of boundary confusion to be remedied and, without that provision, it would be necessary for landowners to negotiate boundary rectification issues with their neighbours on a boundary by boundary basis. You can imagine that that would be a costly and also somewhat disruptive process. The cost to individual landowners could be of the order of $3 000 to $5 000. If we are talking about compensation of the order of $1 000, it seems a bit strange to be off to the Supreme Court over a $1 000 difference when it will cost you something of the order of $3 000 to $5 000 to resolve it. The amendment, at least in relation to the compensation provision, is a result of a ruling from the Land and Valuation Court in relation to an appeal against boundaries carried out after a survey under the Local Government Act.

The elements within the Local Government Act have now been put in the Survey Act so that it becomes a relevant precedent for these purposes. The judge dismissed the appeal but ruled that compensation should be paid by one land

owner, in this case the council, to another for the appropriation of property. If we do not have a situation where the right to compensation is precluded by this scheme, inevitably, when the boundary is determined on the basis of what is fair and equitable, the appropriate remedy for dealing with what is fair and equitable is actually to appeal the boundary and have the boundary changed. That is the appropriate remedy that ought to exist in the case and that is what does exist in this case.

If it is the case that the court is going to be allowed to have compensation awarded in this case, it will simply be the policy of the Surveyor-General to take his hands off this whole process. Why would you get involved in trying to sort out boundaries in an orderly way at no cost to people, by actually providing the good offices of the state to do this on a case-by-case basis, if you could trigger off a whole range of neighbourhood disputes? You would worsen the situation. For any advantage you sought to create by tidying up the boundaries, you would suffer the consequence of potentially triggering a set of claims for compensation as individual landowners sought to be compensated. People have dwelt on being compensated for the loss of land, but what they have not spoken about in this house is that other people will have to compensate them.

So, it is fine to take the part of the person who has actually lost the piece of land to their neighbour, but it is the neighbour who will have to pay for this piece of land. So, while you might want to stand up for the rights of the neighbour who you feel has unfairly lost this land, you are then also consigning yourself to appropriating from another landowner an amount of compensation to that person. This is classically a case that ought to be resolved, where possible, by agreement. That is what the Surveyor-General seeks to do. When he finally has to make his own mind up in the event of a disagreement, and make what he believes is a fair and equitable survey, the remedy in this case ought to be to go to the court to seek to change the boundary, not to have a right to compensation.

The government opposes the amendments. We understand the motivation for them but we believe that it will put at risk the scheme that has been put in place, and the Surveyor-General has advised that he would seriously have to consider carrying out future surveys to remedy confused land boundaries. If, through carrying out this activity, there was a potential for landowners to be liable for compensation, that would put at risk a valuable community service provided by the Surveyor-General.

I note that some members opposite suggest that there should be, a la some of the other states, a survey whenever there is a transfer of land. That would impose unnecessary costs and burdens on the system which simply is not warranted. We need to realise that these are virtual disputes. They are not disputes that are real. We do not want to turn them into real disputes by creating rights to compensation. We just want to intervene in a relatively light touch fashion to honour this, on an orderly basis, as the resources of the Surveyor-General allow, and to try to fix up these difficulties without setting neighbour against neighbour.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. D.C. KOTZ: I would like something clarified. I have here two amendment bills, one of which says that section 22 amends section 51, and the other says that clause 21 amends section 51. I want it understood that our interest is not in the prior clauses but in clause 21 or 22, whichever deals with 'surveys within confused boundary area'.

The CHAIRMAN: I have before me amendment No. 48(1) in the name of the minister which is to insert a new clause after clause 21 dealing with 'surveys within confused boundary area'.

Clause passed.

Clauses 3 to 21 passed.

New clause 21A.

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

After clause 21 insert:

21A—Amendment of section 51—Surveys within Confused Boundary Area

Section 51—after subsection (12) insert:

(12a) No compensation is payable by any person as a result of land boundaries determined under this section.

The Hon. D.C. KOTZ: The majority of the comments that I made in my second reading speech detailed that the Liberal opposition is opposed to the amendment of section 51 through clause 21A. That reflects the whole of the clause, which proposes striking out subsection 7 and substituting a subsection that removes the right of land owners with interests to receive a second notification from the Surveyor-General when the plan is approved by the Surveyor-General for the second time. The opposition believes that this diminishes the rights of individuals. The minister talked about virtual problems and reality, and suggested that no-one had spoken about those people who may gain land from the Surveyor-General's new plans. In fact, the anecdote that I described to the minister was of a land owner who had gained land and, as that land had been used as a road by local government for 100 years, costs were recovered and compensation of $1 000 paid.

We are talking about amendments to an act that has been well and truly satisfied with all its previous delegations throughout the state. The Surveyor-General and his office do an absolutely marvellous job, and we certainly do not derogate in any way from the office held by the Surveyor-General or by those who conduct our cadastral surveys from time to time. What the Liberal opposition is saying is that there has been no precedence set other than the one compensation claim, and that was on gaining land. So, I would suggest to the minister that this act has served the people of South Australia for a very long time and done it exceedingly well.

At this point the only precedent that has been set was that one court case and, as I mentioned to this house, when the minister was asked in another place how many court cases had come about because of this, he suggested that there was only one and his comment was 'since [his] birth'. I do not dare to raise how old that particular minister is; however, I would suggest that for a good number of years nothing at all has been taken into court, because of the current act and the current situation. So, we are definitely opposed to the alteration and we ask that this committee uses its logic, uses the practicality of the application of the original act, and maintains it under its status quo.

The Hon. J.W. WEATHERILL: I think that, to some extent, the debate has been proceeding under a misapprehension, which may be my fault in part. In the upper house the first part of clause 22—that is, the one concerning the two objections to the survey—was, in fact, agreed to. The amendment that we are putting back into the act does not seek to put the first part of section 51(7) back into the act. For

instance, the amendment presently before the committee seeks to reinsert only that no compensation is payable by any person as a result of the land boundaries determined under this section.

The Hon. D.C. KOTZ: I thank the minister for the explanation. Under the terms of the discussions in this house, it is the Liberal opposition's intent that the existing section 51 remain and, if it is necessary for me to move a amendment to include that section, the minister having suggested that another place has removed it, it would be my intent to move such amendment to reinstate the current act as the position we would hold and support. We certainly do not support clause 21A that takes away any compensation, but in this instance we are talking about the amendment of section 51.

The Hon. J.W. WEATHERILL: In the upper house, dual notification is the status quo—it is in the current act. In the bill brought to the upper house, we sought to reduce it to single notification and the upper house rejected that proposition. I do not seek to reinsert the single notification in this bill, so the only dispute between us is the compensation.

The Hon. D.C. KOTZ: So it is a dual notification in the amendment bill now?

The Hon. J.W. WEATHERILL: Yes. I seek to insert the new clause that no compensation is payable by any person as a result of land boundaries determined under this section.

The Hon. D.C. KOTZ: I have already stated our objections to the removal of the ability for compensation to be paid if that is the desire and wish of a court after it has rightly seen any appeals under its jurisdiction to look at as the current act states. The current act gives the court the ability to look at costs and order as such. There is no mention of compensation in the current act, but it enables costs to be awarded through the court. To have an amendment here that denies people the right, if the court agrees that compensation is a required outcome, is one that the opposition certainly will not support.

The Hon. J.W. WEATHERILL: I have made my position clear in relation to compensation.

The committee divided on the new clause:

AYES (22)

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

NOES (19)

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

PAIR(S)

Breuer, L. R.	Gunn, G. M.
Foley, K. O.	Matthew, W. A.

Majority of 3 for the ayes.

New clause thus inserted.

Remaining clauses (22 and 23), schedules and title passed.

Bill reported with an amendment.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

Mr HAMILTON-SMITH (Waite): I raise the issue of the Classic Adelaide Rally, an event to be run in the next two weeks by Australian Major Events.

The Hon. J.D. Lomax-Smith: Too late.

Mr HAMILTON-SMITH: The minister says it is too late. If she stays around for a couple of minutes she might learn something from my observations. I understand that the government has been agonising for about a week in regard to what to do about the Classic Adelaide Rally. The Classic Adelaide Rally, a most successful event, has been run for several years now. Another invention of the former Liberal government, it involves entrants from all around the world who assemble in Adelaide with classic rally vehicles and then proceed to participate in a rally-style event that has many stages in and around the Adelaide area. Traditionally, the race goes up into the Barossa Valley, into the Southern Vales and down towards Victor Harbor, and it goes east. Within the metropolitan area it involves a number of stages. There are also a number of categories. The event in 2003 is likely to one of the biggest and most successful of all preceding events, but there have been some problems.

I was interested to read in the *Advertiser* on Saturday a report that indicated that the government was considering withdrawing its support from the event at two weeks' notice. Vehicles are already on ships heading here from overseas and people have already booked their flights. The event is about to open and the government is threatening to withdraw support from the event, a little less than two weeks out.

That does not auger well for confidence in the business community, given that this event is entrepreneured by Silverstone Events. The event has been outsourced from government, the government having invented the event, and it has been given to Silverstone. At considerable risk, financial and personal, it has taken over the event from government. The risk is carried not only by Silverstone and its proprietors, but also the organiser of the event and CEO of Silverstone, Mr David Edwards, who has put so much heart, soul and cash into the event.

The government's dilemma is that the organiser, Silverstone, has decided to break with the Confederation of Australian Motor Sport (CAMS), the national body. Silverstone has done so because it felt that the costs of remaining with CAMS in terms of insurance, licensing requirements for participating drivers and certain other financial costs had become overwhelming. Silverstone also felt that an amount of red tape and bureaucracy had been imposed upon them by CAMS, which it was having difficulty complying with. Thirdly, Silverstone felt simply the event was becoming constrained, in the style of the stages, the speed limits that were to be applied to the various stages, and a range of other constraints that basically had become too much for the organisers. So, the organisers notified CAMS that they intended to run the event without CAMS' involvement.

This led to quite a response from CAMS, which wanted to stay involved. I understand that the fees paid to CAMS are quite substantial and run into the tens of thousands in terms of overall revenues but, in turn, CAMS provides a range of services to the event. Essentially the event felt that it needed to break with CAMS. I have done some research on this, and I can see both sides of the argument. CAMS is of the view that it is the only national body in a position to provide imprimatur over this event, to provide sanction for it, and that in order for it to be run safely and competently CAMS needs to be involved. After all, it has a licence from the international body, the FIA, being the senior peak body.

On the other hand, Silverstone was of the view that it had adequate safety arrangements and protocols in place to run the rally itself, that it could get the insurance as extensively and cheaply from other sources. It had already consulted with police and, with excellent support from the AME and the SATC in general, it had set up arrangements to run the race in a very competent and safe fashion. I point out to the house, particularly members of the government, that some ructions are going on in within motor sport at the movement. CAMS, a body to be respected and admired, is facing some challenges from a breakaway group, which is positioning itself to set up a competing national body.

I am advised, and I am happy to be corrected, that a number of race circuits are considering moving away from CAMS and that there is some momentum to review relationships with CAMS, the national body, from a number of parties involved in motor sport at a fairly senior level around the nation, not just here in Adelaide and not just in regard to the Classic Adelaide event. I caution the government not to get too involved in what may essentially be ructions among associations in the motor sport industry, and that seemed to be where this was going.

I was particularly interested to learn the following from the media article on Saturday, and I believe there was also some television coverage on Thursday night:

> Kevin Foley, the Acting Premier, yesterday issued proclamations stating that the government would only support the rally if it was conducted under the auspices of CAMS.

The Treasurer is now jumping into the event, running over the Minister for Tourism, who is responsible for the event, taking charge of the event and making public announcements and media statements about what is or is not going to happen with the rally. I simply ask: who is in charge? Is the Minister for Tourism in charge—it is her event, AME run it—or is the Treasurer in charge? It seems from the media reports and public statements that have been made that actually the Treasurer is in charge. This raises questions in my mind about whether the Minister for Tourism is actually involved in the management of government at the moment, because it seems that the Treasurer is running the show, not her—but that is another issue. I understand that this event has been rescued today and that a deal has been brokered between CAMS, Silverstone Events and the government. I do not know whether Kevin Foley or the Minister for Tourism is in charge, but someone in government has got the parties together and brokered a compromise. I believe that CAMS has given a bit of way on a range of imposts that it was putting on Silverstone, that Silverstone has also given a bit of way, and that now the event will go ahead under CAMS's auspices.

I am relieved and delighted that the two parties have come together and that the event is now out of danger. However, I am saddened that it was necessary for the government to threaten cancelling the event and withdrawing its funding, given that I note that in its annual report it has now said that it will provide support for the event over the next three years. That is a good thing, but I think it jumped in boots and all with threats and innuendo a little too early. There was no reason why the government could not have got CAMS and Silverstone together without the environment of threats and innuendo and brokered the sort of compromise that has been achieved today.

I commend David Edwards of Silverstone for this compromise, and I also commend CAMS (the national body) for its decision to give way and see the event clear. It promises to be an outstanding event. There will be more than 200 entries. The principal racing event will take place from 19 to 23 November with another event following on 24 to 29 November. There will be 35 special road stages. This is a really exciting event. I encourage the media to promote it and everyone to watch it. It attracts tens of thousands of spectators. It is loud, it is noisy, it is good fun for Adelaide. It promotes tourism, bringing stacks of people from interstate and overseas to see all that Adelaide has to offer. AME run this event really well; I have great confidence in them and they are doing a great job in supporting this event. It will grow and get better and better and, eventually, with a bit of support from the government, Silverstone will allow this event to fully blossom, but it has to be simple and not bureaucratic; it has to be easy.

Motion carried.

At 5.53 p.m. the house adjourned until Tuesday 11 November at 2 p.m.