HOUSE OF ASSEMBLY

Thursday 1 August 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I move:

That the sitting of the House be continued during the conference on the Bill.

Motion carried.

PUBLIC WORKS COMMITTEE: SOUTHERN EXPRESSWAY

Mr OSWALD (Morphett): I move:

That the thirtieth report of the committee on the Southern Expressway Stage 1 be noted.

In December 1995, the Public Works Committee reported to Parliament regarding the Southern Expressway project. As the report has already been to Parliament, the remarks that I will make this morning will be brief because members who are interested in the Southern Expressway will have ample opportunity to refer to the previous *Hansard*.

In the report that was presented earlier, the committee gave its support in principle for the first stage of the project and recommended the commencement of works to remove unstable soils from the O'Halloran Hill section of the road corridor. Those works have now been completed and the next part of stage 1 of the project is ready to commence. However, until now, the committee has been unable to approve works for stage 1 beyond the removal of those reactive clays because of outstanding Aboriginal heritage issues that had to be resolved in what is known as Laffers Triangle in the area of the City of Marion. Laffers Triangle is below the Darlington intersection at the interface between the plains and the hills face, and that is where the new road will commence to rise.

After extensive negotiations, the committee can now report that authorisation has been received from the Minister for Aboriginal Affairs which allows the Department for Transport to disturb this site and commence developing this section of road corridor. In the Act under which the Minister for Aboriginal Affairs works, a specific measure provides that nothing can happen until the Minister for Aboriginal Affairs gives his authority. The Minister has adhered to that requirement very strictly and, as a result of extensive negotiations, that approval has now been granted.

The excavation of the site will be monitored by representatives of the Kaurna Aboriginal group to ensure that any artefacts that are discovered can be dealt with in an appropriate manner. That will provide them with the opportunity to be saved, stored and put on display at an appropriate time. Furthermore it is the Department for Transport's intention to involve the Aboriginal community in the project by participating in landscaping projects and the provision of Aboriginal art and signs.

The committee took extensive evidence in relation to the actual layout of the road. Committee members were shown extensive plans for the road and entry and exit points in relation to certain intersections, and the committee was fully satisfied with that evidence. Having said that, the committee considers that all outstanding issues in this project have been dealt with and, as stated in the previous report to Parliament, believes that the Southern Expressway will enhance the transport needs of the southern region. The Public Works Committee fully supports this proposal and, pursuant to section 12 of the Parliamentary Committees Act 1991, recommends that the proposed work proceed.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: VEGETATION CLEARANCE

Mrs KOTZ (Newland): I move:

That the twenty-first report of the committee on the vegetation clearance regulations pursuant to the Electricity Trust of South Australia Act 1946 be noted.

This matter was referred to the Environment, Resources and Development Committee by the House of Assembly following an initiative of the Minister for Infrastructure to refer the matter to this parliamentary committee to review the vegetation clearance regulations pursuant to the Electricity Trust of South Australia 1946. This followed a long history of issues raised by local councils in relation to non-bushfire risk areas. There has been continuing debate in the community and amongst local government representatives as to the extent and/or necessity for vegetation clearance to be a mandatory requirement in certain circumstances, particularly in non-bushfire risk areas.

This report includes a background history of the issues and a review of the evidence given by the parties involved. The committee, in recognising its specific terms of reference, was also aware of the substantive public debate regarding the importance of ongoing programs for the undergrounding of electricity and telecommunication cables that would alleviate the risks involved with overhead cables and with the policy of vegetation clearance. The committee has undertaken a comprehensive review, given that the last review was completed in 1988.

After describing the main purpose of achieving vegetation clear powerlines in non-bushfire risk areas, our report in part 3 outlines the background history of the regulations that led to the Minister for Infrastructure seeking to appoint an independent arbitrator to investigate the issue of vegetation clearance. Following the refusal by some local councils to accept any independent arbitrator nominated by the Minister, and recognising that the issue would be a drawn out affair, the Minister, in an endeavour to resolve this impasse, attempted to get the Local Government Association to take over the issue in line with the South Australian Government and the Local Government Association.

This was not successful as the Local Government Association could not reach agreement between member councils. Having exhausted all avenues, the Minister for Infrastructure placed a moratorium with objecting councils until this committee had reviewed the regulations. Additionally, some local councils that had clearance agreements began to equivocate because of the current situation of dispute and refusal of certain councils to act according to the law. Part 4 of the report sets out the objectives and recommendations of the committee, which identify the following major objectives to determine its terms of reference: the adequacy of the

vegetation clearance regulations at the present time; the liability indemnity of parties affected by the regulations; the adequacy of the present programs of undergrounding and overhead electricity supply in relation to the duties enforced by the regulations; and procedures for dealing with disagreement on vegetation clearance matters between the parties.

In its deliberations, the committee considered the origins of the regulations, the review of the regulations pursuant to the Electricity Trust of South Australia Amendment Act 1988 and the purposes of the Electricity Corporations Act 1994. The committee received evidence from a wide range of parties, including the Electricity Trust of South Australia, the Local Government Association, associated committees, individual local authorities, the insurance industry, local associations, telecommunications carriers, and other individuals. The detailed reasons are set out in part 5 of the committee's report. We have found that the most vexed question arising from the inquiry concerns reactions of certain local councils in rejecting any prescriptive arrangement for non-bushfire risk areas.

This has led to the failure of the arbitration provisions pursuant to the regulations. In our review, the committee recognises that the amendments of 1988 to the Electricity Trust of South Australia Act 1946 were enacted to facilitate agreement of local authorities on vegetation clearance around overhead powerlines through Agreed Schemes provisions. The committee was aware that South Australia is the only State with such provisions and that councils in New South Wales and Victoria are required by legislation to clear vegetation around powerlines rather than the electricity supplier.

Despite promising developments throughout 1994, the Agreed Schemes provisions have not proceeded because of an assumption taken by certain councils of an inability to provide indemnity for public liability if a transfer of responsibility were to be an option. A further contention stated by a number of councils was that the regulations are unnecessary due to an assumption that no risk and therefore no liability applied in non-bushfire risk areas.

After taking into account the detailed submissions of the parties in contention, the committee recommends that the primary responsibility for vegetation clearance around overhead power lines should remain with the power supplier and that the present regulations drafted in 1988 to bring them in line with national standards are adequate. However, the committee does not accept the contention by certain councils that vegetation clearance regulations are unnecessary in non-bushfire risk areas. The substantial evidence from the insurance industry concluded that public liability insurance is essential for any organisation or individual to protect them in the event of their being found responsible, including protection against any costs involved in defending legal action brought against them for public liability which would be covered under the same public liability insurance.

The insurance industry considered that the cost of public liability insurance in non-bushfire risk areas would be minimal. Therefore, we find no reason why councils should not take on the normal risk that applies to any other organisation or individual. Therefore, we recommend that the local councils which desire complete control of tree planting and vegetation clearance should take the normal risks of public liability and the regulations should be amended to provide for an agreed transfer of responsibility. The committee finds that there is no impediment for the provisions of the local government mutual liability scheme as outlined by the scheme's risk manager in his initial evidence to the committee that, appropriately structured, the scheme could provide indemnity for any member council operating vegetation clearance independently of the Electricity Trust of South Australia or any other supplier. Therefore, we make this recommendation.

The committee also recommends that the legislature should ensure that the Electricity Corporations Act 1994 includes provisions to allow the transfer of responsibility under the regulations to any new power supplier due to the disaggregation of electricity policy which enables new suppliers of electricity to enter the market. With regard to the 'agreed schemes' provisions, the committee recommends that they remain as a vehicle to accommodate local government to negotiate control of their environment with the primary electricity supplier retaining the responsibility and liability.

Since 1988 about 80 per cent of councils have reached agreement with ETSA within the Act and regulations. However, 20 per cent of councils have been reluctant to follow this process, which led to the Minister for Infrastructure declaring the moratorium. The committee, being aware of the long period of disagreement between the parties, recommends that the regulations be amended to facilitate a compulsory conciliation conference provision prior to any dispute under the regulations being arbitrated.

In attempting to strengthen the conciliation process, the committee was most concerned by the reluctance of certain councils to follow the arbitration process—in effect, to operate outside the law. Our report, therefore, recommends that the Minister for Infrastructure retain powers to have a dispute arbitrated and that it is essential that adequate enforcement provisions be contained within the Act. It is unacceptable that an important arm of government, such as local councils, should refuse to meet statutory obligations to clear vegetation around power lines or to accept any arbitrator nominated by the Minister to comply with those statutory obligations.

The report recognises that one of the main thrusts of the Local Government Association's submission was that undergrounding of all high tension wires should be a long-term aim. The Local Government Association submitted that any suggestion that telecommunication carriers or the Electricity Trust of South Australia be allowed to continue to install any new overhead cabling will further entrench local government's view that it should not enter into any negotiations about taking over responsibility for tree pruning in accordance with the Electricity Trust of South Australia regulations.

The committee recognises that its terms of reference centre on vegetation clearance in relation to overhead powerlines. However, the evidence presented to the committee expresses concerns relating to telecommunications carriers and their current operations. The committee shares these concerns and accepts that the evidence cannot be extrapolated to ignore these interrelated concerns. However, the committee finds it unacceptable that councils refuse to enter into negotiations regarding responsibility for tree pruning under the State regulations when regulations for telecommunications carriers are controlled by Federal statute. In contrast, ETSA submitted that, within the terms of reference of the committee, it would not erect any further overhead powerlines if Parliament so legislated. Therefore, our report recommends that the Legislature amend the Act to prevent the Electricity Trust of South Australia from erecting any further overhead distribution lines in the metropolitan

area; that the undergrounding of powerlines continues as a matter of urgency; and that progress is reported to the Parliament in every 12 month period.

The report further recommends that, in the non-bushfire risk areas considered by the committee's terms of reference, Parliament amends the Act to provide for all further 11 000 volt lines to be undergrounded. As previously mentioned in the report, the committee recognised that its terms of reference centre on vegetation clearance in relation to overhead powerlines. However, the evidence presented to the committee expresses concerns relating to telecommunications carriers and their current operations. Both Optus and Telstra gave evidence to the committee regarding their substantive cable roll-out programs.

The committee was particularly concerned about the Optus overhead cabling by utilising the existing ETSA overhead distribution poles. Evidence from both ETSA and the telecommunications carriers centred around the non-compatibility of their individual systems and that shared trenching was technically difficult. The committee accepts that technical difficulties do exist between the two different systems adopted by the telecommunications carriers but notes that the main problem is the lack of cooperative planning between the two carriers, mainly due to competitive rivalry.

Telstra is using a 'bore' trenching system that may be adapted to accommodate Optus cables if sufficient cooperation was negotiated. It was also noted that the conservative cost, given by ETSA for the undergrounding of existing overhead distribution lines, is high. However, the committee is of the view that cooperative planning and sharing of costs between these three suppliers is a feasible alternative to the present independent approach to planning and to undergrounding.

Therefore, because of these concerns, our report ends by recommending that the State and Federal Governments should develop joint programs for sharing of trenches by electricity and telecommunications carriers and, further, that the State Government seek a commitment to a program for the undergrounding of telecommunications cables from the Commonwealth Government. We also recommend that strict adherence to local planning and development Acts be addressed as part of the AUSTEL code for telecommunications carriers. The report recommends that a legislative program for undergrounding for power and telecommunications cables be enacted, with specified targets for residential and tourism areas, and that the State Government encourages development of technological advances in underground cabling techniques.

In commending these recommendations to the House, I wish to thank all those who contributed to their formulation and all those who contributed to the difficult task given to the committee of attempting to reconcile the need for public safeguards in relation to overhead powerlines, national standards, environmental concerns of local authorities, and the concerns of members of the public. The committee also wishes to thank its new research team which includes Gabrielle Artini, Secretary to the Committee, and David Lumby, our new research officer. The committee also thanks once again *Hansard* for its diligence, even though the acoustics in the old Chamber still cause great difficulty for all committees and for all people presenting evidence.

The Hon. Frank Blevins interjecting:

Mrs KOTZ: At this stage my concern is for the acoustics without amplification in the old Chamber which cause great difficulty, not only to members of the committee who are listening to the evidence given but also to *Hansard* and those in the public gallery who appear each week and who are concerned and interested in the evidence given to our committee. Hopefully that will be taken into consideration.

Mr VENNING (Custance): I support the member for Newland and the ERD. I congratulate the committee on a good and, once again, detailed report. I congratulate the Chairperson, the member for Newland, and her officers for the fine work they have done. This was an interesting investigation, and we are all aware of its importance when we see the beautiful trees around the lovely city of Adelaide being heavily pruned. This has been a vexed question for many years in South Australia. Local government has certainly had problems with ETSA's tree cutting and the public and then the committee became aware of that. ETSA is charged with the responsibility of tree cutting and is also responsible for the damage caused by bushfires or outages, which cause shorts and blackouts, that is, electrical damage. That is particularly so when we have high voltage wires strung on the top of poles and the low voltage wires below. We cannot really blame ETSA for playing it safe, particularly in these times of litigation.

ETSA is prepared to hand over its pruning powers to local government, but local government must also accept the responsibility, and that has been the Achilles heel thus far. Councils have wished to take over tree pruning but, when it comes to legal liability, that is where the matter usually comes unstuck. I note that the City of Unley was almost to the point of signing an agreement but, in the end, the legal liability meant that the agreement was not proceeded with. I hope that local government will take up this option, because in some areas that responsibility probably lies best with it, but it must also take advantage of existing local government insurance, which the member for Newland told us about—the Local Government Mutual Liability Scheme. I am told that premiums are not excessive and that the scheme is willing to cover local councils in this matter.

I agree with many people that our trees appear to be over trimmed, especially in non-bushfire areas. I find the current practice difficult to understand, because in my electorate we have broad acre spaces. I can understand trees being trimmed in country areas where there is a bushfire risk, but in Burnside, Norwood and other areas that have beautiful leafy streets, it concerns me greatly to see trees lopped down and square topped under power lines. The member for Norwood is very supportive and has often reminded me of the brutalisation in his lovely electorate. I note his ongoing interest in that electorate and I am sure that he will make sure everything is done to protect that area. I have some difficulty understanding why, in non-bushfire areas, we see such savage cutting of trees when we will not see bushfires in such areas. As I have said, legal liability leaves no choice, because ETSA is bound by law to be responsible and it does what it considers necessary to safeguard itself.

The report also recommends that all new power lines be undergrounded. That recommendation is to be commended. When we are setting up new systems, the cost of undergrounding power lines is higher—if it is one method versus the other—but surely undergrounding makes common sense. In new developments in Adelaide power lines are undergrounded and it is a pity that we did not start that process 20 or 30 years ago. However, I note that South Australia is right up there with the best of the other States in its undergrounding program and I commend ETSA for its undergrounding

program in existing areas, particularly under the Main Street schemes in my electorates. Several towns have availed themselves of undergrounding power, particularly my home town of Crystal Brook, and now we are seeing it in Angaston, Kapunda is coming on stream and it is has been done in Clare. The aesthetic improvement from putting power lines underground in main streets via the PLEC scheme is fantastic and I congratulate all those involved with the scheme.

The committee highlighted that the trenches being used for undergrounding of powerlines can be shared. In fact, we should insist that they be shared, whether with the telecommunications companies that are connecting houses with cables at the moment. Unfortunately, these cables are hanging in the air and we have no control over that. In some areas, the trenches can also be used for water services and drainage. This is common sense and cooperation at the best. The committee recommends that that continue and that the Parliament insist on that happening.

The committee inspected new developments and saw first-hand the developers placing powerlines and telecommunication cables underground. By far the best way to do it is from the start, because there will never be any more hassles. The trees can be planted anywhere and there are no worries about what they may or may not do.

Many witnesses gave evidence to the committee, some presenting information about new technologies in relation to trenching. In other words, you do not have to dig up the ground and make a mess of beautiful gardens, because they can 'worm' horizontally with a flexible borer arrangement. The technology used to control this 'worm' under the ground by electronics was quite mind boggling. It was fantastic technology. I hope it becomes more widely used and that we see more undergrounding of existing services. In his tenth or fifteenth year here, the member for Norwood will be able to say that the Government has undergrounded 80 per cent of the powerlines in his area. I think the honourable member will be here long enough to see that. At the honourable member's invitation, the committee did visit Norwood and inspect this work. I was pleased to be a member of the committee, and I was satisfied with the final report. I recommend that members take the time to read it.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MFP CORPORATION

Mrs KOTZ (Newland): I move:

That the twenty-second report of the committee on the environmental, resources, planning, landuse, transportation and development aspects of the MFP Development Corporation for 1995-96 be noted.

Pursuant to section 33(7) of the MFP Development Act 1992, the ERD Committee reports to both Houses of Parliament not less frequently than once in every 12 months on the operations of the MFP Corporation. Our committee considers the environmental, resources, planning, landuse, transportation and development aspects of the MFP Corporation's operations. The committee has based this report on a letter from the Acting Chief Executive of the corporation dated 31 August 1995 replying to a number of issues raised by the committee in its interim report of 5 April 1995. With respect to the corporation's report dated August 1995 and the MFP Australia Progress Report dated March 1996, the committee is of the view that these reports demonstrate the old style of reporting that is ambiguous and lacks substance and is disappointed with the corporation's style in the light of the recommendations made to the corporation in the committee's interim report in February 1995.

Some of the data provided in the corporation's report of August 1995 gives a reasonable picture of progress, but there still remains a continuing lack of objective indicators or standards against which an overall performance can be measured or progress evaluated. The committee heard further evidence from the corporation on progress since August 1995. Specifically, the committee sought updated information on the following areas: house and lake construction at the core site; further planning for the Gillman site and the present status of the catchment management plan for Gillman and Dry Creek; the computer data base on the flora and fauna on the MFP site; and the development of a computer model to determine the marine hydraulics associated with the Port River estuary.

The committee also sought information on the landfill at the core site with regard to the construction of the first dwellings due in 1996 for stage 1 of the greater level urban development plan and the strategic master plan, involving revegetation on the MFP core site. The MFP Corporation must report to the Environment, Resources and Development Committee by 31 August each year, and at present the reporting cycles for the ERD Committee and the MFP Corporation do not coincide. The committee has resolved in presenting this report to report on the current information available from the corporation and to ask for specific information from the corporation to be included in its August 1996 report. The committee will then report again to this House at the end of this year, and more extensively than this report covers. The committee's report has made several recommendations to the Parliament related to the corporation's reporting to the committee.

The information this committee requires from the corporation includes the outcomes of the business plan relating to the urban development plan, including the North Haven village; the feasibility contract for the commercial land gas extraction at Garden Island; the completed catchment management plan for Dry Creek and Little Para, forecast for completion in May 1997; a full report on the delayed progress of the CSIRO urban water research project; a full report on the salinity problem associated with the Barker Inlet wetlands; details of the project agreement related to the construction of the Bolivar-Virginia pipeline scheme; the outcome of investigations into low cost imported fill for the core site; and the draft report on the marine hydraulics model due to be presented in July. The committee recognises the problems that may have occurred in the past year because of changes in the management of the corporation and the changes in the relative legislation, but wishes to thank all those who contributed to the task of updating information since the MFP report of August 1995.

In commending this report to the House, I look forward to receiving the detailed August 1996 report from the MFP Corporation and presenting a further report of this committee to the Parliament later this year. Again, I record the committee's thanks to Gabrielle Artini and David Lumby (our research staff and secretary to the committee) and to the members of *Hansard*. Never let it be said that I cannot push an issue when it is first established, and again I put on the record that, without amplification, the acoustics in the Old Chamber cause a great deal of difficulty, and it would be very

nice for all concerned if this issue was addressed in the very near future.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: RACIAL VILIFICATION BILL

Mr CUMMINS (Norwood): I move:

That the report of the committee on the Racial Vilification Bill 1996 be noted.

This Bill was referred to the Legislation Review Committee on 11 April 1995 for report and recommendation. The Bill had been introduced by the Premier and Minister of Multicultural and Ethnic Affairs on 29 November 1995. I suppose there were three areas of debate in relation to this legislation. One was whether there should be criminal sanctions or merely conciliation and education. The second was the issue of freedom of speech versus penalising those who racially vilify, and the third was whether the legislation should give jurisdiction to the ordinary courts or the Equal Opportunities Commission.

One thing that is certain is that all significant reports in Australia since 1983 recommend some form of legislation in relation to racial vilification. New South Wales, Western Australia and now the Commonwealth Government have such legislation. On the issue of criminal sanctions, New South Wales and Western Australia created criminal offences, but the Commonwealth has no criminal offences in its legislation. As an overall comment I must say that I am disappointed that this legislation did not deal with making it unlawful for a person to incite hatred towards those suffering from HIV or AIDS. I am disappointed that there is no provision in this legislation. The argument has been put that perhaps that should be covered by discrimination legislation. I understand that argument. In fact, that is the case in New South Wales; it is in that State's Anti-Discrimination Amendment Bill 1994, but I am still disappointed that is not in the South Australian legislation.

The South Australian provisions build in safeguards in relation to abuse of provisions in relation to the issue of criminal offences. In other words, it is fairly difficult to succeed on a criminal offence under these provisions. Under clause 5 of the Bill, the Director of Public Prosecutions must give consent before a prosecution can be commenced. For there to be an offence it must be a public act and it must incite hatred, serious contempt or severe ridicule to the person or group on the ground of race and incite violence towards person or property.

I must say that the concept of race concerns me. English cases say that, for example, Sikhs and Gypsies are a racial group and Muslims are not. To some extent, the use of the word 'race' is unfortunate. It probably should have been extended, but we are stuck with that because that is the way the legislation is written. There are many safeguards in this legislation in relation to proving a criminal offence because each element of the provisions must be proved beyond reasonable doubt. There is no doubt at all that you have to prove a cause, the likelihood and the grounds beyond reasonable doubt. It seems to me, therefore, it makes it very difficult to proceed with the prosecution and that probably is the way it should be. It seems to me that only the very most serious and obvious offences will succeed under the criminal provisions of this legislation. As I said, that is the way it should be.

In the event that a person is convicted for a breach of section 4 of the criminal racial vilification legislation, the court may award damages under section 6. I mention the issue of freedom of speech in relation to criminal offences, because the provisions talk about inciting violence towards persons or towards property. One could not argue that that is an infringement of freedom of speech. Freedom of speech must be tempered and the law currently tempers freedom of speech.

In relation to the issue of the civil remedies and the question of freedom of speech, there are civil remedies in the Act under section 37, which is brought about by an amendment to the Wrongs Act. It gives a right to sue for civil damages in relation to an act of racial victimisation which causes detriment. The former is defined as a public act which incites hatred, serious contempt or severe ridicule. One issue that concerns me about the terminology is the concept of ridicule and contempt. One could argue in relation to the word 'ridicule' that one would have a right of action in relation to hurt feelings. I am consoled by the fact that the legislation uses the word 'severe', otherwise, in my view, there would be a severe risk that this legislation would infringe the right of freedom of speech but, because of the use of the words 'severe' and 'serious,' one could argue that is not the case. There is no doubt that the High Court has held that there is freedom of political discussion and one would have thought that the implied freedom of speech in the Constitution would also extend to language outside of mere political discussion. That is clear from the following cases: Australian Capital Television Pty Ltd, Nationwide News, Theophanous and Conliffe.

In relation to the civil remedy, one could argue that it does not infringe freedom of speech because the legislation is in the public interest, it is proportionate to the public interest and is necessary to achieve the end, namely, to stave off racial vilification. I do not think that any less drastic measures would alleviate the situation. I mention all those criteria because it is clear from the cases I have mentioned that, if one is going to infringe on freedom of speech, then it must be justified on the basis of public interest; the legislation must be proportionate to that interest; it must be necessary to achieve the end; and there must not be other measures which could achieve the same end which are less drastic.

As I say, I do have some concern about this legislation, in particular the civil remedy. For the reasons I have mentioned, one could say that the words 'serious' and 'severe' ensure there is no infringement of freedom of speech. It is in the public interest that the legislation be supported. Another matter that helps me in that view is that within two years this legislation must be reviewed. We must deal with the effectiveness of the legislation within two years. We must look at whether we need any amendments to the legislation. To that extent, I am happy that those provisions are contained within the recommendations of the report, and I hope that Parliament will support that approach.

I mentioned the issue of the appropriate venue for implementing the legislation. The legislation provides that prosecution as a civil remedy be through the ordinary courts rather than under the Equal Opportunity Act. I have noted that the Multicultural Communities Council and CIC (Coordinating Italian Committee) wanted two avenues of redress—under the ordinary courts and under the Equal Opportunity Act. I can understand their concern which, I believe, is that less serious matters should be dealt with by mediation and conciliation under the equal opportunity

legislation. However, I think that their concerns will be covered by the Racial Hatred Act which was passed on 13 October 1995. If someone does not want to go through the ordinary court process, they can proceed under the Commonwealth Racial Hatred Act. That seems to stave off some of the criticism made about this legislation. Under the legislation, the Federal commission has the right to intervene and mediate in relation to such matters and, therefore, I am consoled by that fact.

The State's legislation will deal with the more serious vilification, namely criminal areas, where physical harm is threatened. It should be noted that the former Federal Labor Government, for reasons known to itself, did not introduce criminal sanctions for vilification, whereas this Government had the nerve to do precisely that. The less serious cases under our legislation can be dealt with pursuant to section 37 of the Wrongs Act. In relation to the argument about conciliation and arbitration, under the ordinary courts system we have a pre-trial conference procedure. People who hope to negotiate a settlement of their case can attend a pre-trial conference, put all their facts before the judge and, hopefully, resolve the matter before it goes to litigation.

Although the committee looked at the matters raised by the Multicultural Communities Council and the Coordinating Italian Committee—and those matters are serious—on balance the committee took the view that the ordinary courts at this stage were the proper venue, but that is subject to a review in two years. There is no doubt at all that, if the House accepts the recommendations of the committee at 8.3 on page 20 of the report, we will revisit this legislation within two years. Point four of the recommendations states:

> The effectiveness of the legislation will be looked at and the need, if any, for amendments to the legislation.

I hope that the recommendations of the committee will be incorporated in the Bill. Problems may arise in relation to the definition of 'race' and the concept of freedom of speech and how it lies with this legislation. I have also mentioned the concerns of the various organisations about the appropriate venue. Therefore, I hope that the House will support the provision in the Bill that within two years the legislation be completely reviewed so that any problems can be addressed at that stage. I have pleasure in moving the motion.

Motion carried.

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I move:

That the select committee have power to continue its sittings during the recess and that the time for bringing up the report be extended until the first day of the next session.

Motion carried.

SELECT COMMITTEE ON PETROL MULTI SITE FRANCHISING

Mr CAUDELL (Mitchell): I move:

That the select committee have power to continue its sittings during the recess and that the time for bringing up the report be extended until the first day of the next session.

Motion carried.

AUSTRALIAN BROADCASTING CORPORATION

The Hon. M.D. RANN (Leader of the Opposition): I move:

That this House condemns proposed funding cuts to the ABC by the Federal Government and seeks assurances about the future of ABC regional radio and ABC FM in South Australia and the continued expansion of the youth network, Triple J.

Over the years there have been times when I have been critical of the ABC, but in being critical of the ABC I have realised its absolute fundamental importance to Australia. Two weeks ago the Federal Liberal Government announced a $66 million budget cut to the Australian Broadcasting Corporation. That cut did not surprise me, and once I had heard that the Liberals had promised no cuts to the ABC during the recent Federal election campaign I knew that its fate was sealed, given the Liberal's capacity for veracity and consistency. Let us have a look at what they said. This is what the Liberals promised in their policy, and I want to quote it word for word, so that those people who are friends of the ABC who might read this contribution in *Hansard* will know what we are dealing with. They said:

> The Coalition will maintain existing levels of Commonwealth funding to the ABC.

But there was more than that. On election night, Senator Alston was interviewed, as follows:

> Interviewer: Do you maintain your commitment to the ABC of continued real funding over the life of the Parliament?
> Alston: Absolutely.
> Interviewer: What if you find out the budget is much worse?
> Alston: John Howard has made it clear that we are honouring all our commitments.

It was another phoney Liberal election promise, and I am pleased that so many Brown Government members have spoken in this House and elsewhere acknowledging that it was a Liberal falsehood, much like their own promises on schools and hospitals.

Further cuts to the ABC will fall most heavily in States such as South Australia. I mentioned at the start that I have been critical of the ABC over the years. I have been very critical of moves by successive boards of the ABC to progressively relocate the functions and the services of the ABC to Sydney. It has been a retreat to Sydney. When I am interviewed on the line by ABC people from Sydney, it is quite clear to me that their dimensions of Australia are no different from the gap between the Sydney Harbor Bridge and Oxford Street. We have to fight that continually.

The Federal Government has given the ABC hierarchy in Sydney the excuse they need to further retreat to Sydney. The most recent example, before the Howard cuts, was the ending of the State-based *7.30 Report* outside Sydney. We all remember that, at the time, we were told that there would not be any difference, that the show would be based in Sydney but that reporters would still be located here, feeding in stories, and that South Australia would have a national prominence. Absolute rubbish! A few stories have been fed through from time to time, but we know what it is all about.

The ABC has put in a program at 6 o'clock, on Friday night, *Stateline*, which is very well-intentioned and doing good work, but it is shown at a time when it is designed to have no coverage, no listenership, no viewership at all. It has a tiny viewership so, at the end of the exercise, they can say, 'We are sorry. Obviously South Australians did not want a local documentary,' so it will be phased out eventually and it will all come from Sydney.

In ABC terminology, the cuts fall in the BAPH States—Brisbane, Adelaide, Perth and Hobart. In the old ABC, Sydney came first, then Melbourne, then BAPH, then the regionals. In Mr Howard's ABC, there will be no BAPH States: it will literally be Sydney and the bush. With these very deep cuts, the retreat of resources and focus to Sydney will be completed and the ABC's view of the nation will extend no further than from Oxford Street to the Blue Mountains.

South Australia is specifically under threat and we have to make sure that everyone realises that. This is aimed particularly at States such as South Australia. Classic FM, the ABC's renowned classical music radio network, is based at Collinswood in Adelaide. There are threats to roll it together with Radio National and to cut out an entire network. Again, it will be South Australia, which is the head office for Classic FM, which will suffer. Classic FM is the nation's pre-eminent broadcaster of fine music. It deserves to remain as a discrete network and it deserves to remain here.

I also fear further cuts to TV news. With the loss of locally produced weekend bulletins amongst some commercial TV broadcasters, the ABC is becoming more important in ensuring adequate locally produced coverage of issues that are important to South Australians. I predict that, within one year of these Liberal cuts taking effect, locally based weekend TV news on the ABC will begin the process of becoming national. I hope it is a prediction that does not come true. We have already fought off one threat to the ABC's weekend TV news. It will go if $66 million in cuts are applied to the ABC.

Radio news could easily suffer a similar fate. There could easily be more national bulletins with fewer locally compiled, edited and presented bulletins. Five years ago, Adelaide had five commercial radio newsrooms: we now have three. We have two combined newsrooms under two dual licence ownerships. Many would argue that these bigger commercial radio newsrooms have more resources and a better chance to cover the news than the smaller, three-journalist operations that used to exist, and I do not dispute that. Adelaide's commercial radio newsrooms all do a terrific job, but do not think that we will always need to have as many as three. Four of Melbourne's commercial AM radio stations share one news service. Similar contractions have occurred in Sydney, including 2GB and 2UE. These moves will limit the diversity of news and information outlets, so that makes the local ABC radio newsroom even more important for South Australians.

These massive Liberal cuts will also pose a threat to the future of regional radio in South Australia. The ABC currently has stations at Port Pirie, Renmark and Mount Gambier, covering rural and regional South Australia, with other staff in regional centres such as Port Lincoln. The people of country South Australia have very few options in terms of TV and radio. To cut back their local voice, their local ABC radio station, would be a tremendous blow. What we in Adelaide see as a move to Sydney, they have seen over the years as moves to the capital cities. People outside the metropolitan area rely on the ABC, and cuts to the ABC hurt the bush.

Recently a survey was done of what Australians cherish the most as being quintessentially Australian in terms of a commitment to Australia as a nation as a whole. The number one on the survey was the ABC, and that is something that we must cherish and not allow to be threatened.

I want to give a few personal examples. After leaving university, I started my career in the NZBC, the equivalent of the ABC in New Zealand. They have destroyed an outstanding broadcasting network. First, they made some of the public broadcasting stations have commercials. First it was limited commercials. Then it became publicly owned stations with full commercials, with adverts all the way through. Then they moved to night time networking, so that the news came out of Wellington, and then the programs came out of Wellington. That continued.

The situation in New Zealand is such that the NZBC, with two television networks and a whole host of stations, including rock, pop, information and classic, has been broken up and privatised. I was in New Zealand at Christmas time and I found that the radio stations I worked on were owned by a series of different commercial owners. They have totally ruined an outstanding public radio network. That is to New Zealand's detriment, and I fear that what we have seen in New Zealand will happen here. I hope that does not happen.

There is also the expansion to regional areas of the ABC's youth network. One group that will be particularly disadvantaged is rural youth. Triple J, the ABC's youth network, has been one of the most positive developments in the Australian media in the past decade. The network has reached Mount Gambier and is scheduled to be expanded into the Riverland and the Upper Spencer Gulf in December this year. That was scheduled prior to the announcement of these budget cuts, and even further expansions were on the drawing board, which was great news for rural youth in this State. I fear that all that is in jeopardy under these cuts. Indeed, there is speculation that Triple J could be under threat altogether. Triple J is the only youth media and culture outlet available to rural youth in many areas of Australia. If its expansion is stopped, or the network scrapped, it will be a bitter blow against young people, especially in country South Australia.

These cuts are not in the State's interests, and they are not in the nation's interests. More than ever before we need a strong, well-resourced, independent public broadcaster. South Australians have grown up with the ABC for generations, so let us ensure that can keep happening into the future, and let all of us, in a bipartisan way, send Canberra a clear message that these cuts are unacceptable.

It is very interesting that what they are doing here is exactly the process that was undertaken in New Zealand in the late 1970s. The late Sir Robert Muldoon, the former New Zealand Prime Minister, had it in for the NZBC. He said that it was run by trendy lefties. First of all he set about to ringbark the NZBC. The ringbarking started with cuts specifically made to news and current affairs. Then they went out on the attack, just as Howard is, and just as the Minister for Health in this State is attacking ABC radio. It is the softening up process.

They will use a twin strategy: first, we will say they are biased and, at the same time, we will cut their funds progressively. Basically, it is designed to intimidate, so that people think that they will cut funds even more unless they say nice things about the Prime Minister, even if those nice things are not deserved. It is a real move at the national level to undermine the confidence, integrity and independence of the national broadcaster. I saw it done in New Zealand, and it was done very successfully. They nobbled and hobbled the NZBC, and then they privatised it. What they want to do here is basically scare a few of those in the ABC in Collinswood who might not be strong enough on these issues, to say, 'Let's go quiet. Let's give the Libs a good run on weekend TV'—I hope it will not happen—'Let's try to give them better coverage, otherwise they might hit us.'

The fact is it never works. In New Zealand they did nobble parts of the national broadcaster; they did force it into submission through constant abuse, constant cuts, constant increasing of networking and constant increasing of advertising. What happened in the end was the destruction of a world-class broadcaster in New Zealand.

I believe that the ABC in this State and this nation is worth fighting for. We should be bigger than the attacks we have seen at the Federal and State level on the ABC. I believe that the ABC is an independent broadcaster. It has got stuck into me enough over the years, but I will fight and fight again to prevent further attacks on the ABC. It is too important to this country, it is too important to this State and, more importantly, it is particularly important to regional South Australia for us actually to roll over and allow John Howard to get his way.

Mr BROKENSHIRE secured the adjournment of the debate.

ARTS AWARDS

Adjourned debate on motion of Mr Lewis:

That this House congratulates the Adelaide Festival Centre for the outstanding success achieved on Broadway with their production of *The King and I* in winning four Tony Awards for Best Revival of a Musical, Best Scenic Design, Best Costume Design and Best Performance by an Actress in a Musical.

(Continued from 25 July. Page 2111.)

Mr De LAINE (Price): I would like to add my congratulations to those of the member for Ridley on the outstanding achievements of the Adelaide Festival Centre. Australian artists and technicians are among the best in the world, and I certainly agree with the honourable member in that assertion. The fact is it is not widely enough known in our general community. Many South Australians unfortunately seem to have the complex that we are not as good or as clever as are people in other parts of the world. This perception needs to be changed for the sake of South Australia, as we do many things better than most people. We have had to do that to survive in this small place. Achievements such as those of the Adelaide Festival Centre will assist greatly in turning around this perception. Most of what I would have said has been said by the member for Ridley in moving his motion. I will say no more except that I strongly support the motion.

Motion carried.

BUSINESSWOMAN OF THE YEAR

Adjourned debate on motion of Mr Lewis:

That this House congratulates South Australian Businesswoman of the Year, Mrs Pauline Rooney of Rooney's First National, and the winners of the four categories, namely, Private Sector Employing Over 100 Employees, Ms Pamela Lee, Business Analyst and Strategic Planning Facilitator for SGIC; the Public Sector, Ms Virginia Battye, Director, Para Institute of TAFE SA; Private Sector Company Employing Under 100 Employees, Dr Rosemary Brooks, St Ann's College Inc.; and all the finalist in each of the categories; and, further, commends Telstra and the category sponsors ANZ Bank, Qantas, Ausindustry and Yellow Pages for the invaluable contribution they make to the advancement of our knowledge of the outstanding contribution being made by women, not only to business and community advancement, but also to the improvement of prosperity in South Australia.

(Continued from 25 July. Page 2112.)

Mr De LAINE (Price): I would also like to add my congratulations to South Australian Businesswoman of the Year, Mrs Pauline Rooney; the winners of the categories—Pamela Lee, Virginia Battye and Dr Rosemary Brooks; and all the finalists in each category. I also join with the member for Ridley in commending and thanking the sponsor companies for their support and contribution to allow these sorts of exposures to continue. Those companies are Telstra, the ANZ Bank, Qantas, Ausindustry and Yellow Pages.

Women in South Australia are really emerging as making quite significant contributions to our business and community sectors. These sorts of sponsorships and support enable our women to achieve these successes and continue the thrust of women making inroads into all aspects of our community. I have much pleasure in supporting the motion.

Motion carried.

INFORMATION TELECOMMUNICATIONS AND TECHNOLOGY

Adjourned debate on motion of Mr Lewis:

That this House commends the Government and the Premier for the vision of a new era of excellence, especially in IT&T and applauds the work of the University of Adelaide Electronic Engineering Department of the Engineering Faculty on the one hand, and Mr Ralph Tobias and representatives of Chonnam and other Korean Universities along with ANNAM on the other, for concluding their agreement to produce leading edge technology to make the world's first mobile video phone utilising Gallium Arsenide and asymmetrical chip design technology; and further, refers the matter of the project to the Department of Industry, Manufacturing, Small Business and Regional Development and the Minister for Infrastructure to investigate and report on this project about its impact on the development of a critical mass in the IT&T and IM3 professions and associated technologies and possible benefits:cost to the South Australian economy in the context of the Government's IT&T industry development policy before 1 October 1996.

(Continued from 25 July. Page 2114.)

Mr FOLEY (Hart): I rise to speak briefly on the motion and would urge all members to read the detailed motion. It takes a degree of understanding to work out exactly the point the member for Ridley is attempting to make.

The Hon. Frank Blevins interjecting:

Mr FOLEY: Not really. I have just seen the first few words of the motion. It talks about commending the Government, so that very quickly made up my view as to where we as an Opposition should head in this debate, and that will be to oppose the motion. In doing so, I want to briefly touch on the proposition that the Government be commended for the vision for excellence, especially in the information technology area. The reality is that there is no doubt that this Premier has targeted the information technology area as one for Government and to assist economic development, and I have no problem with that. That is an eminently sensible thing to do.

The fact is that Governments in this State have been targeting information technology areas for quite sometime. If you were to listen to the Premier, you would think he was the first Premier of this State to address the issue of technology, information technology in particular. That is simply not the case. I will obviously acknowledge that this Premier has perhaps lifted the tempo in that area, but it is simply not an area which this Premier can claim he was the first to uncover in terms of great potential for our State.

Clearly, there are elements of the Government's information technology strategy with which the Opposition has some problems. We have stated our position on that. While we have welcomed the commitment of EDS to this State in terms of

economic development, we are concerned about the whole of Government approach for the outsourcing of information technology. That is a well stated and, I would hope, a well understood position. The Premier is obviously well aware of my views on that, as we have debated the issue over a couple of years. I suspect that the jury is out as to whether or not the gamble taken by the Premier to outsource all our information technology will be a success. Clearly, as a responsible Opposition member, I hope it does succeed. However, it would be fair to say that we do have some concerns, given the enormity of the contract, and we will be watching it with the vigilance that the Government has come to expect from this very responsible Opposition.

I also refer to an issue raised in the House yesterday, that is, the level of Government assistance provided to industry in this State. For reasons best known to the Minister for Infrastructure, he decided about a week ago to break the convention of not disclosing the full level of assistance provided to companies to establish their operations in this State. He deliberately chose to break that convention when revealing that (and I can assume only that what he says is correct, because I do not know the details) the level of Government assistance to the Submarine Corporation was $36 000 per employee and that that was the benchmark from which one should measure the assistance packages provided to other companies in this State. The Minister for Infrastructure did not paint the full picture and, indeed, gave indirect impressions as to the present level of Government assistance compared with that of the former Government.

The Minister pointed out that the present Government's level of assistance is, on average, one-third that of the assistance provided to companies by the former Government. That was a misleading comment in the sense that he did not compare apples with apples. I can only deduce from his comments that the average level of assistance provided to companies since this Government took over is approximately one-third of that provided to the Submarine Corporation. The reality is that the Submarine Corporation received an abnormal level of Government assistance which was unreflective of the average level of assistance provided by the former Government. If one compared the average level of assistance provided by this Government with that of the former Government, one would see a completely different picture. I confidently predict that the average level of assistance provided by the former Government is considerably less than that provided by this Government.

While the former Government may have provided a level of assistance to the Submarine Corporation of $36 000 a job, I hasten to add that that would be roughly three times that provided by most other incentive packages and, indeed, may well have been three times that provided to any other that readily comes to mind. That is not the case when one compares the level of assistance provided by this Government to Westpac, Motorola, BT Australia, Australis and a number of other companies. As a member of the IDC of this Parliament, I observe the convention that I am not permitted to release those details—despite the fact that during Question Time yesterday the Premier was flicking through the IDC Act to see whether I was about to breach any law of the Parliament. Clearly, as a responsible member of Parliament and of the IDC, it was not appropriate for me at that point to reveal any details.

If the Government chooses to provide assistance packages in information technology areas and if it expects confidentiality, it has to play by the same rules. The Government cannot taunt and tease the Opposition by selectively releasing elements of the former Government's assistance packages whilst expecting the current packages to be kept confidential by the Opposition. I am not saying that we will not keep it confidential: we will. I am asking the Government to show a degree of responsibility in observing the conventions it expects us to adhere to. It must be noted that the Government's information technology focus is one I applaud. It is an area that any Government of this State should actively encourage, as did former Labor Governments. My problem is with elements of the way in which the Government goes about it.

We hear much from the Government about its success in attracting companies. I hear day after day, week after week, month after month, the Minister for Infrastructure, who now has his very fluent speech down pat, talk about the low cost of doing business in this State, repositioning our State, attracting business to our State, cheaper electricity and cheaper water. We have heard about those elements that the Minister for Infrastructure refers to on this matter. The impression given is that this flood of investment has shifted here for natural reasons. I am not necessarily critical of the Government, but we must never lose sight of the fact that we need to be honest with ourselves. When we consider BT, Westpac, Australis, Motorola, Link Communications and every single major information technology or communications investment made in this State under this Government, there is one common thread: substantial investment attraction packages provided by this Government.

They are packages (with the exception of that provided to the Submarine Corporation) of an order consistently well in excess of those provided by any other former Government. That is a fact and that is something that we need to bear in mind when we talk about and debate the relative economic merits of strategies and the relative economic pluses of our State. Whilst we welcome these investments in this State, in the main they have been attracted to this State because we have offered superior incentive packages to those offered by other States. That is not to criticise the strategy: it is simply to be open and honest about the strategy and for us to be sure that we properly address and are aware of the real reasons why major corporations have set up in this State.

The Minister for Infrastructure's political point scoring in recent days in terms of trying to give the impression that this Government is offering incentive packages of only one-third the size of those offered by the former Government is completely wrong. It is a wrong impression; it is a wrong fact. It is unfortunate that the Minister has entered into this area. I send a warning to the Minister: let us all be about the economic development of the State; let us all act responsibly. If you expect the Opposition to play by the rules, you must play by the rules yourself. We will observe confidentiality as we should and as we must. We simply expect the Government to do the same. I urge the Minister for Infrastructure to ensure that this slight hiccup in the way these things are dealt with is only a passing moment and that it is not his consistent form.

Having said that, I understand that the Minister and the Premier feel vulnerable at this stage, given the current predicament that confronts Australis. As an Opposition, we hope that Australis can continue to operate in South Australia, indeed, in Australia. We hope that the company will survive its current crisis and that it will go on to employ many South Australians. Equally, given the community expectations of accountability, the Government must also be held account-

able. Certainly, the present Government was very aggressive in its pursuit of the former Government when ventures and forays that it made into picking winners went wrong and taxpayers' money was put at risk. I am returning the compliment. I learnt much from the failures of former business ventures that the former Government entered into. I have learnt from those mistakes: I am not sure whether the present Government has necessarily learnt from those mistakes. You can rest assured that this Opposition will vigorously scrutinise any business venture that this Government enters into. Should something untoward happen to those ventures, clearly we will want a full exposé on the full level of Government assistance provided so that taxpayers know what money has been put at risk.

Given the very delicate nature of the situation with Australis at present, I do not wish to add any further comment to that, but you can rest assured, Sir, that this Opposition will be watching that issue with great interest and with great responsibility as it develops but, at the end of the day, with the interests of the taxpayer very much as our prime motivation for pursuing this matter.

Mr BASS secured the adjournment of the debate.

YOUTH UNEMPLOYMENT

Adjourned debate on motion of Mrs Rosenberg:

That this House endorses the recommendations made to the Government by the youth unemployment task force released by the Premier on 11 July 1996 and recognising the causes and long term development of the same, supports full community consultation and then on the basis of this consultation, supports the implementation of the recommendations via policy and resources to improve the employment prospects for the youth of South Australia.

(Continued from 25 July. Page 2117.)

Mrs ROSENBERG (Kaurna): I thank members for their contribution to the motion to endorse the recommendations made to the Government by the Youth Employment Task Force. It is noted that in my introduction to this notice of motion I detailed the background for setting up the committee in November 1995 by the Premier and the basic tasks set out for that committee, namely: to identify the underlying causes of youth unemployment in South Australia; to assess the reasons why youth unemployment in South Australia appears to be higher than in other States, even though our overall unemployment is similar; to document and appraise existing Commonwealth and State employment and training initiatives in South Australia; and to identify successful interstate and international approaches to youth unemployment. Youth unemployment levels were described, and comments were made about a range of business responses to the committee on the four key objectives of the committee.

The key recommendations were detailed and backed up by business comments giving reasons why they would be successful. If I address the representation made by the Opposition in response to the task force report item by item, this may lead us to reach a conclusion which I was hoping would not be a continuation of the previous negative remarks and lack of bipartisanship on behalf of the Opposition in this place. Clearly, unemployment is our greatest concern, and I am hopeful that, by Government, business and communities working together positively, we can overcome the unemployment problem.

On behalf of the Government I reject the criticisms made by the member for Taylor, a member of the committee. I find disappointing that we would make such a criticism of members of the community who gave their time voluntarily to help the youth of South Australia. The first complaint was about a lack of budgetary provisions made within the report. It is necessary to remind the member for Taylor that it is not for a lay committee to set Government budgets. What it has done is recommend a range of things that have budgetary implications, and the very wording of my motion is 'to support the implementation of the recommendations via policy and resources'.

The second major criticism of the report is the lengthy listing of federally funded labour market programs, which was actually one of the four briefing requirements of the committee. The committee could hardly be criticised for taking part in one of the briefings that was required. The third criticism is curious. It actually accuses the Premier of being embarrassed by the Opposition's claim that 'important funding commitments that were in the original task force draft report were removed from the final report'. The Leader of the Opposition asked several questions in Question Time about these so-called deletions, and the statements were then repeated by the member for Taylor. The actual statements that they both claim were removed related to, first, the establishment of a central fund to assist the school retention rate; secondly, the creation of youth unemployment demonstration projects; and, thirdly, a Government subsidy scheme to assist in raising venture capital.

As a keen member of the task force I have read carefully both the draft report and the final report, and these accusations about the removals by the Leader of the Opposition and the member for Taylor are false. Curiously, however, they bear an amazing resemblance to clauses in a letter to the project officer, Joan Russell, by one committee member, Mr Mark Henley, from SACOSS, who wrote a series of personal suggestions for inclusion, which were not included. The remarkable similarity will be put on the record for members to digest at their leisure. Mr Henley suggested that a fund be established to assist secondary schools to improve retention rates, that employment demonstration projects be established and that the Government provide assistance to establish new businesses needing venture capital.

I leave members to draw their own conclusions about how Mr Henley's notes were quoted by the Leader of the Opposition and the member for Taylor. It is unfortunate that neither of them gave Mr Henley credit as the author and apologised to the House for plagiarising his comments. The task force was very aptly represented by Mr Henley, and his participation was invaluable, but some of his recommendations simply were not accepted into the report and it is a pity that they were used in this way to bring discredit to the committee in general.

I acknowledge the Opposition's support of the recommendation to increase the school leaving age. The remainder of the member for Taylor's contribution was a diatribe about Federal Government funding which is yet to be set, given that the budget has not been announced, so I will not waste time referring to that. All in all, the Opposition's response was very superficial and contained little, if any, useful contribution. On a positive note, I further respond to business calls for changes to industrial relations legislation. It is pleasing to note the *Business Council Bulletin* of July 1996, which states:

We believe the impact of the Bill as a whole will be beneficial to small business. In particular, the proposed reforms to the unfair dismissal provisions will result in a fair go all round for small

business currently overwhelmed by concern about the existing very legalistic, expensive and lopsided arrangements.

Secondly, the same article refers to freeing up training arrangements, which was also mentioned in our report, stating that that will certainly help to increase youth employment in South Australia.

Motion carried.

DIESEL FUEL REBATE

Adjourned debate on motion of Mr Venning:

That this House is opposed to the possible removal by the Federal Government of the National Diesel Fuel Rebate Scheme.

(Continued from 25 July. Page 2120.)

Mrs PENFOLD (Flinders): I support the State Government in opposing any attempts by the Federal Government to remove the diesel fuel rebate scheme from the Australian primary industries of agriculture, mining and fishing. Any attempts at removing this rebate on tax which farmers, miners and fishermen pay will be counterproductive to the economy of this nation. It will affect every citizen of this nation in higher import costs, leading to a less competitive primary industry. Primary industries rely heavily on exports. No other nation's primary industries pay taxes on import costs such as fuel and are able to compete long term in the global economy. Ultimately, increasing the costs of Australia's primary industries in adding the cost of this tax to their cost of production will result in fewer real jobs.

It is important to know the background to this regressive tax. It was introduced in 1958 by the Federal Government to contribute to road building and maintenance. At this time, fuel tax was judged as the fairer method of slugging those people who use the roads the most for the greater part of the costs. As the mining industry and farmers did not use the road network with their tractors and mining equipment, it was considered fair not to charge them the tax in the first place. For fishermen it was just as easy. The fuel they used to seek fish out of the oceans would be exempt from tax. To be totally fair, why should a fisherman pay yet another tax to build and maintain a highway that he did not—indeed, could not—use with a fishing vessel? In 1982 the scheme was changed because of perceived rorts in the system. This time, users of fuel were required to pay the tax first and then apply for a rebate after the account was paid. Farmers currently receive a full refund of 34¢ a litre, while the miners receive back about 31¢ a litre.

The diesel fuel rebate for farmers reduces import costs for the farm sector in South Australia by about $38 million a year, but it does more than that, because the fuel rebate scheme allows farmers in the marginal regions of the State to remain competitive with farmers in the rest of the world. Farmers at the top end of the West Coast can compete only because of the rebate. Many are operating on a knife edge now, and any additional costs will force more of them out of the industry. This is unnecessary fear-mongering on the part of the Federal Government.

Loss of the rebate for all Australian farmers will cost this one sector of the nation $500 million every year nationally. No industry can operate and prosper while bearing this increased level of costs. The fishing industry in South Australia will face a $13 million increase in costs with the removal of the rebate. It is a sad day when fishermen working on the high seas have to pay for the maintenance and construction of a road system. They have the right to say, 'What about us? We are being totally discriminated against.' The South Australian Fishing Industry Council has estimated that, of the $13 million in rebates paid to the different fishing sectors, $3.8 million is returned to the rock lobster fishers, about $2 million to the prawn industry and about $3 million to the trawl industry.

The scenario is worse for the nation's mining industry. Rebate funds to this sector will total an estimated $795 million in 1996-97. However, to obtain that level of rebate, the mining sector will pay about $865 million in excise. When a nation is trying to balance its books, would you go out and kill the goose that lays the golden egg?—one would hope not. Miners, farmers and fishers work in the remote areas of this nation, areas where diesel is the main if not the only available fuel source. Without the rebate these three industries will be effectively subsidising other industries reliant on untaxed natural gas, coal or electricity for their energy input. It is important to remember that the diesel fuel rebate is not a subsidy: it is merely a refund that should not have been collected in the first place. Removing this rebate will have an adverse effect on economic activity in the three most important areas of primary production. It will have a disastrous effect on employment levels and employment growth in the regions where unemployment is already a national disgrace. Just the talk alone of this regressive move has harmed the confidence of those who operate in this sector.

The Federal Government must be made to realise that it will receive less revenue from company tax, PAYE income tax, fringe benefits tax and other taxes which would offset at least half the so-called cost of the rebate scheme to the Government. I repeat a warning given by the Minister for Primary Industries (Hon. Rob Kerin) that South Australian primary producers would have to find nearly $50 million to contribute to their operations if the rebate scheme were to be scrapped. The Minister also warned that it had long been recognised that the primary producers made a vital contribution to the wellbeing of all Australians and that those who use fuel on farms, or in the fishing and forestry industries, should not be subsidising road users.

Mr ANDREW (Chaffey): I strongly support the motion of the member for Custance. I believe that since 1958, when the diesel fuel excise was introduced for road building and road maintenance purposes, farming, fishing, forestry and the mining industries all had an exemption. In 1982 this exemption was formally replaced by the rebate scheme. Although additional paperwork was required from those claiming the rebate, I understand that it has been working well and those involved have been pleased to complete the administrative work necessary to obtain this very significant, valuable and fundamental benefit that they so justly deserve. I find it absolutely unbelievable and inconceivable that the Federal Government is even considering abolishing this rebate system to those industries that currently deserve to benefit from it. The scheme is of fundamental importance to the economy of the nation and particularly to South Australia.

I put on the record the value of the rebate to South Australia for the year ending June 1996: $36 million to the agricultural industry; $9.5 million to the fishing industry; $2.5 million to the forestry industry; and $26.6 million to the mining industry. In other words, a total of approximately $74 million for the 1995-96 financial year. The benefit and the value to the mining, agricultural and primary producing industries alone is in the order of $62 million. I reiterate that

these industries are the biggest exporting industries not only of this nation but also out of South Australia. We simply cannot afford to have future investment in those major industries threatened as a result of the withdrawal of this rebate.

In respect of the mining industry, the figures indicate that it creates 12 per cent of the gross State product. I recognise that this figure is on the verge of increasing very significantly as a result of the recent announcements by Western Mining at Roxby Downs and others. It is not only the value it brings to the State but also the total employment factor. Approximately 46 000 people are employed in the mining industry at the moment with a wage bill over $1 billion. We cannot afford to have the mining industry threatened in this way.

I turn briefly to the significance and importance of this rebate to the agricultural industry. It is worth approximately $500 million to the primary producing industry nationwide. I reinforce some major principles which are relevant to this motion with respect to its value, its significance and importance, and the need and justification for this rebate to continue for the primary industry sector. First, it needs to be reiterated that in no way is this rebate a subsidy to the primary producing industry of this State and this nation. It is simply returning money that should not have been paid by the primary producing industry in this State and this nation in the first place. Farmers are not using the diesel, which they claim a rebate for, as an on road use. It is being used off road. It is being used for direct production. If the rebate is removed, primary producers, in reality, would be subsidising other road users. There is no fairness or logic in what would happen as a result.

In addition—and to keep the issue in perspective with respect to primary producers—it is also worth putting on the record that there is no benefit from this rebate in terms of the cost of transporting farm inputs to the farm in rural areas and the cost of transporting the produce to markets. Therefore, it needs to be recognised that these are other export earning capabilities from the primary producing industry to which this benefit does not apply. Secondly, primary production is still one of the greatest export earners to this State and this nation. Despite other cost impediments that they have to bear, primary producers in Australia are still highly competitive internationally, for which they are recognised and renowned. The removal of this rebate would be a direct and significant reduction in terms of our ability as primary producers in this State and this nation to maintain and to continue to provide that cost competitiveness. From a balance of trade point of view, this is something that this State and the nation cannot afford.

The diesel rebate is critical to the primary production industry because of the international competitiveness that is required. The principle of competitiveness needs to be not only maintained from a principle point of view but from a dollar assessment point of view and, more importantly, in terms of future investment. We cannot afford to have further investment in primary production impeded or retarded by this rebate being withdrawn. With reference to the broad acre scene, further investment is ongoing. Currently, we are seeing real action in the horticultural and viticultural arena where development is expanding and breaking all records. Although diesel fuel as an input cost is not as great in the horticultural and viticultural areas compared with the broad acre scene, it is still a significant and major cost in terms of development and ongoing production. We cannot afford to have that interest, assessment and involvement in terms of increasing this further investment retarded.

Thirdly, the existence of the rebate, as I understand it, is entirely consistent and compatible with the World Trade Organisation's competition rules. With respect to the World Trade Organisation's rules, this rebate is the only form of export assistance that is legal. As I have already intimated, it is, in effect, only refunding that which is otherwise already provided to the agricultural industry. The negative impact of taking away this rebate should not be underestimated. The multiplier effect of the primary production industry in this nation is well documented, and some estimates indicate that the effect of taking away this rebate will reduce the value of primary production by up to 15 per cent. If you equate that in terms of production from primary industry around the nation for 1995-96, it is in the order of $4 billion. I submit that this nation, and particularly our rural economies—whether local businesses in rural regions or employment in rural regions—simply cannot afford the potential impact of a reduction of $4 billion around the nation.

Finally, I conclude by commending both the Minister for Primary Industries in South Australia and the Minister for Mines and Energy for their strong public stance in this debate and their pressure on the Federal Government to retain this rebate. I commend my rural colleagues and the member for Custance (who initiated the motion) for their strong cases in support of retaining the rebate. I strongly support the motion and the retention of the rebate. I urge all members to strongly support the motion.

Motion carried.

NATIONAL TRANSPORT CHARGES

Adjourned debate on motion of Mr Venning:

That this House:

(a) notes that the National Transport charges for heavy vehicle introduced from 1 July 1996 inherently disadvantages the agriculture industry due to the lower than average distance travelled by vehicles used in this industry;

(b) considers that a fuel only charge for heavy vehicles would remove this inequity in the charging scheme, improve cash flows and reduce administration charges for the agriculture sector and move closer to a user pays system; and

(c) requests this motion be forwarded to the National Road Transport Commission as the basis for an investigation of a fuel based charging system Australia wide.

(Continued from 25 July. Page 2121.)

Mr QUIRKE (Playford): It gives me great pleasure to support this sensible resolution moved by the member for Custance. I generally take the view that the user, particularly on the roads, ought to pay the appropriate fee. It seems to me that if a person is using the roads to a far greater extent than others, particularly in the heavy transport industry, there should be a progressive toll on that person for the heavy wear on our roads caused by large trucks, and the most appropriate way to do that is through levy on fuel and diesel.

However, a series of exclusions is required, as is always provided under good tax law. In fact, many exclusions are necessary in this area—my accountant and most of his mates want to keep working, and there are several other accountants around town who love exclusions in matters such as this. At the end of the day, the basic principle is that instead of a flat charge applying to all, irrespective of how much use is made of the roads, a sliding scale ought to be imposed which advantages those road users who do not travel on the roads very much. I have no problem with that and the Opposition

has no problem with that, so we will not unduly take up any more time.

Motion carried.

OLYMPIC GAMES

Adjourned debate on motion of Mr Quirke:

That this House recognises the achievement of a gold medal at Atlanta by 24 year old Olympic trap shooter Michael Diamond, notes the dedication of this shooter to his sport and congratulates him on his wonderful achievement and further, this House recognises and congratulates the other members of the shooting team at Atlanta and in particular Russell Mark who obtained a gold medal in double trap and Deserie Huddlestone who won a bronze medal in the women's double trap.

(Continued from 25 July. Page 2122.)

Mr CONDOUS (Colton): It gives me great pleasure to support the motion of the member for Playford to recognise the achievements of our three medallists at the Atlanta Olympic Games—Michael Diamond, Russell Mark (who both won gold medals) and Deserie Huddlestone (who won a bronze medal). It is also an honour for me because Michael Diamond, like me, is an Australian born of Greek parentage.

One must reflect on the enormous success of the Australian team currently in Atlanta. Of course, there are no different values in gold medals; they are all worth exactly the same. Yet it was tragic to hear Michael Diamond say that for the past 12 months he has been unemployed, unable to get work, and has had absolutely no recognition at all from the Australian sporting community after achieving the greatest status possible for a sportsperson.

Cathy Freeman's silver medal in the 400 metres sprint will probably earn her literally hundreds of thousands, if not millions of dollars in promoting food products or garments, and the same can be said of Kieren Perkins, the winner of the men's 1 500 metres freestyle swimming event. One wonders whether the three successful shooters will receive the same recognition as the sportspeople who were successful in other sports.

It is tragic that we do not have a proper system of scholarships similar to those countries that offer grants to their sportspeople in an endeavour to ensure their success. I recently read in the *Advertiser* that a gold medallist in Singapore, irrespective of the sport they play, will receive about $885 000. In Australia, a fund is set aside, but as the number of people who win medals increases—

Mr Quirke interjecting:

Mr CONDOUS: I am told by the member for Playford that it is $5 for every goal scored in soccer. In Singapore, as I said, the winner of a gold medal will receive $885 000; in Australia, if only five people share the fund, they will each walk away with $50 000. Alarmingly, if our team sports such as hockey and basketball win medals, the 11 or 15 people in each of the teams will also enter the pool. Therefore, in all probability our gold medallists will walk away with only about $20 000. Today's *Advertiser* reports that Australia has won a total of 34 medals. The United States of America has a population in excess of 250 million, compared with our 18 million. If a comparison were made on a per capita basis, there is no doubt that Australia is the most competitive and most successful sporting nation in the world.

It will be a tragedy if Michael Diamond and Russell Mark, as shooters, are not offered a contract to endorse a brand of bread or milk so that they can walk away with $1 million. I am wondering whether the community will even recognise them, other than a grand parade in their home city. I know that Michael Diamond's home town, a small country town bordering New South Wales, will recognise him. But it is a tragedy that these shooters are not being recognised by the whole of Australia, even though we were proud to see them both win gold medals for Australia.

I support the member for Playford's motion and congratulate the three shooters who have brought glory to Australia. It is about time that the Federal Government started financially recognising people of all sports and giving them the recognition that they deserve.

Motion carried.

MULTIFUNCTION POLIS

Adjourned debate on motion of Mr Lewis:

That this House compliments the Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development and Infrastructure and the MFP administration for the effective way in which they have refocussed the strategies of the MFP and attracted firms with local and overseas technologies to become involved and establish their pilot plant operations in South Australia and from that base, in conjunction with the MFP, sell their proved-up technologies to the rest of the world.

(Continued from 30 May. Page 1601.)

Mr QUIRKE (Playford): I have been pretty supportive of motions this morning but this one we will not cop. It contains three things the Labor Party objects to. First, it compliments the Premier: we are not too keen on this Premier and I do not think that we will be giving him too many compliments. Secondly, it proposes that we compliment Minister Olsen (with all his various titles), and I do not know anyone on this side that is too keen on doing that, either. Thirdly, it talks about selling overseas proved-up technology from the MFP. Alas, I would love that to be true.

I have now found someone else who believes that they have done something down there. The member for Ridley and the Minister obviously have to keep up some sort of brave front. The tragedy of the MFP is that it does not know what it is doing. It is like the old joke that used to be circulating around about Christopher Columbus: he did not know where he was going, he did not know where it was when he got there, and when he came back he did not know where he had been. That is, unfortunately, the multifunction polis people.

I have had meetings there. In 1992, I remember, a bloke was flown in from London, and a few others, and coloured photos and slides were brought out. I was shown the new style of housing that was to be built at Gillman, and that was to follow an extensive clean-up of the Gillman site. I was told that bricks would be made from excrement and cement, and that the people would recycle their own water.

I listened to this for over three hours. A lot of money was spent not on the bricks, thanks goodness—no-one turned up with the bricks—but on the nice coloured photos that they showed me. At the end of the day, nothing happened. I thought that this whole thing would disappear, as with some of the motions today, including the one that alleged that the member for Elder is a cheat and a plagiariser.

The SPEAKER: The honourable member must not impute improper motives. The member for Playford.

Mr QUIRKE: Mr Speaker, I did not say that I believed it: there is an allegation on this very page in front of me. I thought that it would drop off the table, as with the said motion to which I will not refer again. After the election I expected the Premier to say, 'Enough of this stupidity; there

will not be any more of this stuff.' I want to apologise to Mount Lofty House, but it will not be having—

The Hon. D.C. Wotton: It is magnificent.

Mr QUIRKE: Well, it is; and it is the MFP's favourite venue.

The Hon. D.C. Wotton interjecting:

Mr QUIRKE: True, and it is doing very nicely out of the MFP. One proved technology that has been exported overseas is a good feed from Mount Lofty House. I thought that what would happen on that Sunday was that the Premier would say, 'We have had enough of this stupidity,' but, no, that did not happen. What he said was that we are to have more stupidity but we will do it somewhere else. Instead of doing it at Gillman we will go back to that site I love so much, Technology Park. It was refocussed.

The bureaucrats are adept at shifting their focus anywhere where they can get the money to shift it. You can probably shift it into the middle of Adelaide: I do not think there would be any problem with that. I have seen some wonderful schemes put up by these people. Again, during 1993, I was called to a meeting at the Town Hall. The MFP people were there and they were going to build a light rail that would go from Adelaide, where very few people live, to Gillman, where no-one works, and bring them home again in the afternoon. A lot of money was spent on the coloured drawings, the maps and the slide show.

At the end of the day we have this motion. The member for Ridley is a fairly smart individual, as we all know. He was into computers long before anyone else and all the rest of it, but I think that he had better rewrite the motion because, quite frankly, we have had nothing out of the MFP, as the Minister said during the Estimates Committees. In fact, the Minister said that he wants to see something next year. Well, I wish him luck. Every year the Economic and Finance Committee has before it the MFP, and every time we have to drag them in kicking and screaming, and they say that they do not want to come and that the only thing they have to do is report from one committee to the next. I used to write that in the foreword of the report; I used to say that I hope I see more next year.

During the course of 1993, I think, I gave Mr Kennan some advice before he was about to face gruelling questioning by the then Opposition. I told him to say, 'Mr Chairman, so much has happened since I saw you last,' and wax on like that. Mr Kennan did that in 1994, when the tables had reversed: he did it in 1995, when the tables had reversed; and eventually poor old Mr Kennan went west. I quite liked Mr Kennan. I quite like some of the other officers there. In fact, in many respects, I feel sorry for them, because I think that we have told them that they are putting together the emperor's new clothes and that anyone who cannot see it is an idiot.

I will proudly stand in this place and say, with respect to the MFP, that I am an idiot. Before anyone seconds that, I want to emphasise that the views I am expressing now are purely my own. There are a number of people on my side who no doubt will not want the label 'idiot' and may think that the $35 million that goes up in smoke every year, or into the creation of mosquito ridden ponds, which no-one asked it to do, is a useful technology. I do not think that we will export mosquito ponds elsewhere, but I could be wrong. It is vaguely possible that that could happen.

The member for Ridley's motion, on at least two out of three counts—and that is to do with the compliments—will not be supported by the Opposition. The member for Playford is happy to give it three strikes because he is saying that the MFP has done something that is useful. If I really wanted to be an embarrassment, I would ask him to name them, because I have not seen anything yet—and, what is more, I am cynical enough to think that I am never going to.

Motion carried.

PARKS HIGH SCHOOL

Adjourned debate on motion of Mr De Laine:

That this House—

(a) condemns the decision by the Minister for Education and Children's Services to close The Parks High School at the end of 1996 without any prior consultation with the school community on the findings of the 1995 review into the school;

(b) condemns the Minister for the way in which the school was advised of the decision and the inadequacy of the six sentence notice given to parents and caregivers, the timing of the notification on a Friday afternoon to minimise debate and the total lack of adequate counselling and support for students, staff and caregivers; and

(c) calls on the Minister to reverse his decision and consult with the school community on how the future of the school can be secured.

(Continued from 4 July. Page 1864.)

Mr De LAINE (Price): In closing this debate, I would like to answer various points made by the Minister's parliamentary secretary, the member for Unley. The honourable member is quite correct that The Parks High School is a wonderful facility, and ownership of the land and buildings was transferred from the then Education Department to another department. He is also correct that the facilities are now rented by the Department for Education and Children's Services (DECS) at a considerable cost. This rental cost is a very sore point with me because it is purely a paper cross-charge and has always been seen as just that.

However, the Minister is now using this stupid rental fee, which is approximately $800 000 a year, as a major argument to close the school. This ridiculously high rental pushes up the cost to educate each student to almost $8 000 per head. That is a very dishonest thing to do. All that needs to be done is for this fee to be dropped to a realistic level and the student cost will reduce dramatically.

Because the land was originally owned by the Education Department—the old Angle Park school was built on it originally—and the Education Department, I am told, paid 63 per cent of the cost of building the new Parks High School, a rental fee of something like $100 000 per year would be more realistic and fair. The $800 000 is purely a convenient economic excuse, given that there are no educational grounds for the decision to close the school.

On many occasions the Principal of The Parks High School has endeavoured to negotiate this outrageous rental fee with DECS and, in particular, with the Corporate Services Department of DECS, but it was just not interested and refused to discuss the issue. Every avenue has been tried, but to no avail. The member for Unley is wrong when he says that no other educational institution is rented. There is one, and that is the Hallett Cove East Primary School. It was only last year that the Minister sold that school, saying that is the way to go, and the department now leases it back. However, the Minister now says that it is uneconomic to rent schools, and he has used that argument purely as a convenience to close The Parks High School. He is just not consistent.

The member for Unley said that the school was a brave experiment that has been a failure. How dare he and the Minister pass judgment on this school and the contributions made over many years. They have had no involvement with

the school or the local area. In fact, they both live many kilometres from The Parks area. The honourable member stated that he sees the success of a school in terms of students going on to university, achieving high academic qualifications and becoming brain surgeons or physicists. Some students from the school have gone on to achieve honours in high positions, but the majority have been just as successful in learning living skills and becoming good, honest, law-abiding citizens with families of their own.

The Parks High School has been and is very successful and has achieved what it was set up to do—to give disadvantaged kids in the area a real chance at life, something that many of these kids would not have got at other schools. How can success be measured? That is very difficult. Over the years, I have witnessed many outstanding achievements by local students, right across the board, because of the chance they have had in attending The Parks High School. The Parks High School is not a failure, as suggested by the member for Unley.

The Government also seems to have a problem with the number of students who attend the school. The number of mainstream students is not far below the Minister's magical figure of 400 but, if the more than 250 adult re-entry students are added, the total is well over 400 and passes the figure set by the Minister. It is true that some parents send their kids to other schools. So what? We live in a democracy and they have that choice but, to balance that, many students travel a considerable distance from other areas to attend The Parks High School.

The member for Unley said that the consultation was adequate. What a cheek! He does not know. He was not involved with the school or last year's review of the school. He has obviously been told by the Minister that there has been consultation, and in this regard the hapless member for Unley has been sold a pup. I repeat: there has been no consultation. A review was certainly conducted, but there has been no consultation.

The SPEAKER: Order! The honourable member's time has expired.

The House divided on the motion:

AYES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.	De Laine, M. R. (teller)
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.

NOES (29)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P. (teller)	Becker, H.
Brindal, M. K.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

Majority of 19 for the Noes.

Motion thus negatived.

CARNEVALE

Adjourned debate on motion of Mr Scalzi:

That this House congratulates the Coordinating Italian Committee, its President, Dr Tony Cocchiaro, and all participating organisations on the success of the first Carnevale in Adelaide festival.

(Continued from 28 March. Page 1306.)

Mr SCALZI (Hartley): I would like to thank members from both sides of the House who have contributed to this important motion. It is important to acknowledge the contribution that CIC has made to the cultural development of the State. It was important this year, as I and other members (including the member for Norwood) have mentioned previously, that the Italian Festival did come of age and change to the Carnevale which incorporates the whole Australian community. It is important that it was held at the Adelaide Oval, with the parade through King William Street and the involvement of all members of the community, including children. I thank members who have contributed to the debate.

Motion carried.

TELEPHONE, TOLL-FREE CALLS

Adjourned debate on motion of Mr Lewis:

That this House urges all Ministers to direct all departments and agencies established by statute to install a toll-free telephone number to provide STD callers equal access to services provided by those agencies.

(Continued from 23 November. Page 720.)

Mr BASS (Florey): I move:

Leave out 'direct all' and insert 'examine the option of'.

This is a good idea for country people, and it will affect them more than anybody when ringing Government agencies and departments. With modern computer facilities which tell you that you are waiting in line, it is very expensive for country people to sit down and wait until the computer tells you that somebody is able to speak with you. The provision of a toll free number needs to be investigated.

Amendment carried; motion as amended carried.

ROADS (OPENING AND CLOSING) (PARLIAMENTARY DISALLOWANCE OF CLOSURES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

Ms HURLEY (Napier): I move:

That this Bill be now read a second time.

In briefly discussing this Bill, I emphasise that it refers not only to roads but often more importantly the roadside verges which contain important recreational facilities and also often examples of native vegetation that do not exist elsewhere. In fact, on the road reserve alongside my own house, a rare species of native grass was discovered just recently by some council workers. This indicates the importance of considering very carefully whether roads should be closed and turned over to other purposes. It is very important to keep road accesses free for people who are bush walking, horse riding and involved in other sorts of recreational activities.

In another place, questions have been raised about the fairly lengthy process that already must be pursued in order to close a road. The fact is that this proceeds fairly much

through the bureaucracy of local government and, depending on the circumstances, it is possible that the notification of a road closure can be slipped through with very minimal advertisement and people do not actually get to hear about it until it is approved.

In view of the importance of roads in a number of areas, the Opposition believes that ordinary people's rights must be protected with respect to the opening or closing of roads. Parliament is the appropriate body through the Legislative Review Committee to ensure there is proper accountability. Most applications for road closures will no doubt go through with no difficulty whatsoever, but it is important for the community to have this final step where Parliament can make the decision about whether or not a road should be finally closed.

It is important, both for city and country people, that this Bill be passed. A reduction in green spaces in the city is noticeable, with the sell off of a number of public open spaces—for example, around schools. Road closures can add to this, and need full and open scrutiny. In country areas, roads provide valuable access for both people and stock, and they may also be very valuable pieces of real estate. I believe there has been at least one instance in the country where the community has felt that the process has been abused for the benefit of a land owner.

It is a very useful and simple Bill that will provide the proper range of accountability and appeal for the community if a valuable road in their area is about to be closed. I recommend that all members give sensible consideration to the Bill and support it.

Mr BASS secured the adjournment of the debate.

[Sitting suspended from 12.50 to 2 p.m.]

COOK TO HIGHWAY 1 ROAD

A petition signed by 58 residents of South Australia requesting that the House urge the Government to repair the Cook to Highway 1 road was presented by Mr Meier.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. Dean Brown)—

Disciplinary Appeals Tribunal—Report, 1995-96

By the Deputy Premier (Hon. S.J. Baker)—

Residential Tenancies Act—Rule of the Residential Tenancies Tribunal

By the Minister for Health (Hon. M.H. Armitage)—

Committee to Examine and Report on Abortions notified in South Australia—Report, 1995

Food Act—Report, 1994-95

By the Minister for Housing, Urban Development and Local Government Relations (Hon. E.S. Ashenden)—

South Australian Housing Trust Act—Regulations—Water Rates.

HEPATITIS G

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: I wish to make a ministerial statement relating to hepatitis G. Yesterday in the House, the Leader of the Opposition asked me a question on hepatitis G. Unfortunately, he also issued a press release on the subject later. The press release was entitled 'Hepatitis G arrives in South Australia'. He described hepatitis G as a serious disease and said the South Australian case had been confirmed by Fairfield Infectious Diseases Laboratory in Melbourne. The Leader then made the profound announcement that 'there is no need to panic'. This is an outrageous case of scaremongering.

I should like to deal, first, with the claim that the virus has only just arrived in South Australia. Professor Chris Burrell of the IMVS and Professor of Clinical Microbiology at the University of Adelaide has this to say:

> Hepatitis G has probably been in South Australia for decades.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader knows the rules.

The Hon. M.H. ARMITAGE: Indeed, the South Australian Health Commission has a standing committee chaired by Professor Burrell which keeps a watching brief on hepatitis G developments. That committee has been in existence for the past two years. The Leader's next claim in his press release was that hepatitis G is 'a serious disease'. There is no scientific evidence whatsoever for this statement.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Minister will resume his seat. I warn the Leader for the first time.

The Hon. M.H. ARMITAGE: Indeed, there is no conclusive proof that the virus is associated with hepatitis and may not cause any disease at all. Professor Burrell comments:

> There may well be hundreds or thousands of fit and healthy South Australians infected with the virus. Any disease resulting from the virus appears to occur so infrequently or is so mild that it is not considered to be a major public health problem.

That is a view shared by an international expert, Dr Miriam Alter, from the United States in an opinion provided in 1996 when she suggested major reservations about the public health importance of hepatitis G. Professor Burrell said that people infected with hepatitis G had identical rates of liver disease as those in the normal population. The Leader has claimed that tests at Fairfield Infectious Diseases Laboratory have 'confirmed' the South Australian case. I am informed that the test is experimental, and the National Health and Medical Advisory Council has concluded that the test is only suitable for research and not for screening or routine diagnostic testing.

I am advised that infection control procedures, sometimes called universal health precautions, currently in place in South Australia are designed to prevent the transmission of pathogens such as HIV and hepatitis B through contact with blood. I am further advised that these procedures would certainly be adequate to prevent the spread of hepatitis G. Studies suggest the prevalence of hepatitis G in blood donors in different parts of the world is .8 to 1.2 per cent. The Leader asked what efforts are being made to develop a diagnostic test for hepatitis G to detect the strain and ensure our blood stocks are clean.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader knows those comments are out of order.

The Hon. M.H. ARMITAGE: I am advised that no reliable diagnostic test is yet available, and the National Health and Medical Research Council is providing research

funds to develop improved tests. These will be used to define more accurately the true extent of any disease caused by this infection if, indeed, any disease is caused. The situation will continue to be monitored by an expert committee. The House can be assured that all potential public health problems are monitored by the South Australian Health Commission and that appropriate action is taken.

HINDMARSH SOCCER STADIUM

The Hon. W.A. MATTHEW (Minister for State Government Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: An article published in the City Messenger of 31 July 1996 about the Hindmarsh Soccer Stadium has recently been brought to my attention. The article raises doubts about the due diligence process of the Hindmarsh Soccer Stadium redevelopment, even stooping so low as to make tenuous comparisons between this project and the State Bank disaster of the former Labor Government. In making this statement I am mindful of the fact that the Messenger Press article makes reference to the Public Works Committee's deliberations on a project that has not yet been reported to this House. I therefore carefully confine this statement to the construction process and the numerous errors in the Messenger Press article. In normal circumstances I would treat such an article with the contempt it deserves and not bother responding to it, especially knowing the author and the inaccuracies usually contained in articles written by her. However, a number of people have been offended by the article as it strikes directly at their professionalism, credibility and integrity. There are six major errors in the article, which are as follows:

1. The journalist claims that 'a committee made up of politicians and Soccer Federation members is intended to decide who wins the construction contracts'. The fact is that it is intended that I as Minister for State Government Services will have the responsibility for acceptance of tenders, which is consistent with the appointment of my agency as the independent risk manager.

2. The journalist claims that 'contracts are not being awarded by the usual State Government procurement/tender due process'. The fact is the tender call process is to be handled under the usual Government arrangements.

3. The journalist claims that 'no sponsorship no win'. The fact is that all tender bids will need to conform to the specifications to be introduced through the audited Services SA process, endorsed by the Hindmarsh Redevelopment Executive Committee and accepted by me as Minister for State Government Services.

4. The journalist states in relation to sponsorship that 'there are legal officers within the Government who are extremely alarmed at this turn of events'. The fact is that sponsorship such as naming rights and signage, corporate box purchase and club endorsements will be managed by the Soccer Federation in a process completely separate from the tender process.

5. The journalist claims that 'already one public servant has admitted to the Public Works Committee that the pollies and the soccer guys were choosing the winning bids'. The fact is that, as the Public Works Committee is yet to table its report, I can only say at this time that my department has advised me that the journalist's statement is incorrect.

6. The journalist claims that 'the Adelaide City Soccer Club has already had almost $750 000 given to them for the redevelopment'. The fact is I have assumed that the funds to which the article refers are moneys received by the Adelaide City Soccer Club from the previous Labor Government as reimbursement for vacating the Olympic Sports Field and relocating to Hindmarsh Stadium. I have been advised that there were no terms and conditions or terms of reference set by the former Government on how this money was to be expended.

These facts could have been provided to the journalist concerned had she bothered to make a simple telephone call to my office. She failed to do so. The redevelopment of the Hindmarsh Soccer Stadium has been a long time coming. Indeed, it was a victim of neglect by the previous Labor Government for many years. This Government has ensured that the stadium receives the attention it deserves and becomes one of the best soccer stadiums in the country. I can assure the House that this will occur, with all the appropriate checks and balances, to ensure that the taxpayers of South Australia get the best possible value for their money.

HOUSING TRUST WATER LIMITS

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. E.S. ASHENDEN: I advise the House that the Government has decided to reintroduce regulations under the South Australian Housing Trust Act 1936 to amend the limit to which the trust will bear rates and charges for the supply of water to its premises. As members are aware, the regulations previously laid on the table were disallowed in another place on 31 July 1996. The regulations set the limit for water consumption borne by the trust to 135 kilolitres per annum, in line with the user pays arrangements established by SA Water. The intent of the regulations is both to promote water conservation and to control operating costs in the Housing Trust. I believe that all members accept the need to promote water conservation and are also aware that, within its financial constraints, the trust is making every effort to invest in upgrading its properties, to improve fixtures and fittings to assist in this regard. It has also instituted a number of programs to assist tenants to reduce their water usage.

I should like to focus briefly on the issue of operating costs. If it stands, the disallowance of this regulation will cost the trust approximately $430 000 per year. The attitude of those opposing the regulation is of real concern in the current environment in which the Government is negotiating a new long-term model for the Commonwealth-State housing agreement. In essence, initially under the previous Labor Administration, the Federal Government proposed that it accept responsibility for the income support aspects of housing subsidies, and that the State act as service provider and meet special needs. It also proposed that the subsidy be paid directly to tenants, not to the State, and that the subsidy may be used in other than the public or private rental systems. I again stress that this proposal was being considered under the previous Labor Administration. It reflects a general community attitude that the difference in subsidy levels between the public and private rental systems is too great.

The issue of equity must be addressed in the long-term interests of public housing itself. Where this gap has become too great it has led to a loss of support for public housing, and

long queues to get into a system which offers a high level of subsidy to a limited percentage of those in need. Those in the private rental system will pay the water charges through their rent. For Housing Trust tenants not to pay will further increase the equity difference. In the long term, the Housing Trust is likely to face a more competitive environment within the context of subsidy levels set by the Federal and State Governments. This will require more emphasis on efficient operations and lower operating costs.

If the regulations are again disallowed, there will be an immediate budget impact of $430 000. The trust will then have to reduce its expenditure by this amount. This will mean, for example, six to eight fewer houses being built for low income tenants, $430 000 less to spend on overall maintenance, or less money for redevelopment. This is not a saving to Government: it is less money available to assist those in need, but providing more subsidy to those already being assisted. The average cost per tenant is less than $10 per year. The impact on these tenants will be far less than the impact on the trust if the Opposition and the Democrats maintain their position. I ask members to reconsider their position on this regulation, in the interests of equity to all those in need.

PRINTING COMMITTEE

Mr BROKENSHIRE (Mawson): On behalf of the committee and in particular given the efforts of the member for Giles, who is so supportive of the committee and a good member, I bring up the second report of the Printing Committee for 1995-96 and move:

That the report be received and adopted.

Motion carried.

QUESTION TIME

TEACHERS' DISPUTE

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier intervene to resolve the two year old teachers' dispute, given that the Minister for Education and Children's Services has not attended any of the negotiation sessions about the dispute? The dispute commenced in 1994, when the Australian Education Union sought an interim award in South Australia and the Government announced on 25 August 1994 that it would cut the education budget by $40 million, increase class sizes and cut 422 teachers' jobs. In June this year the Treasurer called the teachers' union representatives 'maniacs', and the Minister for Education and Children's Services hired Stephen Middleton Public Relations to run a campaign against the teachers' application. Today, the Australian Education Union has issued a statement which reads as follows:

Unlike the President of the AEU, the Minister [that is, the Minister for Education and Children's Services] has not attended any of the negotiation sessions or the commission's proceedings.

Mr Scalzi interjecting:

The SPEAKER: Order! The member for Hartley is out of order.

The Hon. DEAN BROWN: I point out that the Minister is there, as part of Cabinet, to set direction. I cannot recall, at least for many decades, a Minister appearing in the Industrial Commission to argue a case. I certainly cannot recall under the previous Labor Government—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will not interject.

The Hon. DEAN BROWN: —Ministers actually going to the Industrial Commission to argue their case. There are appropriate people within the Department for Industrial Affairs who handle those negotiations. Those matters have been before the State Industrial Commission, as the Leader of the Opposition knows—and so they should be. Very importantly, the State Government has put forward a very significant offer over a 2½ year period, which offer amounts to a 15 per cent salary increase for teachers. All I ask is that teachers look at the State Government's offer of a 15 per cent increase over a 2½ year period.

Very importantly, I believe that the teachers realise that, through the antics of their union, they have now been denied the opportunity for a salary increase when it could have occurred and they could have been getting the benefit of it now. It is most unfortunate that once again a significant number of schools within the State have been shut down through the industrial action of the unions. If they wished to go on strike, why did they not go on strike during the school holidays? Why did they not forgo their salary during the school holidays—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —and have their strike then? Why is the union not willing to carry out reasonable negotiations in the Industrial Commission of South Australia and reach a settlement, particularly when the State Government has put forward such a reasonable offer—a 15 per cent increase over a 2½ year period? I believe the leadership of the union has let down its own membership by denying them any salary increase when in fact they could have had one months ago if they had accepted a reasonable offer.

STATE INFRASTRUCTURE CONTRACTS

Mr WADE (Elder): Will the Premier inform the House of the consequences to South Australia should a future State Government seek to undermine or renege on major service or infrastructure contracts entered into by this Government? In a small feature in the *Advertiser* of 20 July this year, the Leader of the Opposition was reported to have claimed that he would investigate these contracts with a view to—

Members interjecting:

The SPEAKER: Order! I do not want to speak to members again about interjecting.

Mr WADE: —getting out of some of them.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I note that the first thing the Leader of the Opposition will do immediately after winning Government—I am not quite sure how many years into the future that will be, but it will be sometime next century—is employ a team of lawyers to look at the whole series of contracts which this Government has signed. They include such things as the contracting out of bus services to Serco; and also the Southern Expressway, to get on and build the Southern Expressway to serve the people of the southern suburbs—after 12 years in Government in South Australia and, despite election promises, the Labor Party did absolutely nothing about it. Labor will also look in detail at the EDS contract with the object of throwing EDS out of the State and out of the State Government. That is exactly what the Leader of the Opposition has said. The Leader of the Opposition said

that he will employ a team of lawyers to look at these contracts and look at opting out or overturning the contracts. That is absolutely disgraceful. The only reason the Leader of the Opposition is doing this is that he is locked in by the ideology of the trade union movement.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition.

The Hon. DEAN BROWN: The only reason the Leader of the Opposition has made that statement is that the people in Trades Hall on South Terrace are pulling the strings and saying, 'It is against trade union policy. We strongly object to the fact that these contracts are being signed with private companies in South Australia and we want the State Government out of those contracts.' It is government by South Terrace, by the trade union movement.

An honourable member interjecting:

The Hon. DEAN BROWN: That is very clear. I point out that this ideological stance by the Leader of the Opposition clearly would cost the taxpayers of South Australia tens of millions of dollars. It is a little like trying to buy back the bank. We all remember the motion moved by the State Council of the Labor Party whereby it wanted to buy back the State Bank after Labor won Government. How would you be?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. Olsen: Like the motion supporting Tim Marcus Clark.

The Hon. DEAN BROWN: Yes, it was the Leader of the Opposition who moved the motion to support Marcus Clark, a man of great honour and integrity, a man of great management skills—

Mr CLARKE: Mr Speaker, I rise on a point of order. I refer to Standing Order 98 in the forlorn hope that the Minister will respond to the substance of the question.

The SPEAKER: There is no point of order. Again I point out to the Deputy Leader that, if he is interested in raising particular Standing Orders, I suggest he pays attention to the Standing Orders dealing with interjections. I consider the current point of order to be frivolous.

The Hon. DEAN BROWN: I put out a challenge to members opposite to tell us where they stand on issues such as the EDS contract. Do they or do they not want EDS in this State? Do they want the EDS Asia Pacific education centre and its data management centre for the whole of Asia in South Australia, or do they want to sack the 350 people currently employed by EDS in South Australia? Tell us where the Labor Party stands on the Southern Expressway, because we are aware of the extent to which the Labor candidates are trying to white ant the Southern Expressway at present.

We know how the Labor Party is running all these action committees in the southern suburbs trying to undermine and stop the building of the Southern Expressway. It should have the courage to tell the people of the southern suburbs whether or not the Labor Party supports the Southern Expressway and, if it does, it should call off its white ants in the southern suburbs. Tell us also whether the Labor Party supports the contracting out of the bus services which we have put in place and which is saving the tax payers millions of dollars and which is providing additional bus services as a result.

My concern for members opposite is that they are being left completely behind. Their colleague in Victoria, Mr Brumby, acknowledged the fact that he had been left behind. In Victoria recently Mr Brumby said:

> If the Party doesn't reposition, and we don't produce contemporary policies for the next election, our prospects are basically nil.

This is the Leader of the Opposition in Victoria who opposed all the contracting out—

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

An honourable member interjecting:

The SPEAKER: The Minister is out of order.

Mr CLARKE: I am wondering what ministerial responsibility the Premier has with respect to the Leader of the Opposition in another State.

The SPEAKER: The Premier has no responsibility in relation to the Leader of the Opposition of another State but, as the Deputy Leader of the Opposition is aware, Ministers are given far more discretion in answering questions than members are in asking them.

The Hon. DEAN BROWN: Thank you, Mr Speaker. I wonder when the Leader of the Opposition and the Labor Party in this State will bring themselves into the 1990s and, indeed, the twenty-first century. When will the Labor Party start to reposition itself into a world of reality where the contracts signed by this Government are in the interests of jobs, economic development and the creation of transport links in this State, which are very important indeed? When will the Leader of the Opposition step out of this policy vacuum in which he has been living and bring himself up-to-date and into a repositioned position similar to the Leader of the Opposition in Victoria?

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. Despite your numerous rulings about the Leader of the Opposition's press secretary, I point out that he is still sitting in the gallery and using it as an office.

The SPEAKER: Order! Some weeks ago the Chair ruled that there were to be no press secretaries in the gallery. Because of what I regard as rather childish points of order continually being taken on this matter, there will be no press secretaries in the press gallery and, if their presence in the gallery is again brought to the attention of the Chair, their accreditation in this building will be examined.

TEACHERS' DISPUTE

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. Why did the Minister for Education and Children's Services tell Parliament that the South Australian Institute of Teachers had refused to compromise on its $230 million salary and wages claim? Yesterday, the Minister for Education and Children's Services told Parliament that the teachers' union had refused to compromise on its $230 million salary and conditions claim. Ten days ago the union made an offer to the Government, which included major concessions. This offer was costed at $130 million and is the same amount that the Government announced on 19 June that it was prepared to offer teachers.

The Hon. DEAN BROWN: The Minister made his statement because he is right. We all know that the claim being lodged against the State Government will cost about $230 million—

Mr Clarke interjecting:

The SPEAKER: Order! The member has asked his question.

The Hon. DEAN BROWN: We all know that the State Government has put forward an offer costing about $130 million. We know that the union is quite absolute, quite rigid and is not prepared to give one inch whatsoever. It has

rejected what is a very fair and reasonable offer put forward by the State Government. It was an offer for a 15 per cent salary increase over 2½ years.

Mr Clarke interjecting:

The SPEAKER: I warn the Deputy Leader for the second time.

The Hon. DEAN BROWN: SAIT is not interested in reaching a settlement on this issue at all. All it wants to do is force the State Government to go to a Federal award, which will cost the taxpayers of South Australia an enormous amount of money and we will end up with less contact time and various other benefits for the teachers, which will not improve the standard of education in South Australia one iota. All I ask for is a fair and reasonable deal from the teachers' union in being prepared to reasonably negotiate the salary offer that has been made and to accept, on behalf of the teachers, a salary increase immediately, which amounts to a cost of about $130 million to the State Government and also, I might add, would immediately be part of an overall package delivering a 15 per cent salary increase to the teachers over the next 2½ years.

ALFON INDUSTRIES

Ms GREIG (Reynell): Will the Minister for Industry, Manufacturing, Small Business and Regional Development inform the House of yet another industry success story in my electorate? This morning the Minister opened and welcomed another industry to Lonsdale. In doing so, the Minister put the wheels in motion for the company to win a significant international contract.

The Hon. J.W. OLSEN: As the member for Reynell has indicated, I was pleased to join her at the opening of this new facility in her electorate. The honourable member has been consistent in arguing for further development in job opportunities in the southern suburbs. We have seen the development of a very important industry.

Alfon Industries is a family company which is typical of the energetic, small business that we have in South Australia. Founded 31 years ago by Fred Moore and his family, the company's core business has been as a tooling supplier to the automotive industry. Thanks to some support from the tooling program through the Centre for Manufacturing, Alfon has now established a new plant at Lonsdale and employs 35 people, which is an increase of 20 per cent in its work force, and it has its eyes set on becoming an export oriented company with a capacity to continue to grow.

It is a business that has long generated wealth for South Australia and it most recently won a contract away from interstate suppliers to supply a number of anode moulds for Roxby Downs. The support of SACFM has enabled Alfon to branch from its core industry. Most people have a perception of a tooling factory being a dirty, greasy facility that cannot move into new modern technology, but listen to the case example of Alfon and what it is now achieving internationally.

Mr CLARKE: Is it a win-win?

The Hon. J.W. OLSEN: It is more than a win-win; there is a third win to it, because the southern suburbs in this instance is winning. Alfon has branched from its core business of automotive tooling to establish a medical products division that will be based on a remarkable invention by Dr Tony Pohl from the Royal Adelaide Hospital and Mr Bruce Ide from the University of Adelaide, I think. They have developed a new fracture fixator which will now be developed in the old tooling plant.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: I will go on to explain. It is used by the United Nations mission in Rwanda.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: Well, if you just be patient, it is a good news story. I know that you do not like to hear good news stories but you will hear it even if it takes me the whole of Question Time to tell you.

Members interjecting:

The SPEAKER: Order! I can assure the Minister that if members continue to interject they will not hear the response.

The Hon. J.W. OLSEN: Thank you, Mr Speaker. This is a project typical of what we want to come out of the Inventive Australia-Creative Adelaide program. These two men have developed a new type of fixator used in healing fractures of the leg. The world-wide marketing rights for these fixators have been obtained by Zimmer Corporation, an international US distributor of medical products. It should be added that the total market for this product is $40 million in the United States alone. I understand that the company has already received a first provisional order of 800 fixators worth in the vicinity of $4 million. This is out of a factory which was simply a tooling factory associated with the automotive industry and which is now moving into the medical products export market.

Early trials indicate that the fixator is one of the most rigid and strongest fixators ever developed. This means that it has the potential to repair fractures up to 50 per cent faster than existing products of this type. Members can imagine the benefit of that if someone's fractured leg can be repaired nine weeks earlier than otherwise would be the case; there would be enormous savings to industry and in the cost of workers' compensation, not to mention personal pain and suffering. It is an advantage of this invention from Adelaide, South Australia, now through a manufacturing facility in South Australia, going onto the international market through international marketing rights.

Alfon Industries is typical of the growth that has taken place in the tooling industry in South Australia since the special tooling program was established at SACFM two years ago. Throughout the State there has been a doubling of sales in contract tooling rising from $78 million to $180 million in the past two years and employment rising some 17 per cent from 1 580 to 1 845 people. It is an example of positive, productive links that can be forged between innovative, energetic companies like Alfon and Governments that are committed to supporting the growth of a vibrant, export oriented industry.

To tap into a tooling industry from the automotive industry into medical products now accessing the international market is something of which all South Australians should be proud. I certainly know that the member for Reynell is proud of this facility which is being located in her electorate and which now has the capacity to expand substantially given the US endorsement of this product and the US marketing rights that have now been secured.

FERRIS, MS J.

Mr ATKINSON (Spence): Why did the Premier withhold legal advice from the joint sitting of Parliament provided by Tom Hughes QC showing that a sitting member of Federal Parliament cannot resign from a seat he or she was

ineligible to hold in the first place? Laurie Oakes' column in this week's *Bulletin* reveals that the Liberal Party received advice on the case of Jacqueline Kelly, nominally the Federal member for the Division of Lindsay in New South Wales. At the time nominations closed, Ms Kelly was employed by the RAAF. Mr Oakes writes that Mr Hughes QC told the Liberals, and I quote, 'all over red rover' for Ms Kelly because she had breached provisions relating to an office of profit under the Crown and that she could not resign because 'put simply you can't resign from a seat that you don't hold'. During the recent joint sitting to appoint Ms Jeannie Ferris to her own vacancy, the sitting was told that the Government had seven QCs' opinions all supporting Ms Ferris.

The Hon. DEAN BROWN: I am amazed that a shadow Attorney-General should stand up and ask a question such as that. The State Government takes its advice from the Solicitor-General and the Crown Solicitor.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The honourable member himself has acknowledged that it was not a State Government opinion that was quoted.

Members interjecting:

The Hon. DEAN BROWN: The Liberal Party.

Mr Atkinson interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. DEAN BROWN: I did not say seven QCs.

The SPEAKER: Order! The member for Spence is out of order.

The Hon. DEAN BROWN: The Liberal Party had opinions. The State Government had an opinion from the Solicitor-General which was, in fact, tabled.

Members interjecting:

The SPEAKER: Order! The Leader will be warned again.

The Hon. DEAN BROWN: And all members know it. I can assure the honourable member that, if he ever got to the position of Attorney-General—and he won't—he would rely on advice from the Solicitor-General and the Crown Solicitor. If they wish to get separate QCs' opinions, they will do so. If I am asked to put an opinion down for the State Government, I will give the opinion of the Solicitor-General or the Crown Solicitor, and that is exactly what we did.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence for the second time.

The Hon. DEAN BROWN: I am sorry that the member for Spence has ended up so embarrassed, particularly when he purports to be the shadow spokesman on Attorney-General matters.

HEALTH PROFESSIONALS

Mr ANDREW (Chaffey): Will the Minister for Health advise the House of any initiatives to enhance the professional skills of health professionals in country areas of South Australia?

The Hon. M.H. ARMITAGE: I know that this will be a matter of great interest to many people who represent rural electorates, and I thank the member for Chaffey for his question and his longstanding interest in increasing professional skills of health professionals in the country. The IT revolution in South Australia, which has been engendered by the Government, does offer enormous opportunities for dramatic improvements in the quality of life. Yesterday, it was a great pleasure for me to launch the South Australian Postgraduate Medical Education Association Video Teleconferencing Facility which will be used to provide continuing medical education to rural South Australians, as well as providing the opportunity for telemedicine, which is a recognised use of modern technology.

It has the great opportunity to establish international education links as well. SAPMEA, which is an organisation no medical practitioner could contemplate living without now, has a distinguished history that can be traced back to the early 1890s, but today it really is an organisation of the future. It provides more than 100 programs for postgraduate medical education throughout metropolitan and rural South Australia, it is the largest single provider of continuing medical education in South Australia, and it has a budget of $1.8 million. In terms of all that, what that means quite specifically for each individual consumer of health care in rural South Australia is that their care is improved.

Recognising the tyranny of distance, video teleconferencing allows real-time contact, person to person, with a low cost, and it is a very significant element in the provision of health care of the future. The project which I launched last night for SAPMEA demonstrates the great commitment of the South Australian health community to use technology appropriately and to continue to advance medical education and utilise technological development so that the challenges of the twenty-first century can be met. In meeting those challenges, the beneficiaries are the consumers of the health care which will be provided by people who are kept at the cutting edge through such measures.

POLICE DEPARTMENT, WOMEN EMPLOYEES

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister representing the Minister for Police explain why a letter to all police from the Commissioner stating that Mr Hunt was 'aware of serious concerns expressed by employees relating to the extent of discriminatory and sexually harassing behaviour in the Police Force' was printed but not circulated and was replaced by a letter stating that the force was merely 'addressing human resources issues'?

The Opposition has a copy of two letters from senior South Australian police dated July this year. The first letter, signed by the Commissioner, was printed ready for distribution to all South Australian police employees when it was withdrawn. The Opposition understands that copies of this letter were later destroyed. It was then replaced by another letter by Deputy Commissioner Hurley dated 19 July which merely addressed human resources issues.

The Hon. DEAN BROWN: I had a discussion with the Minister for Police about this matter this morning, because it was run on a television station last night. The Minister indicated to me that the Commissioner had alerted him to the fact that he was about to send out a letter and the contents, the nature, of the letter he was to send out. That was a letter prepared by the Commissioner for Police. Apparently, that letter was not sent out. That is a matter entirely within the Police Force, because the Minister had indicated his strong support, as he did in this House yesterday with a ministerial statement, for the letter that had been prepared by the Commissioner.

Therefore, I will ask the Minister to get an explanation from the Commissioner as to why the original letter was not sent out. I assure the Leader that the Minister for Police fully supported the original letter that was prepared by the Police

Commissioner and therefore the matter lies entirely within the Police Force, and that is up to the Police Commissioner to explain to this House.

LETA '96

Mr SCALZI (Hartley): Will the Minister for Industry, Manufacturing, Small Business and Regional Development tell the House about plans being finalised now for another education technology seminar entitled Leta '96 that is to be held from 29 September to 4 October following the successful Leta '94 educational seminar?

The Hon. J.W. OLSEN: The MFP, given the success of the Learning Environment Technology Australia seminar in 1994, is activating Leta '96, which is to be held in Adelaide between 29 September and 4 October. Leta '96 is the second in the series of biannual conferences on technology and education. The last conference in 1994 attracted 800 delegates from some 35 countries, 40 exhibitors and 5 000 attendees at the open day, and generated a modest surplus.

Sessions on the theme of learning, environment and technology will include technology in health education; the International Development Program supporting the international activities of Australian education institutions will hold its annual general meeting; there will be sessions on multimedia, open learning, built technology and women in technology.

The MFP is the major sponsor and organiser of Leta '96 with DETAFE, DECS and MISBARD, with strong support from the Royal Australian Institute of Architects and the Australian Society of Education and Technology. Major private sponsors include Telecom and Apple amongst 25 other private sector organisations. International agencies involved in the conference are UNESCO and the OECD. The Prime Minister has accepted an invitation from the Premier to open the conference. There will be at least 20 internationally recognised speakers including the Chairman of Silicon Graphics, Robert Bishop; Ann-Lee Verville, GM, Worldwide Education Industry for IBM; Ms Dev of the Stamford University School of Medicine; Professor Jay Sanders, Professor of Medicine and Surgery and Director of the Telemedicine Centre in Georgia, USA; and Gan Boon San, Deputy Director of the National Computer Board of Singapore IT2000. There will be site visits, trade fairs, master classes, satellite meetings and other launches of new technology.

In summary, the benefits to the State and to Australia of the Leta '96 event include the provision of an internationally recognised showcase of Australian capabilities in the learning technology area, with more than 1 600 delegates visiting Adelaide, half of those being from interstate and overseas. It has become known as the event to launch new technology products, projects and programs—I guess another example of the MFP becoming the creative and competitive state by show-casing what South Australia can do.

STATE SLOGAN

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier advise the House when the Government ceased using the slogan 'Going All the Way', and can he advise how much the campaign has cost taxpayers? This morning's press carries a report entitled 'Failed slogan all the way out' and states that 'Going All the Way' is gone, and quotes the Premier's senior adviser, Krystyna Benson, as saying that it had been dropped from official use for some time now.

The Hon. DEAN BROWN: I do not know quite why the Leader of the Opposition should raise this issue now because—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I made a public statement on this about two months ago. I am not quite sure where the Leader has been for the past few months.

The Hon. M.D. Rann interjecting:

The SPEAKER: The Leader is out of order.

The Hon. DEAN BROWN: I suggest he read what was in the paper about two months ago.

ADOPTIONS REVIEW COMMITTEE

Mr OSWALD (Morphett): Will the Minister for Family and Community Services advise the House when a decision will be made on the recommendations of the Adoptions Review Committee, and when can we expect to see legislation presented to Parliament for consideration?

The Hon. D.C. WOTTON: I appreciate the member for Morphett raising this issue: it is a very important matter and one about which I am pleased to say I have had ongoing discussions with the Opposition. The Adoptions Review Committee released its report for public consultation in September last year. I have been quite deliberate in setting aside a lengthy period of time so as to ensure that the community had an ample opportunity to have input into this very important area of my responsibility.

All members of the House would recognise the sensitivity of this legislation, which affects the lives of many people in South Australia, and it is absolutely essential that this matter is handled appropriately and that we get it right. I am sure that members would be aware of the considerable amount of debate on this subject that took place in both Houses a few years back. I inform the House that legislation is now being drafted. That will need to go back to Cabinet, and it is my intention that the legislation will be introduced into Parliament next session. However, as I said earlier, it is important that an opportunity should have been provided for adequate consultation, and for the many views that are being expressed in the community to be made known to me and to those who are drafting the legislation. It is certainly my intention to have the legislation introduced into the House in the next session.

AUSTRALIAN NATIONAL

Mr CLARKE (Deputy Leader of the Opposition): Why did the Premier say on Tuesday this week that an Australian National bid for a contract to build 40 new locomotives had been rejected by the National Rail Corporation and that the former Labor Transport Minister (Laurie Brereton) had stabbed AN workers in the back when no tender had been submitted by AN or any other South Australian based company for this work? The Premier criticised Laurie Brereton for not giving the contract to AN. Australian National does not build locomotives and did not bid for the contract.

The Hon. DEAN BROWN: First, I referred to several amounts of work. I certainly referred to the new engines, but I also referred to the maintenance contract, which has gone to Victoria for $1 billion over a 15-year period. If you like, I will show—

Members interjecting:

The SPEAKER: Order! I name the Deputy Leader of the Opposition for continuing to defy the Chair. The Chair is no longer prepared to put up with that sort of behaviour. Does the Deputy Leader wish to be heard in apology or in explanation of his conduct?

Mr CLARKE: I apologise, Sir.

The SPEAKER: Order! The Deputy Leader had better give a better apology than that or the Chair will not even consider accepting it.

Mr CLARKE: I apologise for the interjection, Sir.

Members interjecting:

The SPEAKER: Order! Then, I—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart. If he continues to interject, I will deal with him after this matter is dealt with. In view of the fact that it is the last sitting day, the Chair is very reluctant to accept the honourable member's apology. The Deputy Leader of the Opposition must not make one further interjection today. I want to put him on clear warning that, when this House reassembles in October, no further explanations will be accepted when members are warned. The Deputy Leader, the Leader and their colleagues have set out on a course of action to defy the Chair, they have no regard for Standing Orders and they think that they can carry on in an unparliamentary manner. They have had the audacity and the effrontery to criticise the Chair without any reason whatsoever—and do not raise your eyebrows at the Chair, either!—because the Chair has been very tolerant. Therefore, I am prepared to accept the apology very reluctantly.

The Hon. DEAN BROWN: The Deputy Leader of the Opposition would know, if he reads *Hansard*, that I referred to two specific contracts let out by the National Rail Corporation. One was for the building of the 120 new engines—80 engines and then a further 40 engines—and the second was the sizeable maintenance contract that was let to Victoria. The honourable member also knows that the work let to Victoria was previously done here in South Australia. However, Laurie Brereton stood up in front of Australian National workers and said, 'We will get you more work,' when at the same time he had just let the work that could have been done here to Victoria, and he let other work to build new engines both in Queensland and Western Australia.

It was Laurie Brereton, knowing exactly what the facts were, knowing that these contracts were being signed elsewhere, who could have let the work, even on a subcontract basis, to Australian National here in South Australia, but he stabbed them in the back. I find it astounding that he put out—

Members interjecting:

The Hon. M.D. RANN: I rise on a point of order, Sir. There have been interjections from the member for Mawson. Given your warning to the House a few moments ago, I wonder whether you could clarify the situation.

The SPEAKER: Order! The Standing Orders apply to all members. Unfortunately, the member for Mawson continues to interject and on many occasions from behind the column, where it is difficult to see him, and I suggest to the member for Mawson that he not continue with his unruly behaviour.

The Hon. DEAN BROWN: I make it quite clear that Laurie Brereton knifed Australian National workers in the back because, as Federal Minister, he had the power if he wanted to use it. He was the most powerful shareholder on the National Rail Corporation board, through his representative, and he could have made sure that the work went to Australian National here in South Australia. Instead of that, he had the gall to issue a press release acknowledging the fact that Australian National workers in South Australia needed more work, knowing at the same time as he made that statement that he was about to let a sizeable amount of maintenance work to Victoria, which could have been done here in South Australia, and new construction work in Queensland and Western Australia, which equally could have been subcontracted to South Australia. Laurie Brereton now has to wear the blame—

Mr Venning: Absolutely!

The Hon. DEAN BROWN: —together with John Bannon for refusing—

The Hon. M.D. RANN: On a point of order, Sir, I again seek clarification about interjections. The member for Custance just interjected on the Premier. Will the same rules apply?

Members interjecting:

The SPEAKER: Order! That is a frivolous point of order. The Chair did not hear the remark, as the Chair often does not hear, because of the continual hum around the Chamber. I hope that, when the House reassembles, there will be an improvement in the amplification system and the Chair's role will be made considerably easier. I suggest that the Premier wind up his answer.

The Hon. DEAN BROWN: I wind up the argument by saying that the clear evidence is that the work could have been done in South Australia, and Australian National workers should quite rightly vent their spleen against Laurie Brereton, the Federal Labor Government and the State Labor Government, because John Bannon, as the Premier of the day, took the conscious decision not to allow South Australia to be a shareholder of the National Rail Corporation, which would have given us a say around the table to get contracts for South Australia. We were sold out by Labor in this State.

EDS EDUCATION CENTRE

Mr CAUDELL (Mitchell): Will the Minister for Employment, Training and Further Education indicate to the House whether there are any developments benefiting the State from the EDS Asia Pacific Education Centre, which was recently opened?

The Hon. R.B. SUCH: I thank the member for Mitchell for his question. The EDS centre, which is within the Light Square campus of Adelaide Institute, is very innovative. Unfortunately, it has not had the media attention it deserves. It was opened by the Premier on 19 June and it is the leading training centre for EDS in any part of the world. In fact, it has the most up-to-date EDS equipment of any of its centres. It is the largest interactive training room and it has more than $1 million worth of computers and related equipment. It was originally intended to have 1 200 staff travel to the centre from Asia Pacific per year, and I am pleased to announce that EDS is now committed to train 2 500 people here every year, which is a significant development. The staff will come from Hong Kong, Taiwan, Singapore, Japan, Korea, Malaysia, Thailand, New Zealand and China, as well as from within Australia.

The courses will last for up to 10 weeks each, and the obvious benefits to South Australia include not only the monetary gain from having an extra 2 500 people here each year and in providing accommodation and food—and the jobs that will create for South Australians—but also it means an interchange of technical information between TAFE and

EDS, and the development of multimedia and online learning materials for use within TAFE. Further, it means that South Australians can access curriculum used by EDS, the largest employer of IT service personnel in the world. It also means there will be enhanced employment opportunities for South Australians in the State's burgeoning IT industry.

As an additional bonus from this agreement with EDS, I should point out that people within EDS have a great love of South Australian wine which encompasses not only Grange Hermitage, which the senior staff purchased on their last visit, and they also purchased 130 dozen of our finest reds at the same time. Not only do we get the benefit of having the training and all that goes with that, but we also have the benefit of these people who have an appreciation of the finest wines in the world.

ETSA COMPUTER SYSTEM

Mr FOLEY (Hart): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Following the Minister's statement to Parliament yesterday that ETSA has not signed a contract for a new software package and that therefore a $6 million cost blowout has not occurred, what has caused the delay in the signing of the contract? When the Minister was questioned on 25 June—

Mr Brindal interjecting:

The SPEAKER: The member for Unley is warned.

Mr FOLEY: Thank you, Sir, for your protection. When the Minister was questioned on 25 June in Parliament during Estimates Committee on the selection of German company SAP for a reported $14 million software package, he said that the tender for the ETSA software contract 'went through all the normal tender processes; it was signed off and endorsed by the Department of Information Industries; it was a submission to Cabinet; and it is a recommendation to go to the next board meeting of ETSA for its endorsement.' This was over two months ago.

The Hon. J.W. OLSEN: The member for Hart gets it wrong in this respect. The question posed yesterday had a false speculative base to it, that is, a tender had been let with a blow-out of $6 million. I had the opportunity immediately after Question Time to advise the House that the basis upon which the question was formed was simply false. No tender has been let. The member for Hart then goes on today to talk about the process upon which the Department of Information Industries and Cabinet have agreed by which ETSA seeks bids under this tender call. That process is currently being undertaken by ETSA.

GOODS AND SERVICES PURCHASES

Mr ROSSI (Lee): Can the Minister for State Government Services provide information to the House on a joint venture between the State and Federal Governments to increase the opportunities for the private sector to meet with Government officials involved with the buying of goods and services necessary for Government business?

The Hon. W.A. MATTHEW: I thank the member for Lee for his ongoing interest in the efficient delivery of Government services. I am pleased to detail in the House today a joint initiative between the State and Federal Governments, called 'Meet the Buyers'. In the next few days, some 27 000 South Australian businesses will receive invitations to an event to be held on 18 and 19 September at the Adelaide Entertainment Centre where, under one roof, they will have the opportunity to meet the buyers from all three levels of Government—Federal, State and local.

Through this event, businesses will have direct access to Australia's largest and most diverse market at the event. In the space of two days they will have the opportunity to make personal contacts that otherwise could take days, weeks or even months to achieve. By simply attending, small businesses in particular can save a considerable amount of money and time in search costs alone. Such costs are often prohibitive for the small to medium size enterprises because of the size and complexity of the Government marketplace across all three levels of Government. By all forms of Government working together, it can provide information to these businesses in a coordinated and integrated manner.

The benefits are not simply just for the businesses attending, but also Government purchasing officers have the opportunity through this event to meet the buyers to expand their own knowledge of industry capability. It also provides an important opportunity for them to develop relationships with suppliers and to be more accountable to the business community and to broaden their supply base. Interested businesses will also be given the opportunity to hear speakers give hints on finding their way around the Government marketplace, finding out about tendering and Government contracting arrangements, and finding out about the latest developments in electronic commerce.

Registration for attendance at the event, including seminars, is free of charge to the attendees. The 'Meet the Buyers' event has the potential to carry a wealth of opportunity for any business, and we expect a large number of local businesses to take advantage of this opportunity. In short, the business is about offering the private sector the opportunity to meet with Government officials involved with the buying of goods and services necessary for Government business and, hopefully, prosper from the experience, and that can only be good news for South Australian business.

HOSPITAL BED LICENCES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Will the operators of the 100 bed private hospital to be built at the Flinders Medical Centre, and a 60 bed private hospital at the Queen Elizabeth Hospital, be required to purchase bed licences on the open market, or will additional licences be approved and, if so, under what conditions?

The Hon. M.H. ARMITAGE: As has been explained on endless occasions, and as I will explain again, no additional bed licences will be created. However, the member for Elizabeth clearly demonstrates not only an unwillingness to learn that but also a lack of knowledge about the thing in general, because the first part of her question was: will they be expected to purchase licences on the open market? The answer is, 'No, not necessarily.' If they already hold those licences, they can move them between the hospitals. The simple fact is that that will have no effect on the total number of bed licences. The important element of the honourable member's question is the latter part. As I have indicated previously and reiterate, there will be no additional private hospital bed licences to cater for those two hospitals. That has been said before and I state it again. It is a clear position.

MEAT PROCESSING

Mr BUCKBY (Light): Will the Minister for Primary Industries tell the House what is being done to assist meat processors in South Australia to develop and implement quality management systems? I believe that the Minister this morning presented a number of certificates to leading meat processors, including one to a Barossa operator.

The Hon. R.G. KERIN: As members would know, the meat industry has certainly been through some ups and downs in the past few years, whether that be with the market or with confidence in their product. One of the keys to improving consumer confidence is obviously quality. Today I addressed the Meat Hygiene Advisory Council which shares my view that industry training is a vital part in producing quality meat products. The State Government recognises the need for industry training, and this morning I announced a major grant for meat processors of South Australia. This is a joint package between me and the Minister for industry, and I thank him very much for his support.

The grant is for $190 000, which will help fund a training package for quality assurance in the meet processing industry. It consists of $140 000 from PISA and $50 000 from MISBARD. We expect industry to match the PISA funding contribution. The funds will be used to assist meat processors to develop and implement quality management systems to meet Australian standards for hygiene and safety in the meat industry. As I said, the industry must enhance consumer confidence and protect important local and interstate markets which are valued at in excess of $300 million.

Also this morning I presented certificates to four South Australian companies that have already gained quality assurance by achieving the required standards. They are: Austral Meats, the State's first meat wholesaler to gain quality assurance; Chisolm Manufacturing, a bulk smallgoods firm which has also achieved the ISO 9 000 quality assurance; the Moonta rural slaughtering plant, run by Ian and Anne Waters, whose achievement is a fine example to rural processors; and Gerald Thompson from Kalleske Meats, who in July 1996 became the first producer of exclusively fermented products to receive their QA certificate.

Having been through the downturn with smallgoods, since its accreditation Kalleske has seen its sales jump to a level beyond what it had before. It is among the first dozen or so pioneers to achieve the national standards which all of the State's 200 plus meat processors will eventually be required to implement. Quality assurance is a system of self regulation that has been incorporated by successful industries and companies worldwide. These quality assurance programs are subject to audit by independent agencies. PISA is also in the process of appointing a scientific officer to support the introduction of the programs. This is a vital long-term strategy that will take the meat industry into the next century. Again, I thank the Minister for Industry, Manufacturing, Small Business and Regional Development for his support. I urge the meat processors of South Australia to take up the challenge of quality assurance.

HOSPITAL BED LICENCES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. When will a paper prepared by the South Australian Health Commission on the deregulation of private hospital bed licences be released for public discussion? Will the Minister say what effect deregulation would have on the value of licences and what effect this would have on private operators such as Healthscope? The current value of private bed licences based on the sale of licences previously held by the Le Fevre and St Andrews Private Hospitals ranges between $40 000 and $60 000 each.

The SPEAKER: Order! More than one question was asked. The Minister will respond to only that which suits him.

The Hon. M.H. ARMITAGE: In relation to bed licences and matters such as contracts for private hospitals, I refer to the contract let in the instance of Ramseys, a 100 bed private hospital at Flinders Medical Centre, and the putative contracts for the Queen Elizabeth Hospital. The contracts identify quite clearly that the bed licences have to be part of the bid. That is a totally different matter from the discussion paper which has been recognised around the private health industry. I have discussed the issue with the industry on two or three occasions over six to nine months. I met with industry representatives over a month ago and indicated that the relevant officer in the commission would discuss matters with them.

Of course, one matter relates to the release of the document. The problem is that, because of the way the private bed licences evolved over a period of time—and I point out to the member for Elizabeth that there is no such commodity—with the matter primarily being fostered by the previous Labor Government, the beds do have a value. Accordingly, a number of private hospitals have borrowed money, using the bed licence putative value as collateral. We understand that.

We equally understand that, if we were to deregulate completely overnight, there would be a disaster in the private health industry. We have no intention of doing that. If the member for Elizabeth believes that that would be a good idea, she should say so. I do not believe she does, because that would affect private hospitals around South Australia in a devastating way. Of course, there would be other consequences from that. It is a matter that we are addressing as a result of the Hilmer report and various other matters which look at barriers to entry. We are looking at those matters and we will do it in a calm, careful, rational and controlled fashion.

ENGINEERING INDUSTRY

Mrs ROSENBERG (Kaurna): Will the Minister for Employment, Training and Further Education outline a progressive new program aimed at encouraging more women to pursue a career in engineering?

The Hon. R.B. SUCH: According to the latest information, 90 per cent of people in the engineering industry are male. Therefore, it is advisable to encourage more women into the engineering field. To that end, the Douglas Mawson Institute of TAFE has created a special program to attract women into engineering. This is being done through a new program called 'Industrial Illustration' which combines both engineering and art. Twenty women have commenced that program, and their ages range from their teens to the upper 50s. It is an intensive six-month program and covers computer-assisted design drafting, three dimensional modelling, computer animation, and a range of other appropriate skills. There is great demand for people who have this particular expertise as CAD operators, technical illustrators or in advertising and graphic design.

This course is an important first step to ensure that more women enter the very important area of engineering. In addition, of course, TAFE runs many specialist courses for women designed to interest them in the areas of computing,

carpentry and mechanics. Finally, I draw members' attention to Tertiary Education Week, which is on next week, and urge them and their constituents to take advantage of the opportunity to visit TAFE institutes and our three universities to make themselves aware of all the programs being offered through those fine institutions.

COURSE FEES REFUND

Mr QUIRKE (Playford): Will the Minister for Further Education investigate the non return of fees paid by students to colleges when courses are not commenced? A constituent of mine, Michelle Edwards, paid over $10 000 to the South Australian College of Natural Therapies and Chinese Medicines. Miss Edwards withdrew prior to the commencement of her proposed course and was refused a full refund. Only 80 per cent of her fees were eventually returned, and they were returned in $1 000 lots.

The Hon. R.B. SUCH: The course to which the honourable member refers is accredited through the Accreditation and Recognition Council. There is a provision within that accreditation that there be a fair and equitable refund policy. We have to realise that there are always two sides to an issue, but I will have this matter thoroughly investigated. In the interim, I have suggested that the Accreditation and Recognition Council adopt uniform guidelines which cover the matter of refund policies dealing with students who wish to withdraw from courses. Some years ago, there was controversy in Australia when many foreign students suffered because people providing courses in English went out of business and those students suffered considerably. So, the Federal Government introduced legislation to protect that situation.

It is important that this State have appropriate guidelines and, if necessary, legislation to protect students here. As I indicated earlier, I want this matter thoroughly investigated to ensure that all points of view, including those of the academy, are considered. From time to time, I am contacted about the exploitation of young people. This tends to happen in a couple of areas, namely, hairdressing and retailing. Currently, I am considering the possibility of developing a code of conduct to cover those areas, with particular reference to work experience.

ENVIRONMENTAL MARKET RESEARCH

Mr BROKENSHIRE (Mawson): Will the Minister for the Environment and Natural Resources relate any recent trends as a result of market research into environmental issues in the State of South Australia?

The Hon. D.C. WOTTON: The member for Mawson's question relates to the findings of a McGregor marketing report on environmental issues, attitudes and actions in this State. The report was commissioned independently of Government and I believe free of charge by McGregor Marketing as part of that company's contribution to the environment debate. The report clearly supports the reasons behind the Government's focus on water, air, litter and land degradation. In fact, the main issues now being raised are the very issues the Government had identified for action. About 47 per cent of respondents cited water pollution as their main concern; 33 per cent, air pollution; 23 per cent, litter; and 14 per cent, land degradation. These figures can be shown as a clear vote of confidence in the Government's bid to address issues of water quality, in particular the clean-up of the Murray and Torrens Rivers, the Patawalonga and other urban waterways.

The survey shows that the Government has been successful in identifying the issues and harnessing the interest and support of the public. The survey also drew many other conclusions. For instance, 80 per cent of people in South Australia now recycle milk cartons and other cartons, 75 per cent recycle newspapers and magazines and about 45 per cent use environmentally sound products. These results show quite clearly that this Government and the people are well prepared to accept the environmental challenges to help enhance the quality of life of this State. I could say much more about the contribution that this State and Government are making in regard to cleaning up the environment, but I was delighted with the report that has been released by McGregors, because it is a good news story for South Australia.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mr VENNING (Custance): I rise on a very important issue today: that of the South Australian railways and their future. As we all know, this is the last day of the session and, during the break—probably next week—we will see the release of the very vital Brew Report on the future of AN, its rail infrastructure and rolling stock in South Australia and, most importantly of all, its jobs. The crisis was highlighted by the Premier on Monday and today in answer to questions. South Australian railways have suffered terribly under Labor. I will recall that history now.

On 24 January this year, Laurie Brereton, the former Federal Labor Transport Minister, visited AN workshops at Islington and Port Augusta. Mr Brereton clearly misled those employees. I took a lot of notice of his statement; I read it and kept the quotes. Just prior to the election, when he was a Federal Minister, Mr Brereton stood up and said that the railway workers at Islington and Port Augusta needed more work, when he knew all along that the contract was about to be let to other companies interstate. He knew that, days before he said it, and a few days afterwards he announced that the jobs were going interstate. He had no consideration, conscience, or remorse. There was no mention of any new locos, as was asked in a question in the House today. He stabbed them in the back, as the Premier said today.

Five years ago, Federal Labor set up National Freight and did not include Australian National in that. That move effectively gave us three rail authorities in South Australia, leaving AN out on a limb. No wonder it is now in financial trouble. Three rail authorities in a State as small as ours is ridiculous and totally unworkable. No wonder AN lost its ability to earn and is now under investigation and in financial difficulty. Premier Bannon was also totally derelict in his duty in accepting the agreement. I believe he should not have allowed the system to work here; he really sold us down the drain. Earlier, in the mid 1970s, Labor Premier Dunstan sold our railways by signing the Railways Transfer Agreement Act 1975, as a total sell-out of our vital rail assets. We now await the Brew Report, due any day—possibly next week. Whatever its recommendations, we want the control of our railways back, before we have no rail system at all. The fact that it still exists at all is incredible, given Labor Government blundering and poor decisions.

Rail has been forced to trade unfairly in South Australia for the past 30 years. It has been run by bureaucrats, controlled by unions and utilised by disinterested users who often have no alternative. The service has been paying fuel excise on its diesel. I have always asked why, given that it does not wreck roads: it saves them, so why should it have to pay a tax to repair roads? I believe that rail has a future in South Australia. I believe that South Australia should regain control of its country railway lines and rolling stock, with AN's debt being the responsibility of the Federal Government, because the Federal Government was in control when it occurred.

I believe the State Government should invite expressions of interest from both our existing rail authorities and also private enterprise to operate freight services in regional South Australia, and should encourage them to do it by providing low, realistic rail track charges using excise-free—that is, tax free—diesel. It should be the same with passenger services, with the STA being asked to tender for outer suburban passenger services and private expressions also being invited.

I believe that a rail passenger service to Port Pirie should be operated, even if it were revenue negative to the Government, and also a service to Mount Gambier, if we ever get that line standardised. If all else fails, we should hand it over before we lose the lot. For once in four decades, give rail a chance. Rail under State and Federal Labor Governments has been derailed—totally ignored. A Liberal Government can and will reverse the downturn in our railways, and the sooner we do it the better. I congratulate the Minister on what she has achieved and on all her efforts at trying to save our rail services in South Australia.

Ms HURLEY (Napier): I want to talk today about the regulation governing the water allowance for Housing Trust tenants. Only yesterday, the Opposition and the Democrats combined in the other place to disallow this regulation, which would have reduced the water allowance limit for Housing Trust tenants from 136 kilolitres a year to 125 kilolitres a year. Losing no time whatsoever, the Government has today reintroduced exactly the same regulation. There has been an attempt to dress up that regulation as an intention to promote water conservation. The Minister said that the intent of the regulations is both to promote water conservation and to control operating costs in the Housing Trust. I think it is pretty obvious the intention on which the Minister has placed most emphasis—that is, controlling the operating costs of the Housing Trust. However, he is controlling those costs at the expense of people on low incomes who can least afford it. While the Government is content to spend money in other areas, it takes that money away from the pockets of its Housing Trust tenants.

In another attempt to justify this position, the Minister has talked again about the difference between subsidy levels to public and private rental tenants and tries to link that with former Federal Labor Government attempts to change the nature of the subsidy. The Minister conveniently overlooked the fact that, when the former Labor Government tried to reduce the disparity between subsidies to public and private rental tenants, it was trying to increase the subsidy to private tenants, not reduce the subsidy to public tenants, which is the direction that this current Government has taken. Step by step, it has taken money out of the pockets of public tenants.

In further justification, the Minister says that, if the regulation does not go through, it will cost the trust approximately $430 000 per annum. Like any landlord, the Housing Trust has to bear some responsibility for a water allowance for tenants. Most private landlords give their tenants a water allowance so that they will maintain the garden and the house. For the private rental market, that allowance is 136 kilolitres. For trust tenants, it is to be reduced to 125 kilolitres. The Minister has said that the immediate budget impact of $430 000 would result in less expenditure on house building, maintenance or redevelopment. Why did the Minister deduct that $430 000 from his budget before the regulation had even gone through Parliament?

The Minister is prepared to take this Parliament for granted and disregard any decision of Parliament. One suspects that the Minister would like to be able to make these decisions without any recourse to Parliament and without any accountability or consultation whatsoever. In fact, no consultation has occurred: it is simply that the Opposition members of the Legislative Review Committee happened to notice the first regulation sneaking through that system. We were informed about it and moved for disallowance. Although enough support was obtained in the Parliament for disallowance, the Minister is prepared to overlook the decision of Parliament and try once again to reintroduce this regulation.

The Minister also says that the average cost per tenant is less than $10 a year. The Minister does not count in the other imposts that have been introduced for public housing tenants. For example, only last year the water allowance was 200 kilolitres a year for public housing tenants. It was reduced to 136, now 125 kilolitres. At every opportunity this Government is seizing on ways to take money out of the pockets of low income people while not affecting the pockets of medium and high income people. This is simply unacceptable and the Opposition opposes it once more.

Mrs ROSENBERG (Kaurna): In this House in March 1995 I raised the issue of the teachers' strike and made some comments about the rally being held in front of my office at Dyson Road on that day. We are now more than 12 months down the track, and today I will again talk about another teachers' strike. As we know, the teachers have chosen to strike today affecting about 370 public schools in South Australia. I understand they were to have their rally at the Adelaide Oval at 11.30 this morning. We are told this dispute is about pay and conditions. For the record, I ask that, for once and for all, we be provided with all the details about this dispute—the pay, the conditions, the claims and counterclaims. Those details should be out in the open. I would like to be able to let the parents, the students and the taxpayers of South Australia know the real facts in this matter.

I would like to have the claim that SAIT has made to the Industrial Commission on the public record. I would like to see whether it is true that they are asking for pay increases of $356 a week for most South Australian teachers and whether it is true that they are asking for an increase of $599 a week for some principals in South Australia. Let us see whether they are asking for a reduction of four to six hours per week in teachers' instruction time for every teacher in South Australia; whether they are asking for the current 22 to 24 hours contact time per week to be reduced by another six hours a week; whether they are asking for the school year to be reduced by another three weeks; whether they are asking for the school year to be reduced to 190 days a year; whether they are asking for the current 12 weeks fully paid vacation each year to be increased by another three weeks; and whether they are asking for teachers to be paid for 52 weeks a year and work 37 of those 52 weeks. Let us see how much

compromise they have been prepared to make in the past two years on their $230 million a year salary and conditions' claim.

As members of Parliament and parents we should be able to talk truthfully and tell fellow parents what the teachers' union is all about. I have said it before and I repeat it today: I accuse the SAIT union and the Labor Party in this State of a conspiracy to hold the South Australian Government to ransom. I accuse them of a conspiracy agreement that guarantees this dispute continues into the next election. They have made a deal together and they are working hand in hand on this deal. This is not about what is right for children—

Mr Atkinson interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Spence would want to be heard in silence.

Mrs ROSENBERG: —and education and I reject any union member who wants to try to continue to push that line. Teachers largely are being used as pawns in this Labor-union deal, just as the children are being used as the pawns in this argument. If this is not just a game to frustrate the Government through to the next election, let us see all the facts and all the claims and counterclaims out in the open. Show us the argument and prove that I am wrong, if you can. If the union is really honest about informing its membership, why was its membership not rallying at the Adelaide Oval two weeks ago? Why were they not making a stand two weeks ago? Why not? Simply because two weeks ago the teachers were having another two weeks fully paid holiday. Why did they not interrupt their holiday to have a rally? Were they not serious enough to give up a day's vacation two weeks ago? Why do they prefer to do their rallying in school time when the only people being affected by their rally are the children and the parents of the children?

Mr Atkinson interjecting:

The ACTING SPEAKER: Order!

Mrs ROSENBERG: SAIT calls this good timing. I call it selfish, ignorant and an arrogant disregard for the real values of education in South Australia. I ask the teachers of South Australia through their union to get on with the job that they have chosen to do—teach.

Mr BROKENSHIRE (Mawson): Today, I will also talk about education but not in the same direction as my colleague. I highlight two schools, the first being Willunga High School. I have always supported the great work done by the Southern Vales Community Health Service. Under its manager, Miss Anne Gunn, an application was made through Living Health, which is the new name for Foundation SA, for a $20 000 local health promotion demonstration initiative grant for health and safety programs for young people in rural areas. Today, I am delighted to be able to say that, through the good work of the Southern Vales Community Health Service and the Willunga High School, $20 000 has been awarded to the Southern Vales Community Health Service to provide a pilot program for health and safety issues for young people.

Members might ask why we need health and safety programs for young people in rural areas. It ties in with a magnificent initiative that has been generated by the five high school clusters in the south, but particularly led and driven by Ms Liz Schnyder and Mr John Reed, the principal of Willunga High School, and other teachers at the school, to tie in vocational education and training with senior secondary school and TAFE. I commend the wine grape growers and the wine makers of the McLaren Vale district for the support they are giving the school. The school has a motto, 'On the wave of success.' That school is definitely on a wave of success, a wave that will continue to incline.

They are getting young people job ready. It ties in exactly with what our State Government is all about. Our job is to get debt down and to restructure this State to ensure a sustainable future. The job of educators is to tie in secondary school and tertiary education opportunities, particularly trade skills and on farm training opportunities, to ensure that young people have the best chance for jobs in our State. That is exactly what this program is about. It teaches young people in senior secondary school the importance of occupational, health and safety, and it ties in with the winemaking venture that the school currently has and vocational education and training.

Vocational education and training has been in a vacuum in this State for some time. We have now realised that not all students need, or indeed want, to go to university. Not all students want necessarily to have to do normal SACE studies. Many students aged 15 years know exactly what they want to do and the links that are now developing, led by Willunga High School and the five southern cluster schools in our region, are certainly resulting in those opportunities. I congratulate all those involved and I congratulate also the pro-active role that the Southern Vales Community Health Service has played.

I also refer to the Woodcroft Primary School. I have been involved with the Woodcroft Primary School since its inception and I have watched its growth. I have seen the dedication and support of the principal, Mr Pat Dorian, and his staff. It is not easy to develop a new school. There may be brand new facilities, but you must set an ethos for the school and bring in extra equipment and materials. You do not have trees and playing areas for the children that established schools have. Pat Dorian, his staff and the school council led by Fiona Cioffi (and the former chairpersons) have done a great job. Every time I visit the school, I see the support given by the council and the staff.

Today, the school is conducting a mini-olympics, which is a fantastic initiative. The local Mayor, Ray Gilbert, who is committed to the district and who supports the schools, is attending. The mini-olympics was launched today and 100 pigeons were released. A flaming torch was brought in. In every classroom today there was a mini-olympics program. As a father, I know that my children—even my four year old, but in particular my eight and 11 year old—are very interested in what is happening in Atlanta. As I have said before, a healthy body creates and assists a healthy mind. The Woodcroft Primary School is well and truly aware of that and enjoys committed teachers. I congratulate the school on its initiatives.

The ACTING SPEAKER: Order! The member's time has expired.

Mr CLARKE (Deputy Leader of the Opposition): I refer today to Australian National and, in particular, to the Premier's answers both on Tuesday and today and his accusations that former Federal Labor Transport Minister, Laurie Brereton, had stabbed the workers of Australian National at Islington and Port Augusta in the back. It was very convenient for the Premier to say on Tuesday that the building of 40 new locomotives had been awarded to private companies outside South Australia and that that had cost South Australia in total $360 million, as 120 new locomotives in total were to be built. The fact is that, as I pointed out to the House today in Question Time, Australian National did

not tender for that contract. National Rail Corporation's tender required that the successful bidder both build and maintain the locomotives. AN never has built, and still does not build, locomotives, although it certainly does maintain them. There were no other bidders from South Australia with respect to the building of these locomotives.

Regarding the work that Laurie Brereton talked about to the workers at Port Augusta and Islington, it was very simple—that is, the building and maintaining of new wagons. That is work which AN can bid for, does do, and could have won. Unfortunately, the Federal election came along and Laurie Brereton is no longer the Federal Minister. We have a new Federal Minister and a Government committed to the gutting and destruction of Australian National.

The Premier also said today and on Tuesday that, if only South Australia had a voice at the board table of NRC, they could fight and win the contracts for South Australia as if somehow those directors of NRC from a particular State were responsible to the State Government of the day. The NRC is a body corporate formed under corporation law with shareholders: 46 per cent of the shares are held by the Commonwealth, 30 per cent by New South Wales and the balance by the Victorian Government. They are the shareholders; they elect directors; and the directors have a fiduciary duty under corporations law and cannot accept directions from any outside Government, be it Federal or State. At law, the National Rail Corporation is not accountable on a day-to-day commercial basis, that is, subject to the direction and control of the Federal Minister for Transport. It is absolutely false for the Premier to suggest that a Federal Government—Liberal or Labor—could direct the NRC to award certain contracts to a particular workshop.

The Hon. R.G. Kerin interjecting:

Mr CLARKE: The Minister interjects and suggests that Laurie Brereton could not have made that promise. Laurie Brereton was promising specifically an opportunity to bid. That does not mean that they would have won it but, with the work being done at Port Augusta and the best practice being implemented at both Port Augusta and Islington, AN was in a position not only to bid for the work but also to win the contract.

The Premier is being very loose with the truth with respect to this whole issue of Australian National. It is not the Labor Party or the workers at AN that has destroyed AN. What will happen is that the Brew report, when it is handed down, will follow an ideological line in so far as the Federal Liberal Government is concerned. It wants to get rid of AN in South Australia, which will destroy more than 1 000 jobs. If you lose 1 000 jobs in AN in this State, you may as well as close up AN. That is almost half the total work force, and about 80 per cent of AN's work force live and work in South Australia. I suggest to the Premier that, instead of going back over history—and a very faulty recollection of history, indeed, as has been proved today—he should stand up for South Australia and compel his Federal colleagues to award jobs to South Australia.

The ACTING SPEAKER: Order! The member's time has expired.

Mr MEIER (Goyder): On Monday this week a very important event occurred at Port Wakefield—the opening of the Army Technology and Engineering Agency's environmental test facility, an $8 million project that has come to this State and to my electorate. I was delighted to be present for the opening. Members may not be aware that the Army Technology and Engineering Agency (ATEA) environmental test facility provides defence and industry with test data regarding the safety and suitability of explosive ordnance and munitions for Australian service. The new development is adjacent to ATEA's proof range and replaces an existing capability at Salisbury that was accommodated in a World War II munitions factory, which has now been encroached upon by suburbia and is unable to meet current safety standards given the quantities of explosives that have to be tested.

Members would be interested to know that various test buildings have been constructed and are designed for specific purposes. However, to get into the area you must go through a control and amenities building, past the workshop and store building. Some of the specifics include vibration testing. In fact, there are currently three electrodynamic vibration test systems available within the environmental test facility. The vibration facilities are there to test munitions for vibrations such as if they were going along in a truck, particularly over rough roads, and if they were in an aircraft or some other area where they would be subject to excessive vibration. There is even impact testing where the munitions are dropped from a considerable height to see whether they can withstand such a shock and not explode.

Members may wonder how it is possible to test for such conditions without the ammunition exploding and killing the people involved in the experiment. For tests that are conducted with extreme vibration, a mechanism has now been arranged at the Port Wakefield site for the operators to be some distance away from the building so that, if there were an explosion, the building would be changed somewhat but the persons controlling it would be completely safe.

There are also tests for temperature, humidity and altitude. These include such things as extremes of cold and heat and moisture and dryness. The altitude tester provides the same conditions as if you were under controlled conditions in an aeroplane. There are tests for salt, fog and corrosion. The ammunition is placed in equipment to check how they will react after being in those conditions. In areas of rain spray, they are tested for their waterproofness.

There is an immersion testing process, testing for sand, dust and solar radiation, and a non-destructive test. In the building there is an x-ray unit which can examine rocket motors and artillery shells, and it is hoped that a larger x-ray unit will become available in the future. In general, it is there to ensure that Australian munitions are safe and that our troops can use them with complete safety. It is hoped that we will be able to conduct tests for other than the Australian defence forces. It is a great addition to this State and I welcome it. It is a boost for the Port Wakefield area and Australia as a whole—an $8 million investment that is a great asset to this State.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with amendments.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendment.

Consideration in Committee.

The Hon. R.G. KERIN: I move:

That the House of Assembly insist on its amendment.

Motion carried.

DEVELOPMENT (MAJOR DEVELOPMENT ASSESSMENT) AMENDMENT BILL

Returned from the Legislative Council with amendments.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

OLYMPIC GAMES

The Hon. DEAN BROWN (Premier): I move:

That this Parliament acknowledges and pays tribute to all the South Australian Olympians, their coaches and associates who have performed so magnificently during the centennial Olympic Games in Atlanta, Georgia, during the past two weeks; and, in particular, that this Parliament recognises the skills and courage of our athletes who have succeeded in proudly presenting South Australia on the international stage.

In moving this motion I pay tribute to all the South Australian team in Atlanta for the centenary Olympic Games. There is no doubt that the Australian Olympic team has performed magnificently for our country. In particular, I want to draw attention to the South Australians who are members of that team and who have achieved such outstanding success.

First, in the Equestrian Three Day Event, Wendy Schaeffer and Gillian Rolton won gold. Both those women showed outstanding courage in the way they presented South Australia. Gillian Rolton achieved a standing ovation at the press conference after that magnificent performance we saw on television where she came off the horse, broke some ribs and a collar bone, got back on the horse obviously unaware of the full extent of her injuries and continued to ride, and came off the horse again—and I think we could all hear the bones crunch when she came off the second time, this time largely landing on her head, shoulder and neck. To then get back on that horse and complete the round, I think, is outstanding.

Mr Becker: That's what the Olympics are all about.

The Hon. DEAN BROWN: As the member for Peake said, it shows what Olympic effort is all about. I guess that the greatest personal pain was the fact that she had to go through the procedure of resetting her broken bones without any painkillers so that she could, if necessary, ride the horse the next day. She wanted to make sure that, if tested the next day and if she was required as part of the team, she was drug free. That shows that Gillian Rolton, along with the others, are prepared to make the ultimate sacrifice to win medals for Australia and to produce their best effort for South Australia.

We all know that Wendy Schaeffer broke a leg some two months before the Olympics and that she had to have a special brace prepared for the leg so she could ride in the Olympics. The fact that she received the highest individual score of any of the participants in the equestrian three day event is a tribute to her, to her commitment and to the pain she has endured.

In swimming, Susan Ryan was part of the 4x100 metres women's relay team that won silver. In the 4x100 metres men's medley relay, Phil Rogers was there to win a bronze medal for South Australia. In the rowing, the women's coxless pairs, with Kate Slatter from South Australia, won a gold medal. In cycling, the men's team pursuit combination of Brett Aitken, Stuart O'Grady, Tim O'Shannessey and Dean Woods, who lives and trains in South Australia, won a bronze medal. In track cycling, Stuart O'Grady won a bronze medal. In beach volleyball, Kerri Pottharst won a bronze medal. The women's hockey team, of which Juliet Haslam is the vice-captain, will win either a gold or silver medal.

Mr Venning: We are going for gold.

The Hon. DEAN BROWN: I realise that, but it will be either gold or silver.

Mr Venning: It is a pretty good bet.

The Hon. DEAN BROWN: I am sure that the honourable member will want to speak about that team event. In the men's hockey team, we are represented by Paul Lewis and Michael York, and they will compete in the bronze medal play-off. In the women's basketball team are Rachel Sporn, Michelle Brogan and Carla Boyd, and they will play in the semifinal. In the men's basketball team we have Brett Maher, and that team is also in the semifinal. In kayaking Linda Lehmann is still competing but is not yet at the medal stage.

That shows that there has been an absolutely outstanding effort from South Australia. I recall welcoming the team back after the Barcelona Olympics. We did not have the same number of medal winners but this time the team has been outstanding. To think that we have already won three golds, with the potential for a fourth and fifth gold—

Mr Condous: Don't forget a constituent of Colton—Mark Woodforde.

The Hon. DEAN BROWN: I am sure that the member for Colton will want to speak in support of this motion. I have not even listed Mark Woodforde, but he got through to the final of the men's doubles, so there is either another silver or gold, and, knowing the skills of Mark Woodforde, I expect that they will win gold. That amounts potentially to four or five golds for South Australia, in addition to a significant number of silver and bronze medals.

I guess that none of us fully appreciates the personal effort and commitment that these people make. They train year after year, day after day. They rise at five or six o'clock in the morning. It is almost everything. Their social life is largely destroyed. In many cases, their employment is destroyed and I know, from dealing with one or two athletes, the sort of personal commitment that they have had to make in giving up a career to go after these medals. Whilst it is very easy for us to sit back and bask in their glory and appreciate that South Australia, together with the rest of Australia, has done particularly well in these Olympic Games, I believe that we should pay tribute to their enormous personal commitment and that of their coaches, families and sports psychologists.

Graham Winter is the chief sports psychologist for the entire Australian Olympic team, and he is another outstanding Australian, together with Dr Sando, who is the head of the medical team for the whole Australian team, so the head sports psychologist and the head of the medical team both come from South Australia. It shows that, this time, South Australia has made an enormous effort, a greater effort than perhaps one would expect from a State of our size. It also shows the commitment that has been made by a lot of people who are involved in the training of teams within this State and in encouraging a lot of younger South Australians to actively participate in a range of sports. I have argued for some time how, on a per capita basis, South Australia does particularly well in a national sporting events.

The Hon. M.D. Rann: Yes, look at Adelaide City.

The Hon. DEAN BROWN: I look at the success of teams such as Adelaide City, which won three out of four national competitions, and the Adelaide Quit Lightning women's basketball team, which has won the national championship for the past two years. The South Australian Suns have done particularly well, having won the national hockey championship. The daughter of the member for Custance is a member of that team.

Mr Venning: Hear, hear!

The Hon. DEAN BROWN: We have done particularly well in a range of other team sports, as well. In moving this motion, I draw attention to the fact that it is much more than just the athletes and the coaches who have gone off to Atlanta. This is all about recognising the people within this State who have made such a huge commitment to sport: the schools, the people who train them at schools, those who take over after school and pursue that same commitment, and those who made the commitment but have not succeeded in getting through to the Olympic team.

I ask members of this House to join with me in supporting this motion and, in particular, to raise our hats in salute to the people who have won medals. I have gone through the list but there could be others who come through at the last moment. I particularly highlight Mark Woodforde, whom I did not put on my original list, but when we have the ticker tape parade for them on 21 August, I ask all South Australians to come out and pay tribute as they go down King William Street. A joint reception will be held by the South Australian Government and the city council of Adelaide. Members of Parliament and people representing a broad range of sporting interests in South Australia will be invited. I hope that as many South Australians as possible will come out on that day to show our appreciation of the sportsmen and women of South Australia who have so proudly represented us in Atlanta at the centenary Olympic Games.

The Hon. M.D. RANN (Leader of the Opposition): I am delighted to second this motion and do so for a range of reasons. Members will realise that just a week ago I suggested that the State, not just the State Government, but the State as a whole—the city council, this Parliament—host a ticker tape parade for those members of the South Australian Olympic team who participated as well as those who won medals at the Olympics, and I am delighted in a bipartisan act that the Premier has accepted my suggestion and that we will hold a ticker tape parade through the streets of Adelaide. That is the way it should be.

This is not about politics; it is about recognition of why South Australia is different. If there could be any better example of the South Australian spirit it is what was achieved in that equestrian three day event, with Wendy Schaeffer and Gillian Rolton. Winning gold is a fantastic achievement for the State and the nation but the fact that they were both seriously injured and in one case actually refusing medical treatment in case that would somehow affect her ability to compete in the final, I think is an example of that guts and enterprise that comes in a small State, a small tight knit community when people get behind our Olympic athletes.

The Premier has run through the list, including swimmer Sarah Ryan winning silver in the women's 4x100 metres relay; Phil Rogers winning bronze in the 4x100 metres men's medley relay; rower Kate Slatter winning gold in the women's coxless pairs—a fantastic result; cyclists Brett Aitken, Stuart O'Grady, Tim O'Shannessey and Dean Woods (who lives and trains in South Australia) winning bronze in the men's team pursuit; track cycling, Stuart O'Grady; beach volleyball bronze medal winner Kerri Pottharst; Juliet Haslam in women's hockey—and we know she will win either gold or silver; Paul Lewis and Michael Yorke in the men's hockey play-off for bronze; and a fantastic achievement by Rachel Sporn, Michelle Brogan and Carla Boyd in the women's basketball semi final. What a triumph that team has been! I watched the game against Cuba the other day and saw Rachel Sporn brought down by one of the worst fouls I have ever seen in women's basketball, but she is back in there contributing, making a real effort for her nation. Then we have Brett Maher in the semi finals of the men's basketball, and Linda Lehmann in the kayaking, and so on.

As the Premier has said, we are not just celebrating those who have won medals. They are heroes, but there are a whole range of other heroes. To actually get into the Australian Olympic team is an outstanding achievement. It is not just the athletes who compete, it is not just the coaches like Charlie Walsh, who for years has been the world's best cycling coach. It is also the administrators, those people in the clubs throughout the State, at every level from juniors up, who put in the time, effort and contribution, day after day, raising money, the people called the 'good clubs people' in a club, who run the raffles, put on the barbecues—they are all part of a huge pyramid that supports these individual athletes in the process of getting into the Olympics and achieving great things for their nation. So, we must not forget those other heroes, those volunteers, who put in.

The Premier has mentioned that South Australia does well in sport. Certainly as a Vice President of the Adelaide City soccer club and as a Vice President of the Garville netball club, I am delighted with the way those two clubs can reach national pre-eminence and, with Garville, international pre-eminence, in their sport, again because of the work of volunteers and those people who put in and train every day and contribute. What we are doing today is celebrating a South Australian spirit. We are celebrating not just the spirit of the Olympics but also the commitment of thousands of people in this State to help these young people (and older people as well) achieve great things on the world stage.

We are all very very proud of what has been achieved. I hope this is a signal to the business community and to the wider community that we must get behind the Commonwealth Games bid, because I believe we have every chance of winning the right to be the Australian bidder for the Commonwealth Games for 2006 and, if we win that, I believe we have every chance of going out there and winning the international right to stage and host the games here in this State.

We put in a good bid before because it was a bipartisan approach. I want to pay tribute to the member for Peake who, at extraordinary sacrifice to himself, joined with the Minister for Recreation and Sport and put in the hard yakka, the hard work and the commitment to go out and convince international delegates. I know—and I am sure he knows, although he is too modest to say—that we had the best bid by far. We all know there were political reasons why it went to Kuala Lumpur. We had by far the best and most professional bid. That is why the then Government built the velodrome at Sports Park: because we wanted the best facilities available. We have to put in the same bipartisan effort, because this is bigger than politics.

I want to praise the Premier today. I know he would never seek to make political capital out of this sort of thing. He is bigger than that. I know that, and he knows that. So, I am looking forward to working with the Premier to help this State win the Australian bid for the Commonwealth Games and then to go on and win the international bid, not so that the Premier or I can stand tall but so that South Australians and South Australian sportsmen and sportswomen can stand tall, because we will put on the greatest show on earth in this State.

Mr BECKER (Peake): I heartily endorse the remarks of the Premier, and most of those of the Leader of the Opposition. I will not say much about my own efforts in supporting the Commonwealth Games bid.

Mr Evans interjecting:

Mr BECKER: The member for Davenport can laugh about it but, once you have been involved, you know what work and diplomacy are all about. Being involved in that bid in a bipartisan way to win the Commonwealth Games for South Australia gave me a wonderful appreciation of what is involved. That is when you get to know the athletes, the administrators and everybody who is involved, including those behind the scenes. Most of the international delegates to the Commonwealth Games are also international Olympic Committee delegates. I recommend very strongly that the member for Davenport and others read the books *Lords of the Rings* and *The Olympic Story*. Those two books will tell members all about the Olympic movement, including the bidding and what goes on.

For Australia to be placed seventh on the medal winners table at the present moment is a wonderful effort. We must take into consideration our population and location, and the fact that our athletes at the present moment are competing out of season. Nobody has yet said anything about the fact that it is summer in Atlanta, but we know it is winter in Australia. We have to combat the time difference of approximately 14 hours, as well as being out of season. When the Irish girl started winning gold medals, everybody accused her of taking drugs, but it was in her time zone and she was not competing out of season. That is why the athletes from the northern hemisphere have performed much better than anybody expected.

I remind members of what is being done here and what is being done by the Government to encourage our Institute of Sport and to support the athletes in South Australia to advance to the stage where they are considered for Olympic selection and then selected. Those athletes have demonstrated what wonderful ambassadors they are for South Australia. As has been said, it is according to the true spirit of South Australia that these young people have been chosen and have performed so well. They are great ambassadors for South Australian sport. We must now show them how proud we are of them for being a wonderful example to the whole of the youth of this State and to the population generally. We must encourage them and encourage more South Australian young people to participate in sport.

At the same time, this is the opportunity for us to say to the under privileged countries in the Commonwealth that we have the facilities, we have the coaches and the administrators, and we can provide the opportunity, so can we help you? I should like to see an exchange program between the African countries of the Commonwealth and our own Institute of Sport, where we could encourage and assist smaller countries and nations improve their standard of athleticism and sports administration. We could do it, and it would be a wonderful gesture on behalf of our country if we did it as a State. I hope that in the future Australia as a nation will also make greater efforts to host people from all over the British Commonwealth of nations in Australia so that we can share our skills with them.

The Olympic success is a wonderful achievement for both this country and our State, and our athletes have done it without the drugs and stimulants used in Europe. When we compare the physiques of our athletes to those of the rest of the world, we can be very proud of our young people. Through my involvement with the Sportswomen's Association and the Commonwealth Games bid I know a number of the athletes. But, by jingo, this morning I was proud of our women's basketball team which beat Russia. Those who watched that game would have seen a Russian player punch one of our players while she was on the ground. I thought she showed wonderful sportsmanship by not retaliating and by taking it, literally, on the chin. It gave our young team members the opportunity to experience how strong, severe and determined European athletes are when they compete.

On Saturday morning the Australian women's basketball team plays America. That is akin to South Australia playing Victoria. By jingo, I hope they win. I think it is a wonderful achievement by these young people. We look forward to welcoming them, encouraging them and supporting them and the personnel involved when they return. I know that some of them have worked for six to eight years to reach the Olympics. They have achieved something wonderful. I hope that the small tribute we pay here encourages more people in the future to become involved.

Mr FOLEY (Hart): It is with great pleasure that I support the Premier's motion. The Premier is quite correct to move this motion. It is an appropriate time, with the Parliament adjourning for the recess, to put on the public record our support for our Olympians. There is no need to go through the individual events, because the Leader of the Opposition and the Premier have done that. With respect to the medals we have won, I suspect that, if you took South Australia out as a country on its own (and if you assume, touch wood, that Mark Woodforde will win gold), we would probably rank about ninth or tenth overall (perhaps not quite that high) and ahead of other countries in the world with populations very much larger than ours. The distinct possibility of having three gold medals attributed to South Australian athletes, together with a number of silver and bronze, is an outstanding achievement for South Australian athletes.

As previous speakers mentioned, there are other South Australians who are very much a part of the medal winning performances of our athletes. The member for Peake is obviously a very strong supporter of sport in our State. Of

course, the coach of the women's basketball team, Jennifer Chessman, is a South Australian. We all know of Charlie Walsh, another South Australian, and his great performance. As part of the cycling coaching team there is Michael Turtur, Charlie Walsh (Head Coach), Shayne Bannan (Coach—Track Endurance) and Gary West (Coach—Sprint) who are all from South Australia. In men's hockey, Barry Cibich is the assistant coach. In swimming, Glenn Beringen is a coach. They are the main areas where South Australian coaches support our athletes. It is a great moment for South Australia. It is a tribute to the excellent efforts put in not just by the athletes but by everyone behind the Olympics.

At the end of the day, as a nation we sent our largest team ever to compete in the Olympics. We will achieve the largest number of medals ever by an Australian team—well eclipsing the medal performance of the 1956 Olympic Games held in Australia. At the end of the day, our community has supported our Olympic athletes both financially and in spirit. Clearly, all Olympians go to Atlanta with the strong support and backing of our community. It is a great moment for South Australia. To all those athletes who have not been successful in winning medals, equally, our support goes to them. There are too many athletes to mention in a small contribution, but the individual performances of all athletes and not just those of the medal winners should be recognised.

My colleague, the member for Price, in his day was a very fine cyclist, although he was perhaps not quite good enough to be selected for the Olympics. As the honourable member said, many athletes who have not won medals have eclipsed their own best times and performances in their respective sports. It has been an outstanding performance. Of course, there were very memorable moments in the Olympics from other Australians. There was Kieren Perkins' swim and Cathy Freeman's silver. As my colleague mentioned, there were special moments such as the women's basketball win today and the efforts of our equestrians.

It really has been a great two weeks. I must confess that I am not one who would normally sit in front of a television to watch a three-day event, but I watched it with everyone else, because the Olympics bring a special meaning to sport. We all find ourselves very much interested in and supportive of sports that would not perhaps normally be our first choice to watch. With those few comments, I support the Premier's initiative. He is to be applauded for it, and I look forward to all South Australians supporting our athletes on their return.

Mr OSWALD (Morphett): I support the motion and congratulate the Australian contingent (and particularly the South Australia team) that went to the United States to compete at the Olympic Games. I have had the pleasure of knowing many of the South Australian athletes for over six or seven years. I have watched them grow in stature and blossom as world-class athletes. The great thing about knowing an athlete is to know them both on and off the field. Many members in their parliamentary role have sat next to these young athletes at dinners, sports nights and at functions for trophy nights. We know what fabulous ambassadors they are for South Australia. They are nice people. They are fiercely competitive on the sporting field. They know how to win but, when they are off the sporting field, they are nice people.

The athletes are great ambassadors for their State and for the nation. They are supported strongly by their coaches. Two years ago, when we introduced the Year of the Coach, I was pleased that for the first time in some years we were able to publicly acknowledge the work that takes place behind the scenes by the coaches. When each athlete steps down from the podium, the first thing they do is congratulate their coach. They say that if it were not for their coach they would not be there.

We know that the athlete puts in perhaps 80 or 90 per cent and that the coach puts in 10 or 20 per cent (depending on the sport), but one goes with the other. At the end of the day, when an athlete stands on the podium and the flag goes up, it is the athlete who has won the medal. Over the past fortnight we have seen people of whom we are justifiably proud represent this State. There are certain moments in sport that will never be forgotten. We will never forget the swimming, and we will never forget the equestrians' absolute determination. Having been in the equestrian game—I have been knocked unconscious a couple of times during show jumping and I know it is a long way down from the back of a horse to the ground—I watched the equestrian events with much interest. To have the injuries that Gillian sustained and to get back up on the horse again was a truly remarkable effort.

In respect of the impact of these Olympic medallists when they return home, Gillian Rolton is a good example. When she returned from the last Olympics I was present on many occasions when she was amongst school children and the public telling her story as an Olympic gold medallist. To look down and see the awe in children's faces and the real hero worship was amazing. I should imagine that, when the team comes back from Atlanta this year, once again a lot of young people out there in sport will look to these athletes as their heroes. There is no doubt about it: there is hero worship in sport, and South Australia has produced world class athletes. Once again, I congratulate all those who took part in the team. Some achieved their personal best, others might not have achieved their personal best but they achieved something for themselves and this country—they competed and did something many of us will never be able to do, and that is to go to an Olympic Games. I congratulate them all.

Mr CONDOUS (Colton): I will be very brief, because I referred to the Games this morning. One must congratulate not only all the winners of gold, silver and bronze medals but also those who went to compete and who gave their all for Australia. There is no doubt that a nation of 18 million people has been able to gain enormous recognition on the world stage as a country which produces the very elite of sportsmen in such a small population. One has only to look at our present standing of seventh or eighth with 18 million people, compared with what the United Kingdom has been able to achieve in these Games, which is a paltry amount from about 60 million people.

I want to mention one of my constituents, who is still competing in the Games, that is, Mark Woodforde, who in my opinion is the greatest tennis player that South Australia has produced on the Australian stage since Ken McGregor. Not only that, I believe that the two Woodies—Mark Woodforde and Todd Woodbridge—have won great recognition as a doubles team, especially in the Wimbledon stakes and also in so many other Grand Slams. I believe they have won the past four Wimbledon doubles together. That may not be as many in total as Sedgman and McGregor, but it is certainly approaching that number, and I congratulate Mark and say how proud all the people of Colton are of his achievements over the last few years. Also, as a South

Australian I congratulate him on what he has been able to achieve.

I wish the Premier all the best in his bid to stage the 2006 Commonwealth Games. As president of a past bid, when we bid against Malaysia, I know that we should have won it. There is no doubt about our facilities and our conditions for the athletes. From talking to so many athletes from around the world, I know they wanted to compete in Adelaide in preference to Malaysia. They were concerned about the heat and humidity in Malaysia and the difficulty in moving around the city. People say that Kennett will throw an enormous amount of money towards Melbourne winning its bid for the 2006 Commonwealth Games. I can say that money does not win it for you, because there are so many other considerations. I believe that the Australian sporting people who will vote for the successful bid for the 2006 Commonwealth Games will select Adelaide for one reason, namely, that athletes will be able to move around easily. They will take only 10 or 15 minutes to get to sporting venues, and the quality of life here for the athlete is far better, the temperatures and the climate are far more suitable and we have a civilised way of living.

One has only to talk to the people who attended the Melbourne Grand Prix last year. Each one of them will say that, while the race was absolutely superb, that is all it was: it was a race. There was no atmosphere after the event was over. The trams took everybody home and it was finished by six o'clock, whereas here we created a carnival atmosphere. In fact, the international drivers will tell you that nowhere in the world have they seen a Grand Prix take on such a wonderful atmosphere over one week, when Adelaide really turned itself into an international city but at the same time was able to keep the wonderful flair it has for staging major events. I do not care how long Melbourne keeps the Grand Prix: it will never be able to emulate the quality of the atmosphere that was achieved here in Adelaide. I believe the Commonwealth Games are exactly the same.

I congratulate everyone who competed and I say one thing to the Australian public, who in those first four or five days were so critical of our swimmers. When you look at the whole situation, you find that many of them might have competed a little longer than they should have, but they gave their all. They were committed and proud to contest for Australia. What we should be doing in future is not criticising our athletes but getting behind them 100 per cent, because as Australians we should be proud of what we have been able to achieve, not only in athletics but also in cricket. In a population of 18 million people, we now have the best cricket team anywhere in the world. Our rugby league and rugby union have achieved the same status, our women netballers and basketballers are the very finest in the world, and our golfers hold the stage.

That is what we have been able to achieve—a nation with such a small population and with the small amount of money that we put into sport. Just imagine if we gave the sorts of scholarships and money to our athletes that the United States throws at its athletes, enabling them to become fully professional. They tell me the total salary for the Dream Team is $1 billion. If we had that sort of money to throw at sport, I am sure that nobody would touch us. I will wind up simply by saying 'Congratulations.' The team has done a magnificent job. I am sure that by the time the Games are over on Sunday we will have broken and surpassed the Melbourne record of 34 medals and will be well on the way to achieving our greatest medal tally. That augurs well for when we host the Games in Sydney in the year 2000. We will be ready, because Adelaide will play a very significant role in providing the velodrome, the new soccer pitches and other sporting facilities for those athletes who will compete in Sydney; they can base themselves in Adelaide first before they move over to the Games.

Mrs GERAGHTY (Torrens): I too support this motion and add my congratulations to those exceptional athletes who have represented us so proudly in the Olympic Games. As has been said, all athletes, whether or not they won a medal, their coaches and support teams should be congratulated on their dedication and commitment to their sport. I found the courage of the two women equestrians particularly inspiring and their team event to be of the highest standard. They, along with their fellow athletes, are certainly exceptional people. They are excellent role models for young South Australians, in fact for all young Australians. Given the pleasure and excitement these athletes have given those of us who have been glued to the TV very late into the night, I think we should say 'Thank you.' I have greatly enjoyed all the water sports, being a bit of a water baby myself.

Mr Evans interjecting:

Mrs GERAGHTY: I am not sure how graceful my synchronised swimming would be, but mostly down to the bottom, I would suspect. To see the determination and concentration on the faces of these athletes has truly shown their commitment to giving the very best efforts possible to their event. I do not believe they have done it just for their own personal glory: they more than most would understand the efforts of all those who have helped them get to the Olympics. I was somewhat disappointed to read comments in the paper this morning by Mr Perkins regarding Cathy Freeman's not carrying the Aboriginal flag. She, like all the athletes in the Games, represented Australia as one nation, and that comment was most unfair. She has done all Australians proud and she certainly has done the Aboriginal peoples of Australia proud, as well. She is a delightful and dedicated young woman and she is a truly great ambassador for sport in Australia, so I was particularly disappointed to read those comments in the paper. Congratulations to all who participated in the Olympics. We are particularly proud of them.

The Hon. DEAN BROWN (Premier): I thank members for their response to this motion. I appreciate the support that has been given. Again, I highlight the achievements of our young olympians and in particular those who have been successful in winning medals. We wish those who are still in Atlanta performing and competing all the very best for the completion of the Games. We look forward to giving them a very warm welcome back to South Australia, the ticker tape parade and the welcoming ceremony and reception in the Town Hall when they get back on 21 August. I ask all members of the House to support this resolution and send our best wishes to those South Australians who participated in the Olympic Games and particularly those who have been successful.

Motion carried.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

The following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 3:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

New clause, page 1, after line 25—Insert new clause as follows:

Insertion of s. 14c

3A. The following section is inserted in the principal Act after section 14b:

Annual report

14c. (1) The administrative unit of the Public Service responsible, under the Attorney-General, for the administration of this Act must, on or before 30 September in each year, present a report to the Attorney-General on the operation and administration of this Act during the previous financial year.

(2) A report required under this section may be incorporated in the annual report of the relevant administrative unit.

(3) The Attorney-General must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.

The Legislative Council intimated that it had agreed to the recommendations of the conference.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendment to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the Terrace Room East at 5.30 p.m. today, at which it would be represented by Messrs Atkinson and Kerin, Mrs Rosenberg, Mr Scalzi and Ms Stevens.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 5, line 8 (clause 3)—Leave out paragraph *(o)* and insert new paragraphs as follow:

"*(o)* by inserting 'unless he or she establishes on the balance of probabilities that he or she was not carrying on such a business' after 'sold in excess of 20 in that period' in subsection (3);

(oa) by inserting 'unless he or she establishes on the balance of probabilities that he or she was not carrying on such a business' after 'sold in excess of 50 000 rounds in that period' in subsection (5);".

No. 2. Page 6, line 12 (clause 5)—Leave out 'five' and insert 'six'.

No. 3. Page 6, lines 16 and 17 (clause 5)—Leave out paragraph *(e)* and insert new paragraphs as follow:

'*(e)* one must be a person who carries on the business of primary production and uses a firearm or firearms for the purposes of that business; and

(f) one must be a person who has experience in the administration of, or in participating in, a competitive discipline using firearms being a discipline in which shooters compete at the Olympic Games or the Commonwealth Games.'

No. 4. Page 6, line 19 (clause 5)—Leave out the line and insert the following:

'(2a) The committee must include at least two men and two women.'

No. 5. Page 6, line 22 (clause 6)—Leave out 'Three' and insert 'Four'.

No. 6. Page 8, line 12 (clause 7)—Leave out 'or D' and insert ', D or H'.

No. 7. Page 9, line 21 (clause 8)—Leave out 'a firearms licence' and insert 'a new firearms licence (as distinct from the renewal of a licence)'.

No. 8. Page 9 (clause 8)—After line 22 insert new subsection as follows:

'(8a) The Registrar will be taken to have refused an application for a firearms licence if the application has not been granted within 90 days after it was made.'

No. 9. Page 10, line 27 (clause 11)—Leave out 'Subject to subsection 4, a' and insert 'A'.

No. 10. Page 11, lines 4 to 15 (clause 11)—Leave out subsection (4) and insert new subsection as follows:

'(4) It is a defence to prosecution for an offence against subsection (1) or (2) to prove that—

(a) the owner of the firearm carried on the business of primary production and that the firearm was lent temporarily to an employee or relative of the owner for the purposes of that business; or

(b) the owner of the firearm carried on the business of guarding property and that the firearm was lent temporarily to an employee of the owner for the purposes of that business; or

(c) the firearm was lent or hired in circumstances (prescribed by or under section 11) in which the person who borrowed or hired the firearm was not required to hold a licence authorising the possession or use of the firearm; or

(d) the firearm was a class A, B or H firearm and was lent pursuant to a written or oral agreement between the owner and borrower that the borrower would only use the firearm for a purpose or purposes specified in the agreement and would return the firearm to the owner within 10 days; or

(e) the firearm was borrowed or hired in circumstances prescribed for the purposes of this subsection by regulation.'

No. 11. Page 11, lines 25 to 27 (clause 11)—Leave out subsection (7).

No. 12. Page 11, line 29 (clause 11)—Leave out 'or D' and insert ', D or H'.

No. 13. Page 11, line 30 (clause 11)—Leave out 'or D' and insert ', D or H'.

No. 14. Page 13, line 30 (clause 13)—After 'Incorporated' insert 'and in accordance with regulations under this Act'.

No. 15. Page 14 (clause 14)—After line 19 insert new paragraph as follows:

'*(ab)* if the firearm is a class A, B or H firearm and is lent pursuant to a written or oral agreement between the owner and borrower that the borrower will only use the firearm for a purpose or purposes specified in the agreement and will return the firearm to the owner within 10 days; or'.

No. 16. Page 15 (clause 14)—After line 23 insert new subsections as follow:

'(5a) A person must not transfer possession of a firearm under subsection (1)*(ab)* unless—

(a) immediately before transferring possession he or she has inspected the firearms licence held by the person who is to borrow the firearm and is satisfied that the borrower is authorised to possess the firearm and use it for the agreed purpose or purposes; and

(b) he or she believes on reasonable grounds that the borrower will not use the firearm for any other purpose.

(5b) A person must not transfer possession of a firearm under subsection (1)*(c)* or *(d)* or under circumstances prescribed by regulation unless he or she is satisfied, on reasonable grounds, that the person to whom possession is transferred is authorised by a firearms licence to possess and use the firearm for the purpose or purposes for which the firearm is transferred.

(5c) A person who borrows a firearm under subsection(1)*(ab)* must return it to the owner within 10 days.'

No. 17. Page 16, line 13 (clause 14)—Leave out 'or D' and insert ', D or H'.

No. 18. Page 20, line 7 (clause 20)—Leave out this line and insert the following:
'by written notice served—
(a) in the case of cancellation—personally on the holder of the licence;
(b) in the case of variation—personally or by certified mail on the holder of the licence.'

No. 19. Page 21, line 26 (clause 22)—Leave out 'or D' and insert ', D or H'.

No. 20. Page 24, line 5 (clause 30)—Leave out 'or D' and insert ', D or H'.

No. 21. Page 24, line 19 (clause 32)—Leave out 'the action' and insert 'the receiver'.

No. 22. Page 24, line 29 (clause 32)—Leave out 'or D' and insert ', D or H'.

No. 23. Page 25, line 3 (clause 32)—Leave out 'or D' and insert ', D or H'.

No. 24. Page 28, line 9 (clause 39)—Leave out 'Subject to subsection (3)'.

No. 25. Page 28, line 14 (clause 39)—Leave out 'Subject to subsection (3)'.

No. 26. Page 28, lines 21 and 22 (clause 39)—Leave out subsection (3).

No. 27. Page 30, line 5 (clause 42)—Leave out 'or D' and insert ', D or H'.

No. 28. Page 35, line 8 (clause 50)—After 'when the notice or document' insert ', or notice that the notice or document is available for collection,'.

No. 29. Page 36, line 2 (clause 53)—Leave out 'the actions, or parts of the actions,' and insert 'the receivers'.

No. 30. Page 36 (clause 53)—After line 7 insert the following:
'*(f)* by inserting the following subsection after subsection (2):
(3) A regulation made under this section or any other provision of this Act may confer discretionary powers.'

No. 31. Page 38, lines 3 and 4 (clause 54)—Leave out 'the actions, or parts of the actions,' and insert 'the receivers'.

No. 32. Page 38, line 5 (clause 54)—Leave out 'the actions, and parts of actions,' and insert 'the receivers'.

No. 33. Page 38 (clause 54)—After line 24 insert new subclause as follows:
'(1a) No proceeding for judicial review or for a declaration, injunction, writ, order or other remedy may be brought to challenge or question—
(a) the amount of compensation payable under regulations made under subclause (1) or a determination of, or a determination or decision that affects, the amount of compensation payable under regulations made under that subclause; or
(b) proceedings or procedures under regulations made under subclause (1); or
(c) an act, omission, matter or thing incidental or relating to the operation of regulations under subclause (1).'

Amendments Nos 1 to 32:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments Nos 1 to 32 be agreed to.

All the amendments are consistent with the determinations of this House and, indeed, there has been further improvement made in the other place. I place on record my sincere thanks to all those who participated in a vigorous debate. I especially thank my colleague the member for Playford for his cooperation during this sometimes difficult debate. The amendments cover matters which I suggested, during the deliberations of the Committee on this Bill, that I would look at during its passage between the houses. A number of the amendments are a direct result of the submissions and ideas that were presented during the debate in this House.

None are particularly controversial, except for one measure in relation to compensation. However, it was relayed to us that we had to satisfy the agreement reached with the Commonwealth Government on that issue. All other matters represent improvements to the Bill that left this House. They were made in the other place by the Government or, indeed, the Opposition; in fact, even the Democrats made a contribution to the improvement of this Bill. We recognised the difficulty that would be faced when more than 20 firearms were sold in a particular year. That matter was brought to the attention of the House by the member for Playford and we now have a new set of words which will allow for normal business to occur but prevent people acting as dealers.

We expanded the Consultative Committee by one person who has experience in either running or participating in the firearms disciplines recognised in the Olympic Games or the Commonwealth Games. A number of other changes were made. We recognise the problem experienced by those persons who have applied for a licence and who have not received a determination after waiting some months. We have provided for a 90 day rule to apply. If a decision has not been made by the Registrar, then the application will be deemed to be 'not approved' and it will then be possible for a person to take up the matter with the Consultative Committee. There are some enhanced defence provisions. The area in relation to handguns has been tightened as a result of amendments that have been moved in another place.

The final amendment which was fundamental to the Bill and which was moved in another place relates to compensation. The Commonwealth Government made it quite clear in its agreement with the States that, if the system was going to work, there had to be fair and just compensation and once the values had been determined by consulting dealers around Australia there shall be no right of appeal against those decisions, otherwise the process itself will be irretrievably damaged and we will have no gun reform in this country.

They are some of the basic amendments which improve the Bill. Importantly, if we accept these amendments we have a Bill which is consistent with the national agreement and which will lead to further gun reform in this State. Importantly, for those who enjoy the disciplines associated with firearms, they will not be prevented from doing so. They may have to choose different weapons, but they are not be prevented from doing so. The capacity to control feral animals will remain for our primary producing fraternity. Further, I believe that with the penalties in place and with the changes that have been made we will have a much stronger set of firearms rules that will benefit this country. I express my appreciation to everyone who has made a contribution to this debate.

Mr BASS: I would like to speak briefly on the amendments, in particular the inclusion of the new subclause in clause 54. The Minister said that he took on board what was said in this House and gave undertakings to look at amendments that were negatived. However, I suggest that the Minister has gone completely away from what the member for Playford brought up during the Committee stage when he tried to include a committee that could look at compensation of firearms. The new subclause prevents any person from instigating a court challenge in relation to the amount of compensation offered for a banned firearm.

We have been told by the Minister that the compensation listed for banned firearms is on the generous side, yet there is no appeal or right of redress if the owner considers that he or she has not been compensated fairly. I remind the Minister that at the Estimates Committee he stated that he would not expect members to debate the legislation without having the

matter of compensation settled. At this Committee he stated that the matter of compensation would be settled in maybe a week, maybe two, definitely he hoped in three weeks.

This comment was made four weeks and six days before we commenced the debate in the House. Six weeks and one day later we have an amendment to the Bill, an amendment which originated in the other place and which denies the law abiding citizens of South Australia the right to seek fair compensation for their weapons that they purchased legally, repaired and in some cases made like new. This amendment is being introduced at the last minute and I ask 'Why?' Does not the Minister believe that the compensation is fair?

This amendment will result in a Supreme Court challenge. There is no doubt that this amendment will create an absolute legal quagmire while it is thrashed out in the Supreme Court and the High Court. This amendment takes away a person's right to seek fair compensation. The users of South Australia will not be disadvantaged by this new clause, but I know of one South Australian collector who has one firearm in his collection which was made by Winchester in America and which is the only one of its type made. It is very difficult to put a value on such a firearm. At the present time I understand that he is trying to find out from Winchester in the USA the replacement cost of such a firearm. A figure of $50 000 has been mentioned. If this clause is passed and it is decided that the weapon is worth $5 000, then this person has no right of appeal. I believe that is wrong. Let us look at some of the other examples.

There are different prices for new and secondhand firearms. Some firearms may have had less than 100 rounds shot through them yet they could be in absolute pristine condition, maybe 60 years old, very lightly used and well looked after. Yet because it has been used it is now considered to be secondhand. The very same weapon owned by a professional shooter may have had so many shots fired through it that the rifling in the barrel is warn out, it may have laid in the back of the owner's utility when not being used and been knocked around and is absolutely ruined as a showpiece, yet it will have the same value as the one that has hardly been used. Yet we are saying that no-one can seek redress to get fair compensation.

This new subsection takes away a person's right to seek compensation, and I cannot understand how any member of Parliament, especially a member of Parliament with legal training—and we have three in the other place who would understand this—can agree to it. I believe that this clause is not what was discussed in this House: it does not reflect what the member for Playford moved. I believe that it is wrong and not fair and will create a legal jungle in the next few months. Allowing people to seek redress would get many of the problems dealt with quickly.

Mr QUIRKE: I want to place on record a couple of things. First, it would be fair to say that the Deputy Premier now has an area of expertise that he did not have previously, and I suggest that he could now hold his own with most of the firearms groups. The Deputy Premier has done a good job—and I want that on the record because I think that he has been unfairly criticised by many groups. He has carried a couple of cans around town which all members would prefer not to carry. I would have preferred that this Bill be debated in a saner and better atmosphere than with 35 bodies in front of us at Port Arthur. This process has seen some firearms laws change in this State, as I understand that they have changed in New South Wales and that other States will soon have to comply with what was determined by Canberra.

Also, I hope that some of the other issues of Port Arthur will be dealt with. I am cynical enough to know that a lot of people find this the easier route, and now that they have taken it they will sit back and feel happy about it. That is a matter for the Tasmanian legal system, but I suspect that there will not be the vigour applied to mental health or the law of murder and manslaughter in Tasmania that there was to legitimate firearms ownership in this and every other State.

Mr Chairman, I suggest that the best way to deal with these amendments is to deal with all the amendments up to No. 33 which, in my view, are not contentious, as I believe No. 33 is. I simply indicate to you what I would prefer to proceed with: it may be that other members want to argue about some of the other amendments.

The Deputy Premier has approached this question in a very sensible and intelligent fashion. It is a pity that some of the recommendations that I know he put on behalf of firearms owners in this State and some of the commonsense propositions that he put forward were not accepted by the Prime Minister. I always thought the Prime Minister was a man of reasonable vision; I always thought the Prime Minister would be able to pick up the debate and see some of the complexities in it. I was wrong, as I have said a couple of times in this House. When he gets to a few other complex matters I think that he will have a couple of problems along the way.

There are a number of issues in these amendments which make this a better and more saleable proposition to firearms owners in this State. We had 19½ hours of debate in this place but it went through a bit faster up there—the velocity of the debate was in this Chamber. We now have a string of amendments, and if you have to accept the unpalatable it is probably better to put a little bit more butter on it. This legislation could have been much worse for firearms owners, but I believe that that is not the case.

The Opposition is happy that the Government accepted our amendments on a whole range of issues. The question of the downsizing of some gun collections in town, where more than 20 items could be sold, is a key issue because there are people out there with quite extensive collections who will sell more than 20 firearms. If they want to quit them we need to make provision in the legislation for that, and I believe that we have done that.

The Consultative Committee is the umpire through which the Registrar needs to verify his decisions. It is absolutely essential that that be a strong, well-represented body, and we would be looking not only with interest but with some concern to ensure that the six people who are appointed to it are genuinely representative of the various sections of our community. I think that we have left it reasonably wide open for the Government to accept, as it has done, the professional skills of at least four categories of persons who should be on that Consultative Committee.

With respect to the question of a licence not being granted in 90 days, that is an argument the member for Florey and I have. The Government has come in, as the Minister said it would—and he is a man of his word and has kept his word—and that will be the provision. Together with the question of the certified mail, the new provisions with respect to the lending or hiring of firearms for a maximum of 10 days is a commonsense way to deal with a number of problems that are not only present in firearms clubs but are present out in the field, and we think that that is a sensible way to proceed.

The exclusions in the legislation are sensible and provide a protection as regards domestic violence. Everybody realises the importance of firearms legislation with respect to

domestic violence. What the Minister said to this House the other week is absolutely correct: I have had examples, too, of where people have gone about the business of intimidating others without ever pointing the front end of a firearm at them. It is clear that that sort of behaviour it absolutely unacceptable.

We are reasonably happy with most of the consequential amendments. We have some concerns about amendment No. 33 because we sought to set up a compensation committee. I understand what the Minister said, that it is against the national guidelines, but I want to ask him a couple of questions about it which I will do now. I think that it is better to deal with amendments Nos 1 to 32 and then deal with amendment No. 33, because there are a few matters, along the lines raised by the member for Florey, that we need to talk about.

One issue is the problem of the gun that is either so valuable or valueless that it is hard to assess what compensation should be paid; and the other issue is that not too many judges will be happy that a provision such as this has been put in the Act. I have always taken the view that a judge is really only a lawyer who gets tired of plying his trade on the private market and joins the Government but basically still is a lawyer deep down; and at the end of the day a lawyer after their fee is like a rat up a drainpipe. I have had a few things to say about that in this place, but I do not know that too many judges around town will be all that happy with something that says that they cannot inquire or look into this provision. I suspect that a few people out there are writing the necessary writs this afternoon to take this to court.

The Opposition is mindful that, once these rules are made, they have to be carried out and a number of people will have to hand in firearms that they have legally owned. We understand all that, but the process will be painful for a number of those people. We do not want to be about the business of any undue delays for the very good reason that, if anything happened with one of these firearms in the meantime, it would be sheeted home to us.

As a lot of my friends will verify, when they have asked me how I feel about firearms laws in this State, because they know I am about the business of making laws, I have said that there are many nights when, before I go to sleep, I worry about that proposition, and I have said this to the member for Florey. There are some incidents with firearms over which we can have control and there are many instances where we cannot. Incidents have happened around the world which, in many respects, could just as easily happen here. We can pass all the laws that we want, but we will not stop all of it.

I will conclude by saying that we have gone through a very long and much more protracted gun debate in this place than I anticipated. It seems years ago since the then Minister for Emergency Services, the member for Florey and the member for Eyre asked me to have some input from the Labor side on the 1993 Act. In many respects, I think that the member for Florey was a little disappointed that much of his work was undone. That brought him up to speed and he made a very useful contribution to the debate.

Motion carried.

Amendment No. 33:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 33 be agreed to.

I am well aware of the feeling on this issue. Let me talk about the practical realities of the buy back system. The gun lobby has made it quite clear that it intends to appeal every compensation determination that it can, and I am sure that that was in the mind of the Prime Minister when he said that we cannot have an appealable system otherwise we will not take the guns out of the community. What we will have is a very fair compensation system.

It is always a balance between people's rights but, when groups threaten me by saying that they intend to hijack gun reform in this country, to stop gun reform, by putting large amounts of money into appeal mechanisms to hijack the intention of every State Government and the Commonwealth Government, I believe that we have to draw a line. It may not be as palatable as people would wish, but I point out to members that, in drawing that line and in determining that there should be no appeals, which was part of the national agreement, the amount of compensation had to be fair and just. An enormous amount of effort has been expended around the countryside to get to that point.

A number of accommodations have been made, and in that regard the member for Florey would recognise that we did not have a right on class C firearms, which is now available to collectors. That was not going to be granted. We said, 'Hang on, there are people with very valuable collections. They want to retain those collections and they do not want to destroy the guns by making them permanently inoperable.' There was some accommodation on that issue and there was significant accommodation in terms of the values that have been put on certain weapons.

As the member for Florey would recognise, for very valuable guns, unless they are of the heavy artillery type or the more damaging guns, a mechanism is available where a person can sell that gun outside Australia. It was a matter of accommodation and some understanding of the reality that prevails in the marketplace. There has been significant accommodation on behalf of the Prime Minister and the Federal Attorney-General on the issue of compensation and how it should be handled.

The alternative was not to give a more than fair price for a gun. The alternative was to say that every gun would have to be valued and allow the groups who want to see this process of reform hijacked the right to appeal against the value that is given to each gun that is presented for valuation. The system cannot work under those circumstances and the Combined Shooters Association, which the member for Florey has mentioned on a number of occasions in very positive terms, has made it clear that it does not intend to allow these laws to work. The Prime Minister said that, under such conditions, he had only one option and he demanded that as part of the reform process.

There are occasions when this Parliament takes decisions that some people would see as unpalatable, but I emphasise that there was a certain amount of accommodation to make this system work. Most people would be very pleased with the values and very pleased with the capacity to sell very valuable weapons in external environments if they cannot get the value in the local environment.

Mr QUIRKE: I appreciate what the Deputy Premier has had to say, but I want to address three issues. First, the Deputy Premier provided me with a list some two weeks or so ago. It was the day before we started the debate. As I pointed out to the House the following day, the valuations on that list were considerably different from the valuations that appeared in the *Advertiser*. Is that list more or less what we will be using? Telephone calls are made to my office about it. Can I send out that list or is there a later list and, if so, are those valuations significantly different?

The next issue concerns people who own certain types of firearms. I have spoken to a fellow called Bruce Hissock, who rang me today, and he said that I am quite at liberty to use his name. He owns a firearm that I had never heard of before, namely, a German copy of a 10.22 Ruger. From memory, that is about a $250 proposition on the list, and I think the prices are reasonably accurate in respect of the value of firearms.

Apparently this AMT firearm that he owns, according to the list, is worth only $150. Apparently it has some sort of brass handle on it. It is the only one ever made by this company, and he paid either $1 000 or $2 000 for it in January 1994, so the price is relatively current. In fact, he has a receipt for it. I can refer the information to the Deputy Premier. I have never seen the weapon, so I do not know that much more about it, but it does not sound dissimilar to the incident that the member for Florey described earlier.

In this case there is a fairly big discrepancy between $150 and $1 000 (or $2 000). The Deputy Premier's answer to this is fairly important to me and to members on this side, because we want to support him on this. We understand the difficulties he is having, but it is fairly difficult to justify his position to someone who might be losing $850 or $1 850—either way, it is a fairly substantial amount of money.

The third issue is that the Opposition is not keen on writing the judges out because, first, they do not generally accept that and, secondly, all laws need to be tested in court. However, we understand the issues and threats that have been made in tying up this whole process. I would suggest that those people who made those threats probably did so without realising what the consequences of that would be. I would also suggest—and I did not mention this in my speech—that, in general, some of those Queensland people—and Mr McNiven is a prime example—were to the gun lobby what Ivan Milat is to foreign hitchhikers. The damage that Mr McNiven and some of his Queensland colleagues did to the gun debate is absolutely dreadful.

However, the issue of compensation could become a running sore and could be a problem for us in this Chamber. Once you write out the judges, even if they agree with that, we will have people coming into our offices saying, 'We have this weapon which we paid for by cheque. Here is the receipt. What I am offered and what I paid for it varies very significantly', as in the example I have given. I can accept the fact that, for something worth $40 000 or $50 000 or whatever, there will be an international market for that item, and it will be worth exercising the right to dispose of it in that way but, for something worth $1 000 or $2 000, that could be fairly difficult.

The Hon. S.J. BAKER: I appreciate the points made by the honourable member. The list he has is almost the final list, as I said at the time. We now have the very final list, which became available at the end of last week. I will make sure that the honourable member receives a copy. We will provide a copy of that list in the State Information Centre and at various police stations and on the information switchboard so that everybody can peruse it and understand it. The list that the honourable member saw is not much different from the list that has been finalised.

As I mentioned during the debate, a number of matters with respect to the value of items are still being thrashed around. My understanding from what the honourable member said is that the system can accommodate the circumstances he referred to in his second point. Nobody has pretended that we have listed 100 per cent of the firearms out there at the moment. In fact, I would guarantee that we have not. We probably have listed 99.5 per cent of all the firearms catered for but, as to the types of firearms available, we might have listed only 90 per cent because there will be some firearms that people would not realise even existed in this country because they have entered the country by various means. If it is not on the list, it goes through a separate valuation process, and that is made quite clear.

The sort of thing the honourable member is talking about is not a standard 10.22 and therefore would not be treated as a standard 10.22. It would go through a separate valuation process, just like 10 per cent of gun types out there. However, .5 per cent of all guns out there may have to go through a similar process, because they are not on the list and they are not recognised as a common firearm made available to the Australian shooting fraternity. There has to be a way of looking after those people. I suggest that, if a person has a receipt for its value, it is a fairly good indication of what the firearm is worth.

Mr BASS: If a person has a firearm which is not listed—and we are aware that several are not listed—what system will be used to value that firearm?

The Hon. S.J. BAKER: There will be an independent valuation system. It depends on the value of the firearm, obviously. If it is not listed, it will equilibrate to something on the list. If it is regarded as a valuable firearm to that person, we can accommodate that to get the independent valuation which would be the same process you would follow with some of the very expensive firearms which are particularly catered for.

Mr BASS: In its expanded form, will the Firearms Consultative Committee have the right to review compensation?

The Hon. S.J. BAKER: No, the consultative committee will be doing just about everything else but reviewing compensation. However, if anomalies arise that need to be addressed by the Government, I will certainly have a look at them.

Mr BASS: I accept that there has been some movement to make the laws more equitable to firearms owners but, in my opinion, clause 33 gives the firearms fraternity no joy. The fact there has been some give by the Prime Minister and the Minister is a bit like telling somebody you will give them a doctor, a bed in hospital and the ambulance to get them there, but you will still chop off their leg. It has been sprung on us at the last minute without the proper time to debate it, and I object to this sort of legislation.

Mr ATKINSON: I do not like this clause one bit. The State of South Australia does not share that useful clause in the Commonwealth Constitution, that is, section 51(31), which provides:

> The acquisition of property on just terms from any person for any purpose in respect of which Parliament has power to pass laws.

That section of the Commonwealth Constitution means that, if the Federal Parliament sought to pass this law, it would be unlawful. This clause would not be a proper exercise of the power of the Commonwealth. If Prime Minister Howard succeeded in his threat to hold a referendum in relation to this issue, he could not pass a clause like this in the legislation because he has an obligation under the Commonwealth Constitution for just compensation for property he expropriates from people.

The Deputy Premier talked about fair compensation and that it would be assured, but what better way to ensure fair

compensation than to allow the courts to review it to ensure that it is fair? In my opinion, this is a most undesirable clause. It is the second ouster clause that the Government has included in legislation this week. The other ouster clause, purporting to oust any judicial review, is in the Development (Major Development Assessment) Amendment Bill. It is a bit much for Parliament to wear two ouster clauses in one week. I, for one, am opposed to the clause.

The Hon. S.J. BAKER: I have my own view on legislation, and some of the views expressed today happen to coincide with mine. The issue of what we do in the Parliaments is very important in terms of precedents set. If difficulties arise, I will certainly consider them. I will not leave people hanging out there for all the wrong reasons. We will do this as expeditiously as possible. There is a commitment from the Government on that behalf. Given the threats that have been made to totally undermine the system, the Prime Minister made quite clear that it could not be undermined through the judicial process and tie up this legislation for the next five years through High Court appeals and processes such as that. They are the threats that have been made. We have to accommodate those.

I will bend over backwards to ensure that there is fairness in the system. As you know, Sir, I always do. On this issue it will cost taxpayers a large amount of money to provide extra value in the system to give firearms owners some level of comfort. The die has been cast. Canberra has cast that die, and there is an element of fairness, because there has been a lot of accommodation on a number of issues under this Bill.

Motion carried.

DEVELOPMENT (MAJOR DEVELOPMENT ASSESSMENT) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 3)—After line 21 insert new paragraph as follows:

"*(ab)* by inserting after the definition of 'local heritage place' in subsection (1) the following definition:

'Major Developments Panel' means the Major Developments Panel established under section 46A;;"

No. 2. Page 2, lines 34 to 39 (clause 5)—Leave out subsubparagraph (A) and insert new subsubparagraph as follows:

'(A) in the Minister's opinion the relevant council has demonstrated a potential conflict of interest in the assessment of the development because of a publicly stated position on that particular development; or'.

No. 3. Page 3, line 21 (clause 6)—Leave out paragraph *(b)* (and the word 'or' immediately preceding that paragraph).

No. 4. Page 4, lines 29 and 30 (clause 6)—Leave out 'the Minister under subsection (7)' and insert 'the Major Developments Panel under this section'.

No. 5. Page 5, lines 25 to 35 and page 6, lines 1 to 19 (clause 6)—Leave out subsections (7) to (14) and insert new subsections as follow:

'(7) Subject to a determination of the Governor under section 48(2)*(a)* (in the case of a development), the Minister must refer a major development or project under this section to the Major Developments Panel—

(a) to determine whether the major development or project will be subject to the processes and procedures prescribed by this subdivision with respect to the preparation of an EIS, a PER or a DR; and

(b) to formulate guidelines to apply with respect to the preparation of the EIS, PER or DR (as determined by the Major Developments Panel).

(8) The Major Developments Panel must, on receipt of a referral under subsection (7)—

(a) prepare a document describing the major development or proposal and identifying the significant issues relevant to the proper assessment of the major development or project; and

(b) by public advertisement, give notice of the availability of the document and invite interested persons to make written submissions to the Major Developments Panel within the time prescribed by the regulations on the issues identified in the document, and on any other issues of significance relevant to the proper assessment of the major development or project, to assist the Major Developments Panel in the preparation of the guidelines referred to in subsection (7).

(9) The Major Developments Panel must, in considering the level of assessment that should apply to a major development or project (*i.e.* whether a major development or project should be subject to the processes and procedures associated with the preparation of an EIS, a PER or a DR), take into account criteria prescribed by the regulations.

(10) If a major development or project involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, the Major Developments Panel must, in formulating guidelines under this section, consult with the Environment Protection Authority within the time prescribed by the regulations.

(11) The Major Developments Panel must, in formulating guidelines under this section, classify the issues identified by the Major Developments Panel as being relevant to the proper assessment of the major development or project according to categories of importance so as to indicate the levels of attention that should be given to those issues in the preparation of the relevant EIS, PER or DR, and the Assessment Report.

(12) The Major Developments Panel must, after completing the processes referred to above, report to the Minister on—

(a) its determination with respect to the level of assessment that should apply to the major development or project; and

(b) the guidelines to apply under this subdivision with respect to the preparation of the relevant EIS, PER or DR.

(13) The Minister must, on the receipt of a report under subsection (12)—

(a) give a copy of the report to the proponent; and

(b) by public advertisement, give notice of—

(i) the Major Developments Panel's determination under this section; and

(ii) the place or places at which copies of the guidelines formulated by the Major Developments Panel are available for inspection and purchase.

(14) The Major Developments Panel should deal with a referral as quickly as possible and in any event, unless the Minister otherwise approves, within the time specified by the Minister (taking into account the time periods prescribed by the regulations for the purposes of this Division).

(15) The Minister or the Major Developments Panel may require a proponent to furnish specified information (additional to the information required under subsection (6)) for the purposes of the operation of this section.'

No. 6. Page 6, line 23 (clause 6)—Leave out 'Advisory Panel' and insert 'Major Developments Panel'.

No. 7. Page 6, lines 24 and 25 (clause 6)—Leave out all words in these lines after 'when' in line 24 and insert 'a major development or project is referred to the Major Developments Panel under section 46(7)'.

No. 8. Page 6, line 28 (clause 6)—Leave out paragraph *(b)* and insert new paragraph as follows:

'*(b)* a member of the Environment Protection Authority appointed by the Minister;'

No. 9. Page 7, line 2 (clause 6)—Leave out 'Advisory Panel' and insert 'panel'.

No. 10. Page 7, line 6 (clause 6)—Leave out 'presiding'.

No. 11. Page 7, lines 7 and 8 (clause 6)—Leave out 'nominated by the presiding member of that authority'.

No. 12. Page 7, line 9 (clause 6)—Leave out 'Advisory Panel' and insert 'panel'.

No. 13. Page 7 (clause 6)—After line 11 insert the following:

'(3a) The Minister may remove a member of the panel from office for—

(a) breach of, or failure to comply with, the conditions of appointment;

(b) misconduct;

(c) neglect of duty;

(d) incapacity to carry out satisfactorily the duties of office;

(e) failure to carry out satisfactorily the duties of office.

(3b) The office of a member of the panel becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice addressed to the Minister; or

(d) is removed from office under subsection (3a).'

No. 14. Page 7, line 12 (clause 6)—Leave out 'Advisory Panel' and insert 'panel'.

No. 15. Page 7, line 15 (clause 6)—Leave out 'Advisory Panel' and insert 'panel'.

No. 16. Page 7 (clause 6)—After line 15 insert the following:

'(5) The panel may, with the approval of the Minister, delegate a power or function under this Division, other than the power to make a determination under section 46(7)*(a)* or to finalise guidelines under section 46(7)*(b)*—

(a) to a particular person; or

(b) to the person for the time being occupying a particular office or position.

(6) A delegation—

(a) may be made subject to conditions and limitations specified in the instrument of delegation; and

(b) is revocable at will and does not derogate from the power of the panel to act in a matter.'

No. 17. Page 7, lines 22 and 23 (clause 6)—Leave out 'the Minister' and insert 'the Major Developments Panel under this subdivision'.

No. 18. Page 7, lines 24 to 30 (clause 6)—Leave out subsections (4) and (5).

No. 19. Page 10, lines 4 and 5 (clause 6)—Leave out 'the Minister' and insert 'the Major Developments Panel under this subdivision'.

No. 20. Page 10, lines 6 to 11 (clause 6)—Leave out subsections (4) and (5).

No. 21. Page 11, line 12 (clause 6)—Leave out '20' and insert '30'.

No. 22. Page 12, lines 18 and 19 (clause 6)—Leave out 'the Minister' and insert 'the Major Developments Panel under this subdivision'.

No. 23. Page 12, lines 20 to 25 (clause 6)—Leave out subsections (4) and (5).

No. 24. Page 13, line 22 (clause 6)—Leave out '10' and insert '15'.

No. 25. Page 18 (clause 6)—After line 5 insert the following:

'48AB. The Governor or the Minister may permit a proponent to vary an application (and any associated documents) lodged under this Division (provided that the relevant development or project remains within the ambit of an EIS, PER or DR, and an Assessment Report (either as originally prepared or as amended under this Division)).'

No. 26. Page 19, lines 8 and 9 (clause 6)—Leave out 'Advisory Panel' and insert 'Major Developments Panel'.

No. 27. Page 20, line 16 (clause 7)—Leave out 'the Minister' and insert 'the Major Developments Panel'.

No. 28. Page 20 (clause 10)—After line 33 insert new paragraph as follows:

"*(aa)* by striking out from subsection (4)*(a)* 'on the Minister' and substituting 'on the Major Developments Panel'."

No. 29. Page 21, line 2 (clause 10)—Leave out 'the Minister' and insert 'on the Major Developments Panel'.

No. 30. Page 21, line 3 (clause 10)—Leave out 'report' and insert 'reports'.

No. 31. Page 21, line 8 (clause 10)—Leave out 'the Minister's'.

No. 32. Page 22 (clause 14)—After line 16 insert new subclauses as follow:

'(2) Section 48D of the principal Act, as enacted by this Act, does not apply so as to affect the rights of any person in respect of a proposed development or project that has been the subject of Supreme Court proceedings relating to an application under Division 1 of Part 4 of the principal Act commenced before 30 July 1996 (even if those proceedings have been settled or determined.)

(3) For the purposes of subsection (2), a proposed development or project that is a variation on a proposed development or project that has been the subject of Supreme Court proceedings will be taken to have also been the subject of Supreme Court proceedings before the relevant date (provided that the essential nature of the development or project has not changed).'

Consideration in Committee.

The Hon. E.S. ASHENDEN: I move:

That the Legislative Council's amendments be agreed to.

First, I have learnt a lot in terms of the way in which different groups understand the word 'consultation'. I know that this will come as a great surprise to the Leader and the Deputy Leader, but I genuinely compliment the way in which the Opposition has approached this Bill and the way in which the shadow Minister has, as she said in her second reading contribution, kept the door open. Certainly, the Bill, as originally intended for submission by the Government, has been amended. But the Bill as it now stands is one which the Government is quite happy to proceed with, because we believe that we are achieving a majority of the aims we set out to achieve. As I said, I very much appreciated the way in which the shadow Minister and the Opposition have genuinely consulted in relation to this Bill.

However, this is in stark contrast to way in which the LGA has allegedly consulted on the Bill. When this matter was first discussed I felt that the best way to achieve a result would be to consult with the LGA. The initial Bill prepared in draft form was provided to the LGA, which expressed a number of concerns to me about the Bill, even though I felt that in the original draft the Government had addressed all the concerns of the LGA and those of the Opposition and the Democrats expressed in another place when this matter was considered last year. However, the LGA indicated to me that it had some concerns, and I felt that I addressed every one of them. I then forwarded a second draft Bill to the LGA and was absolutely amazed to be told by the LGA that it found that quite unacceptable, despite the fact that I had addressed every one of the concerns it had expressed.

I find that approach very much in contrast to the Opposition's approach in this case. When the Bill was presented to the Parliament, the spokesperson indicated that she had some concerns, but she did not attempt to move any amendments during the debate in this House. From that time onwards, if I remember her words rightly, she wanted to keep the door open. I felt that that happened. We had many discussions after that, as a result of which a number of amendments were prepared by the Government and moved in another place. Those amendments were agreed to between the Government and the Opposition. There is one amendment which the Opposition moved in another place and which the Government has accepted.

The process adopted throughout was one of genuine consultation with the result that a Bill is now before the House which, obviously, the Opposition and the Government are happy to accept. It is fair to say that we would probably have preferred some of the content of the original draft Bill that has been lost to have been retained. The amendments from another place, which we accept, will provide the

Government with the opportunity to ensure that developers and investors who are looking at South Australia will no longer feel that they should regard us with a high degree of suspicion because of the Development Act as it presently stands.

I must address comments made by the Hon. Mike Elliott in another place. Unfortunately, he made statements which were not based on fact. First, he was critical of me as Minister, alleging that I failed to consult. I believe that that is most unfair criticism. The honourable member opposite would agree that I contacted her on many occasions to see whether we could hold a meeting or a briefing. She also contacted me. At no time did I refuse for either me or my staff to met with her. Exactly the same applied to the Hon. Mike Elliott, yet he says that we failed to consult. Last night, I heard him being critical of the fact that I took four days off to visit my son in Darwin. It was the first break I have had in about 2½ years, yet he felt that I was being unreasonable in taking that time off, because he said he wanted to talk to me sometime during that week.

It is when you get criticism such as that that you tend to become annoyed that not a high degree of reason is being adopted. The honourable member also stated that, in my absence in Darwin, the Premier visited my department and instructed my officers as to what they were to do. That statement is just so ridiculous that it hardly bears comment. I was concerned that, if I did not comment, it might be taken as truth. Of course, the Premier did not set foot within my department while I was away, and he certainly did not issue any instructions whatsoever to any of my officers. I am bitterly disappointed with both the criticism of the Hon. Mike Elliott and also the lack of cooperation from that area.

I am very disappointed, too, that the LGA appears to feel that consultation means 'Do what we want or else we do not think you have consulted'. I met with the LGA on many occasions and had hoped that we would be able to reach agreement, but that was not to be. I very much appreciate the approach which in this instance has been adopted by the Opposition and the way in which the Government and the Opposition have been able to work together to reach a mutually satisfactory solution. It is one that I am very confident the Opposition will never regret, because I know that the Bill that will pass in the House will undoubtedly be of tremendous benefit to development in South Australia and one about which developers and investors will say, 'Right; South Australia is a place where we can now look seriously at investment and development, because the processes now in place will give us a degree of certainty. At least we will now know quickly whether or not we will be able to proceed with a development.' Also, they will know, particularly in the case of major developments, that, once the decision is made, the decision itself will not be subject to appeal, and this therefore gives them a considerable degree of certainty.

We accept the amendments in full. They fall into three broad categories. First, amendments Nos 1 and 3 to 31 relate to the role of the new Major Developments Panel. This panel replaces the advisory panel and will now have the responsibility for determining the level of assessment for a major development or project, as well as for setting the guidelines which will identify the issues relevant to the proposed development or project. These amendments also provide for public input at the issue identification stage in order to ensure that both the proponent and the community have a clearer understanding of the issues relevant to the proposal at the beginning of the process. These amendments, including new section 46(11) clearly indicate that the role of the EIS, PER and DR processes is to assist the Governor in the assessment of a major development.

Secondly, amendment No. 2 relates to the criteria that will apply under section 34 when the Minister considers it appropriate for the Development Assessment Commission to consider a particular development application. The new criterion relates to a situation where a council has demonstrated a potential conflict of interest in the assessment of a development because of a public statement made by the council or council members. Thirdly, amendment No. 32 is a transitional provision relevant to the operation of section 48D. The Government has accepted the proposition that section 48D will not apply so as to affect the rights of any person in relation to a matter previously dealt with in the Supreme Court.

During the debate in the other place, the Opposition sought clarification on the Government's position with respect to a proposed liquid waste processing plant at Kilburn. In that debate, the Minister gave the Government's assurance that it would not call in the Collex development. To assist any reader of *Hansard*, however, I wish to make it clear, because it is not clear from the Minister's words. Certainly, it is understood by members in this place, but it might not be so clear to any outside reader. So, I wish to make clear that this reference to a call-in power relates to the operation of proposed new section 46 of the Act relating to major development or projects; and a reference to Collex is a reference to any existing or future development applications for the liquid waste processing plant proposed by Collex at the site recently the subject of Supreme Court proceedings.

With this explanation, I am very happy to support the amendments made in another place. As I said, because of the many discussions held between the Government and the Opposition, the Government was prepared to submit the amendments, which were accepted in another place. And the Government accepted the Opposition's amendment. I look forward very much indeed to the success that I have no doubt these amendments will bring to development in South Australia.

Ms HURLEY: I thank the Minister for his comments. The Opposition also believes that we have a good Bill now. It is certainly a better Bill than the one we began with. It puts in place certain safeguards that the Opposition was seeking to ensure that the public is well represented in the development process. We believe that this has been effectively achieved but that the legislation we are left with has consistency and clarity for both developers and the public. This is a result of extensive consultation. The Minister outlined the consultation between the Government and the Opposition. We also extensively consulted with the Local Government Association and other bodies such as the Conservation Council and individual local government representatives. We believe that we have achieved a good resolution of any problems that they perceived with the Bill.

The Minister very clearly outlined the amendments to this Bill to which the Government has agreed and to which the Opposition will also agree. Basically, this provides a development process that will see local government retain its role as the major decision maker on development applications, local councils still being responsible for the majority of applications. However, the Bill does allow for certain limited call-in powers by the Minister in regard to some development applications, as clearly outlined in the Bill. The major projects area excited most comment. The call-in

powers are now under the criteria that currently exist in the Bill, and at a very early stage of that process the public consultation will occur, something for which I think a number of people, including the Democrats and the Conservation Council, had been asking for some time and which is an eminently sensible approach. I commend the Government on adopting that amendment.

During the debate it was interesting that there was criticism that the Opposition did not accept the Bill in its original form. The Opposition in Victoria was cited as being far more sensible than we are in accepting the Kennett Government's Bill. It was brought to my attention that there have been some fairly trenchant criticisms of the new Bill in Victoria, and the *Age* in that regard states:

> Melbourne's Lord Mayor, Councillor Ivan Deveson, yesterday attacked the Kennett Government, saying its *ad hoc* intervention in planning issues had led to windfall profits for some developers. Councillor Deveson told a business breakfast yesterday that the Government was creating uncertainty and undermining business confidence because of the inequities arising from its planning policies. He went on to say, 'We, the council and city stakeholders must guard against the proliferation of amendments, call-ins and other inconsistencies in planning which are dominating planning in the city right now.'

We as an Opposition feel fairly confident that we have rescued the South Australian Government from a state such as this and that we have rescued the community as well. Allegations were also made in the other place that the Opposition agreed with the Government on the amendments in order to allow bad development to occur in South Australia so that we can turn around and attack the Government at a later stage. I would strongly refute that. The Opposition in this State has made a decision to be very sensible in its opposition, to cooperate where we need to cooperate and to oppose where we need to oppose. We believe that the Opposition has worked to achieve meaningful reform of this Bill, which will ensure reasonable development proposals in this State. We are very pleased that the Government has responded to this and that the Government believes it has achieved the changes it wanted as we have achieved the changes we wanted to safeguard public interest.

In the lead up to the debate, the Premier mounted a fairly concerted campaign about development in this State. The Premier said that, if the Opposition did not pass the original Bill, he would hold us responsible for every single failed development in this State. Now that this Bill is about to pass, I say to the Premier that we will hold the Government and the Premier responsible for every single failed development in this State and, more particularly, we will hold the Government responsible for every single inappropriate development in this State. The Minister has just said that the Opposition will not regret its support for this Bill. I believe that the Minister is very sincere in that point of view. We have worked very well together in trying to achieve our joint aims, but I do not believe that is necessarily widespread through his Government. The Government will fast find itself running out of scapegoats for the lack of economic development in this State. I certainly hope it will now concentrate on constructive work to achieve positive developments in South Australia. Having said that, once again I commend this Bill. The Opposition is very happy to have achieved such a useful and well laid out Bill.

Mr CLARKE: I will be mercifully brief, which I am sure everyone will appreciate. I indicate my pleasure that the Government has accepted our amendments to section 48D put forward in the other place, which, from my own point of view, involves the Collex Waste treatment plant which has been designated at this point in time to the former British Tubemakers site at Kilburn. I am also pleased about the undertaking given by the Ministers both in the Legislative Council and, more particularly, in this Chamber a few moments ago.

The issue of the Collex Waste treatment plant is one which is uppermost in the mind of the residents of Kilburn and the Port Adelaide—Enfield council. I have spoken on it often enough in this House before, so I will not delay the House by repeating all reasons for the objections to that plant. I was keenly aware of the need to ensure that the Collex proposals were not advantaged under the new legislation and that any legal rights the citizens of Kilburn and their city council had prior to the passage of this legislation carried through after the date of proclamation of the Act so that proposed development could be treated consistently, as it has been, for the past 3½ years through various actions before the Supreme Court.

I know the Minister and I disagree with respect to what the outcome should be with respect to the Collex application but I wanted to ensure that Collex was not advantaged by the legislation. I understand that, unfortunately, in the legal world, as with economists, three lawyers can discuss the meaning of a piece of legislation and come up with six different opinions. Before the amendment moved by the Labor Party in the other place was put forward, there was much concern by the Port Adelaide—Enfield council that, given its legal advice, it would be disadvantaged. Being aware of the advice that we had received, which was that they would not be advantaged, to put it beyond doubt my Labor Party Caucus and colleagues fortunately supported me in putting the amendment that has now been supported in both Houses. The amendment protects the legal rights of the Port Adelaide—Enfield council and the residents of Kilburn.

I have made no secret of my opposition to that development and will continue to fight that development at Kilburn as being a totally inappropriate development and to support the residents in every lawful means that they can employ to defeat that project. The one thing that I do regret is that occasionally some very well meaning people, in the main, jump to conclusions that suddenly their local member of Parliament, or whoever, is selling them out for whatever reason. The Minister and the shadow Minister could well testify to the activity which has taken place during the past week on this issue between myself, the shadow Minister, the Labor Party Caucus, and through the shadow Minister to the Minister, in trying to ensure that the residents of Kilburn were fully protected. I am sure that the overwhelming majority of residents and the Port Adelaide—Enfield council will appreciate the work done by the Labor Party in this area.

It always strikes me as ironic that, unfortunately, when we were here at midnight last night trying to nail it down to nth degree, some of those people who laid the complaints were not in the Strangers' Gallery giving advice, support and assistance to those of us in the Labor Party who were trying to put it through. No doubt, that is the lot of the politician and we just have to live with it come what may. Obviously, I very much support the amendment that has been agreed to by the Government. I am heartened by the assurance given by the Minister with respect to the Collex development and, no doubt, the Minister and I will spar on that issue for some time to come. I hope, at the end of day, even coming up to the Christmas season of goodwill that the Minister might ultimately see his way clear to agreeing with the City of Port Adelaide—Enfield Council and the Kilburn residents, be on

their side rather than on Collex's side and desist from his active promotion of that rather foul smelling industry which they want to put into a residential area.

Motion carried.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference with the Legislative Council on the Bill.

Motion carried.

FRUIT AND PLANT PROTECTION (ENFORCEMENT) AMENDMENT BILL

Returned from the Legislative Council with an amendment.

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

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

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): 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 purpose of this Bill is to amend the *Road Traffic Act 1961* to improve the safety of road workers at road work sites and to increase the range of vehicles which may operate outside the provisions of the Act.

The Act imposes a speed limit of 25 km/h for vehicles travelling past road works where workers are present. Road workers have expressed concern regarding the lack of compliance with this provision, particularly in rural areas.

Examination of the issues involved revealed that a major factor in the lack of adherence to this requirement is the difficulty faced by drivers in adjusting vehicle speed to the low level required when passing road works, particularly when the vehicles have been travelling in a high speed environment.

Speed limit requirements in the vicinity of road works will vary depending upon a number of factors, including the size of the site, its location, speed environment and approach sight distances. Reliance upon a speed limit of 25 km/h is not necessary in all cases.

This Bill will provide flexibility in deciding the appropriate speed limit to be applied to individual work sites. It also introduces the use of buffer zones with gradually reducing speed limits on the approach to work sites. Vehicle speeds will be reduced over a distance before the actual work site is reached so that drivers will be better able to adjust to the lower speed limit in the vicinity of the road works. In the case of work areas regarded as particularly hazardous, the Act imposes a maximum speed limit of 25 km/h. Road authorities and contractors will be required to place signs indicating this speed limit and other maximum speed limits past road works.

Exemptions from compliance with certain provisions of the Act are provided to specified drivers who must drive in a way which contravenes the requirements of the Act and Regulations when carrying out their duties. Until now, the Act has recognised a very limited range of vehicles to which exemptions apply. There has been an increasing demand in the types of vehicles which could fall into this category. Military ambulances, fire fighting appliances and military police have similar needs to their civilian counterparts. Army ordinance disposal vehicles must also be able to reach the scene of a bomb threat without delay. The operations of these agencies are currently restricted by their obligation to comply with provisions of the Act. The Bill will allow these vehicles to operate effectively in certain emergency situations.

Road workers are required to carry out construction, maintenance and inspections on roads but the Act provides no exemptions for them when doing this work. Some road work vehicles must drive astride the centre line of the road, others travel on the wrong side of the road or must park in a manner which contravenes the law. In these and similar situations where utilities must undertake work on roads, workers may be breaking the law because they have not been granted exemptions which permits them to carry out their vital functions. This Bill addresses these anomalies.

I commend this Bill to honourable members.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 20—Signs indicating work area or work site

This clause amends section 20 of the principal Act. Section 20 empowers a public authority, with the approval of the Minister, to place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on a portion of road on which works are in progress or on which workers are engaged. The maximum speed that can be set in relation to a portion of road on which works are in progress is currently 60 kilometres an hour, while the maximum speed that can be set in relation to a portion of road on which workers are engaged is 25 kilometres an hour.

This amendment will require a public authority (or contractor) to set a maximum speed and provides that the maximum speed that can be set for persons driving on, by or towards a portion of road affected by works in progress (or any additional portion used to regulate traffic in relation to those works or for associated purposes) is 80 kilometres an hour, while the maximum speed that can be set in relation to a portion on which workers are or may be engaged is 40 kilometres an hour. Where an area in which workers are or may be engaged is a hazardous work area, the maximum speed that can be set is 25 kilometres an hour. A work area is a hazardous work area if there is an unusually high level of hazard for workers or persons using the road as a consequence of the existence of the work area or, in any event, if—

(a) workers may be working on a part of a carriageway for vehicles proceeding in a particular direction and there is no adjoining marked lane outside the work area for vehicles proceeding in the same direction; or

(b) workers may be working less than 1.5 metres from vehicles proceeding on a carriageway,

and the work is carried out on foot and not exclusively through the use of vehicles.

Clause 4: Amendment of s. 40—Exemption of certain vehicles from compliance with certain provisions

This clause amends section 40 of the principal Act. Section 40 currently exempts certain categories of vehicles from compliance with certain provisions of the Act. In particular it exempts fire brigade vehicles, motor ambulances, S.A. police vehicles and S.E.S vehicles from those provisions of the Act relating to speed limits, stopping at stop signs or traffic lights, giving way, etc. when these vehicles are being driven in connection with a relevant emergency. This amendment adds the following exemptions:

(a) a fire-fighting vehicle used by the armed forces of the Commonwealth while it is being driven to any place in answer to a call for the services of a fire brigade or is in use at a fire;

(b) a vehicle (other than an ambulance) owned by a person licensed under the *Ambulance Services Act 1992* to provide ambulance services while it is being driven for the purpose of taking action in connection with an emergency;

(c) a motor vehicle driven by a member of the Australian Federal Police, the Australian Customs Service or a military police force forming part of the armed forces of the Commonwealth, in the execution of his or her duty;

(d) a motor vehicle used by the armed forces of the Commonwealth while it is being driven for the purpose of taking action in connection with the urgent disposal of explosives.

The amendment also updates references to South Australian fire brigades and the S.A. St. John Ambulance Service Inc.

Section 40 also exempts vehicles of a class proclaimed by the Governor from those provisions of the principal Act relating to driving or standing on any side or part of a road, passing other vehicles on a specified side and the manner of making right turns where the vehicles concerned are being driven or used for road making or road maintenance purposes. Under this amendment that exemption will apply to vehicles of a class prescribed by regulation while they are being driven or used for the purpose of—

(a) road inspection;

(b) works on roads such as road making, maintenance or cleaning or works required for the provision of electricity, gas, water, drainage, sewage services or telecommunication or other services; or

(c) monitoring traffic.

Clause 5: Amendment of s. 134—Bells and sirens

This clause amends section 134 of the principal Act. Section 134 provides that bells or sirens must not be fitted to motor vehicles other than those specified in the section. The vehicles currently specified include vehicles used by certain fire brigades, the S.A. police and the S.E.S, as well as ambulances. This amendment adds the following vehicles to that list:

(a) a fire-fighting vehicle used by the armed forces of the Commonwealth;

(b) a motor vehicle used by members of the Australian Federal Police, the Australian Customs Service or a military police force forming part of the armed forces of the Commonwealth in the course of their duties;

(c) a motor vehicle (other than an ambulance) used by a person licensed under the *Ambulance Services Act 1992* to provide ambulance services;

(d) a motor vehicle used by the armed forces of the Commonwealth for the purpose of taking action in connection with the disposal of explosives.

Mr ATKINSON (Spence): The Opposition has had representations about this Bill from the Australian Workers Union. The union was apprehensive that the Bill proposed by the Hon. Diana Laidlaw, the Minister for Transport, may have put employees of the Transport Department in some danger by increasing the speed limit around the work done by roadworkers on South Australian roads. I am pleased to say that, owing to the efforts of the parliamentary Labor Party, amendments which satisfy the Australian Workers Union have been inserted in the Bill and the parliamentary Labor Party is able to support the Bill in its current form. We, therefore, acquiesce in the Bill and commend it to the House.

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

SELECT COMMITTEE ON YUMBARRA CONSERVATION PARK RE-PROCLAMATION

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That the select committee have power to continue its sittings during the recess and that the time for bringing up the report be extended until the first day of the next session.

Motion carried.

SELECT COMMITTEE ON THE PULP AND PAPER MILL (HUNDREDS OF MAYURRA AND HINDMARSH) (COUNCIL RATES) AMENDMENT BILL

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That the select committee have the power to continue its sittings during the recess and that the time for bringing up the report be extended until the first day of the next session.

Motion carried.

JOINT COMMITTEE ON RETAIL SHOP TENANCIES

Mrs ROSENBERG (Kaurna): I bring up the report of the committee together with minutes of proceedings and evidence and move:

That the report be received.

Motion carried

Mrs ROSENBERG: I move:

That the report be noted.

The joint committee was established on the motion of the Hon. K.T. Griffin in the Legislative Council and agreed to by the House of Assembly on 25 July 1995. It is normal to recognise the work put into a report by the members of the committee: the Hon. K.T. Griffin (who was the Chair), the Hon. M.J. Elliott, the Hon. Anne Levy, Mr M.J. Atkinson, Mr R.L. Brokenshire, Mrs J.M. Greig until 19 October 1995 and Mrs L.F. Rosenberg from 19 October 1995. Thanks go to the secretaries (Mr J. Wright, Mr P. Tierney and Mr C. Schwarz) and the research officer, Ms Mary-Louise Hribal. The terms of the reference of the committee were as follows:

That a joint committee be appointed to inquire into retail shop leasing issues relevant to retail shop tenancies including the following matters:

(a) Rights and obligations of parties at the end of a lease;

(b) Allegations of harsh and unreasonable rental terms; and

(c) Rights and obligations of parties on relocation and refit.

The committee heard evidence from 33 witnesses and received 47 written submissions. The Attorney introduced the Retail Shop Leases Bill in the Legislative Council on 30 November 1995 following extensive consultation with key stakeholders within the retail industry. During the debate on the Retail Shop Leases Bill the House of Assembly and the Legislative Council went to a conference of the two Houses because of a disagreement with the amendments moved in the House of Assembly.

The Retail Shop Leases Act 1995 and regulations came into operation on 30 June 1995 after agreement of both Houses. Debate on the issue of Sunday shop trading in the city ended by an agreement to establish the Joint Select Committee and to further consider tenancies. The Retail Shop Leases Act covered premises where the goods were sold to the public or services provided but excluded premises where rent exceeded $250 000 per annum or the lessee was a public company, bank, building society, insurance company, the Crown or a council, or a class of retail shop excluded by regulation. It is generally agreed that changes made to the Retail Shop Leases Act have gone some way to improving the process of negotiation between tenant and landlord. However, there were still areas of major disagreement to be examined by the select committee.

Term of reference No. 1 concerned the rights and obligations of parties at the end of a lease. Landlords took the view that any further protection to tenants was not warranted. They

further took the view that both the landlord and the tenant know the terms of the lease, its duration and the final end point when they enter into a lease. The Act provides generally for a five year lease and for the length of the lease and any renewal options to be set out in a disclosure statement. The landlords' claim is that, if a tenant is not happy with the lease conditions, they are not obliged to enter into the lease. BOMA opposed any change to the provisions under the Act of minimum five year leases and six months notice if a lease is to be renewed.

Landlords required flexibility to be able to change the tenancy mix and stated that very few leases were not renewed. Tenants argued for amendments to the Act to increase protection for them at the end of the lease. The basis of this requirement is some security of tenure to enable them to sell a business as an ongoing concern. They argued that the size of the investment requires time to generate income, pay off the borrowings and build up a goodwill component. There was evidence that tenants with five year leases had loans over seven years and therefore were indirectly caught with a need to renew the lease to repay the loan.

The Small Retailers Association quoted many cases of tenants experiencing difficulties at the time of the lease renewal. The scenario was often repeated of a tenant taking a five year lease and considerable loan investments, coming up for renewal and being faced with an offer to renew at a highly increased rent. The tenant therefore is trapped by knowing the rent is excessive to the potential income but having no real choice but to renew the lease and so have a saleable item to recoup the investment.

Mr Atkinson interjecting:

Mrs ROSENBERG: I think the tenants actually won it. Many tenants have had verbal assurances that leases will be extended and have committed on the value of that verbal arrangement. Accountants will give the advice that the price of the business and any refit must be amortised over the term of the lease because there is no automatic right of renewal. Tenants argue that they should be entitled to be offered a renewed lease unless they have performed badly as a tenant. The committee recommended that the Act be amended to provide for a lessee or a signee to be given a statement of legal consequences before signing a lease, which would clearly state in writing, 'There is no automatic right of renewal.' All rights to renew offers should be written and should warn a lessee to seek independent legal and accounting advice before signing a lease.

The committee took the view that the Act should be amended to provide that the landlord must give the existing tenant first right of refusal on a new lease unless it can be established that the landlord would be disadvantaged, the tenant had breached the lease, the landlord plans to redevelop, the centre will have a tenancy mix change or the landlord can obtain a higher rent for the tenancy. The committee took the view that this gave some comfort to existing tenants who conducted themselves within the current lease provisions as good tenants and so were desirable to be maintained by the landlord. Clearly it gives the landlord an opportunity to not renew where he will be greatly disadvantaged to do so.

Further, the committee recommended that a lessee should be given a written reason for the non-renewal of a lease where the reasons will provide a basis for judicial review of the lessor's decision. This was an expression of the committee's belief that a tenant has a right to know why a lease is not to be renewed, and that implies the landlord must have a valid reason for non-renewal.

Term of reference No. 2 dealt with the allegations of harsh and unreasonable rental terms. Tenants complained about the size of rent increases. Some mentioned rent increases and ongoings as the greatest concern of the tenant. The rental increases occur at lease renewal when a tenant is most vulnerable. Average rentals have increased 8.8 per cent per annum from 1988 to 1995, but turnover growth has been only 3.2 per cent in the same period.

The committee recommended that the Magistrates Court could have jurisdiction to review if rent was deemed to be harsh and unconscionable, thus the court could be asked to intervene in the most unreasonable of cases. The committee further agreed that information about determinations of outgoings be extended to apply to leases under Part 4 of the Landlord and Tenant Act and that the tenant be able to have information on the margin of cost to the landlord for an on-charge for outgoings, and where there is a difference in the price the landlord pays, compared to the charge to the tenant, the tenant has the method of the calculation detailed to them.

It seems fair and reasonable that the tenant should know details about the outgoings for which they pay. The committee felt that it was fair and reasonable for a tenant at the time of signing a lease to know in the disclosure statement the current tenancy mix and any changes that are being planned (if known at the time). The effect of change to tenancy mix can be dramatic, and it makes a great difference to income with a tenant having no means of controlling the problem. All business decisions are made on the basis of income at the current tenancy mix and changes are difficult to plan for if they are unknown.

Term of reference No. 3 dealt with the rights and obligations of parties on relocations and refits. Refits and relocations impose considerable cost on a tenant. This is especially a problem if it occurs late into a lease period. The committee recommended that the disclosure statement have the landlord state, if a fit-out is required, at whose expense and at what cost, and how the cost will be calculated. This will give some certainty about the investment to the tenant.

Further recommendations are that the name of the Act be amended to the Retail and Commercial Leases Act; a casual licence of less than or equal to one calendar month be excluded from the Act; that mediation be implemented with priority; and that no change occur to section 17 with a minimum five year lease term. I commend the select committee's report to the House and urge that the recommendations be accepted. The decisions for the committee were complex, with the necessity to balance the protection for the tenant and flexibility for the landlord without the Government seeming to be interfering in the way either do their business. It is the belief of the committee that the recommendations achieve these compromises and give more security to both tenants and landlords.

Mr ATKINSON (Spence): I am pleased to endorse most of the member for Kaurna's remarks on the tabling of our report. Her summary was rather dry: it did not deal with the sordid politics of the committee. What I intend to do now is fill in the gaps. The origin of the report was in a late night deal last year between the Liberal Government, the Australian Democrats and the Small Retailers Association to support permanent Sunday shopping in the city. The Australian Democrats and the Small Retailers Association were resisting Sunday trading in the city until the Minister for Industrial Affairs told them that, if they submitted to his will on Sunday trading, he would arrange for a parliamentary committee to

be established to examine the grievances of small retailers about shopping centre leases. The Small Retailers Association gave way to the Minister's offer and the Democrats trooped into Parliament to support Sunday trading. Only the Parliamentary Labor Party continued to vote against Sunday trading.

Parliament then established the retail shop tenancies committee, and I was appointed to it, along with the Attorney-General, who was not told about the sordid late-night deal, the members for Kaurna and Mawson, the Hon. Mike Elliott from the Democrats, and the Hon. Anne Levy from the Parliamentary Labor Party. It was odd that such a parliamentary committee should have been established because, only three months earlier, Parliament passed the Retail Shop Leases Act and the Government, with the exception of the member for Florey, rejected the grievances of small retailers.

Mrs Rosenberg: I voted against it.

Mr ATKINSON: The member for Kaurna says that she also crossed the floor to vote with the Parliamentary Labor Party along with the member for Florey, and I give her due credit for that. I was uncertain in my recollection until the member for Kaurna pointed that out. The Retail Shop Leases Act prohibited ratchet clauses and inaugurated an offence of vexatious conduct, which was designed to stop intimidatory conduct by economically powerful landlords. Although the Parliamentary Labor Party, together with the Australian Democrats, in another place inserted in the Bill clauses similar to those now recommended by the committee, the Liberal Party insisted on striking each of these clauses out of the Bill. Now, almost a year later, the committee has reported and vindicated the position taken by the Parliamentary Labor Party and the Australian Democrats on the Retail Shop Leases Act in March 1995.

I suggest to members of Cabinet that they may refer to this report, not as the retail shop tenancies committee report but as 'Ingo's love child', because it was conceived in sin, quickly and furtively, it has had roughly the traditional gestation period and it is now embarrassing its father. There is no doubt that the Brown Liberal Government will do everything it can to frustrate the recommendations of the committee. It will prevail only if the Parliamentary Labor Party moves a private member's Bill to implement them and we are joined by 13 Liberal backbench rebels. It may be—

Mr Bass: Eleven.

Mr ATKINSON: No, 13 is the golden number. It may be that the members for Kaurna and Florey will cross the floor to support small retailers, but I do not know where or how we are going to get the other 11. It certainly will not be the member for Mawson.

Mr Bass: Or the member for Mitchell.

Mr ATKINSON: The member for Florey interjects regarding the member for Mitchell. I will come to the member for Mitchell; I will come to Saul on the road to Damascus. The key recommendation in our report is that the law be changed to provide that a landlord must give an existing tenant the first right of refusal on a new lease unless it can be shown that the landlord would be disadvantaged by the tenant's right, or that the tenant has breached the lease, or that the landlord has plans to redevelop the centre, or that the shopping centre would benefit from a change in the tenancy mix, or that the landlord could obtain a higher rent.

The recommendation was supported by five of the six members of the committee. You may care to guess, Sir, who was the dissentient. Its opponent was the Attorney-General, who, of course, will get his way in Cabinet. Another recommendation of the committee is that a tenant should be able to request from a landlord written reasons for the latter's decision not to renew a lease. These written reasons could form the basis of a review by a magistrate of the *bona fides* of a landlord's decision. This recommendation was opposed by the Liberal Attorney-General.

We have recommended also that the Magistrates Court have jurisdiction to review rents that are harsh and unconscionable. The Liberal Attorney-General opposed this recommendation also. One matter on which we were unanimous is that a landlord should include in the disclosure statement about outgoings any margin or on-charge he might add to the cost of services such as electricity and the method used to calculate the margin or on-charge.

In opposing the first three recommendations that I have mentioned, the Attorney argued on the principle of freedom of contract and property rights. He argued that many prospective retail tenants are badly advised, or do not have sufficient business experience and that the failure of some shopping centre retailers has more to do with their inadequacies than the economic dominance of their landlords. There was some merit in the Attorney-General's dissent. In fact, the report states:

> The committee was surprised to hear of some very high amounts being paid for goodwill and an assignment of a lease when there were only one or two years left to run on the existing lease.

The committee also remarked:

> There is also a number of people in the market for a business with no previous experience.

At page 20 of the report, we say:

> The purchase price of a business and any refit obligations must be capable of being amortised over the term of the lease or, where there is an assignment, the balance of the term of the assigned lease.

The Attorney-General was not alone in the Liberal Party in holding these views. When the question of retail shop leases was last debated, the member for Mitchell said:

> I have a problem in having a great sympathy with some of the retailers because they were well aware of what the base rental was when they entered the lease in year 1. No-one dragged them down to sign.

With due respect to the member for Mitchell, tenants are not forced to sign in year 1. They are forced to sign at the end of year 5 when they have developed a retail business in a shopping centre and face the choice of paying a huge rent increase for renewal of their lease or the loss of their business if they do not pay the rent demanded for renewal. The member for Mitchell went on to say:

> The negotiation process is part of the free market process that I support. I cannot support control over rents any more than I can support control over prices.

The member for Mitchell then goes on to scotch allegations that Westfield has commanded a large rent increase on renewal of a retail lease and said that there was no evidence for the allegation. He then said:

> If we have reasons for non-renewal, there will be ongoing litigation which will just add to the cost of the tenants having to take it through the court system to prove that the reason for non-renewal was unacceptable. There would be ongoing litigation.

The joint select committee has found against the views of the member for Mitchell and I understand that, of late, under electoral pressure from his constituents, he has changed his views like Saul on the road to Damascus.

To those who read our joint select committee report, the narrative may seem odd at times. It may seem that the

narrative leading up to a recommendation leads up to the Attorney-General's dissent and not the actual recommendation. The Attorney-General took particular trouble to make sure that his views were well known to the researcher who wrote the report. In fact, I think it came as a surprise to the researcher that five of the six members of the committee disagreed with the Attorney-General. So, in fact, the narrative of the report in each case leads up to the Attorney's recommendations, and it will be somewhat jarring for the reader to read what the recommendations are in fact.

The member for Kaurna did not mention that, although the committee members were convinced by some of the arguments of the Small Retailers Association, we were not convinced by their recommendations on tenancy mix or a ban on refits in the last two years of the lease. A majority of the committee sided with the Attorney-General on those two matters. It seems to me that the key to this issue is granting tenants more rights on the renewal of their lease. The key is not tenancy mix and it is not a ban on refits in the last two years of the lease.

Legislative change restricting a landlord on the tenancy mix is unworkable. That is my view. It is all very well to recommend a ban on a landlord's introducing a new tenant who would in any way compete with existing tenants, but the point is that many of the existing tenants could go into a line of trade which competes with other existing tenants, and for the State Parliament to legislate to prevent those existing tenants from competing with other existing tenants would be profoundly anti-competitive. I do not think we could sustain such a provision in our retail shop leases law.

In conclusion, I must say that, although we will attempt to inveigle rebel Liberals to cross the floor and vote with the Parliamentary Labor Party on this question, we have no optimism about attracting 13 of them to the other side of the House. The only way that the recommendations of the Joint Committee on Retail Shop Tenancies will be implemented is with the election of a Labor Government, and small retailers ought to realise that the only way to implement these very good recommendations is to vote Labor at the next State election. I commend the report to the House.

Mr BROKENSHIRE (Mawson): I rise also as a member of the select committee to support the motion. The report was not easy to work through, because there was no grey with respect to opportunities for flexibility when it came to submissions, be they either in writing or oral. I saw that the developers were right over on one side when it came to the argument, and the small business people, the tenants, were right over on the other side. It was very difficult to agonise and work through this select committee process, given that we had to try to come up with a balanced report.

The technicalities of the report have been fairly well covered by the member for Kaurna, but not so well covered by the member for Spence, who unfortunately wanted to attempt to make political mileage out of it rather than actually to report on the recommendations in the appropriate way. Given that the member for Spence has decided to get a bit political with respect to this report, I would like to remind all those interested in retail tenancies that the problem for tenants has been around for many years. Part of my work prior to becoming a politician was in property management. All the problems without exception that the member for Spence outlined were present when the Labor Party was in office.

The problems of shop refits, tenants not being able to get long-term contracts, and ratchet clauses being exercised existed for many years before we came into office and when the Labor Party was in power. The Labor Party frankly did very little, if anything, to try to help those small businesses. The member for Spence knows that, but he is trying to make out all of a sudden that he is a gentleman who is particularly interested in small business. If he was particularly interested in small business, I would think he would have created a better economic opportunity for small businesses than he did as a member of the previous Government.

When the Labor Party was in government, the joke doing the rounds was, 'How do you buy a small business in South Australia? You buy a large business and wait for a little while!' Unfortunately, whilst initially you could chuckle about that, it was the truth. The member for Spence was a member of the Government that pulled $7 billion of economic wealth out of the South Australian economy, and now he has the audacity to turn around and belt the Attorney-General and have a go at members of the Government who have been prepared to work their butts off for small business in this State.

About 63 per cent of all money budgeted by the South Australian Brown Liberal Government for industrial development is spent on existing businesses. I understand that when the new figures come out, it could be more towards 65 to 70 per cent, so we are really trying to do what we can for small businesses, including lowering taxes and charges, reducing tariff rates on ETSA, restructuring and reforming, getting rid of unnecessary red tape, and creating a business plan for South Australia so that small businesses and new businesses coming into this State have a direction.

I am very pleased with the outcome of the report. We cannot afford to have a situation in this State where we continue to put red traffic light signals out to people who want to invest and develop. That has gone on for far too long in the past. Frankly, that is one of the problems we have now, especially given what has happened federally over the past 10 years. Australian businesses do not have the capital to develop Australia as they might have had some 20 or 30 years ago. Therefore, we have to be encouraging overseas countries to invest in South Australia, and we are doing very well in that. In the area of information technology, we have seen 2 000 jobs created in a two year period. I firmly believe that is only the start.

Returning to the main points with respect to this report, I have always been very disappointed by landlords who have really taken it out on tenants. Tenants do not own the real estate: they own only the goods and chattels and the goodwill of the business. We know that goodwill can be severely affected, depending on how the landlord is prepared to look at the arrangements with tenants. I believe that the mediation services opportunity that is about to be introduced will be a win for developers, landlords and small business operators. It has been very successful in New South Wales where approximately 87 per cent of all disputes have been settled through the mediation service.

Mr Atkinson interjecting:

Mr BROKENSHIRE: I also believe that small business proprietors were screaming out for the recommendations on disclosure statements. I believe we have covered the issue of shop fit-outs as best we can. The member for Spence asks whether I will be supporting amendments to the Act. Before commenting on that, I would like to say that the member for Spence totally misrepresented me earlier in this House and was totally out of order when he said that the member for Mawson would not support amendments to a Bill that the

member for Mawson voted on in a select committee report. I feel quite disgusted that the member for Spence would actually put forward a scenario such as that. I thought that, as the shadow Attorney-General, and the only one in the Labor Party with a law degree, he would have known better than to make an accusation such as that. I am disappointed that he has not shown at least a little more intelligence than has the fabricator who is his Leader. Be that as it may, the people of South Australia will see how I vote when the amendments are before this House.

I return to the report. Westfield shopping complexes in Australia have done a good job in terms of investing dollars and getting people into shopping centres. They have done a good job with respect to advertising and marketing shopping centres and with respect to facilities, services, tenancy mix, car parking arrangements and so on. But Westfield has not, according to nearly all the people who have leases with Westfield and who made representations, done a very job when it comes to looking after tenants. Whilst it may have a solid position at the moment, we all know in business that things go up and down and that it is not a bad idea to leave a little bit of fat for the small business person.

The Hon. R.G. Kerin interjecting:

Mr BROKENSHIRE: The Minister for Primary Industries makes a good point. In the food halls at Westfield shopping centres they sell chicken. I hope this will continue and I hope that they will sell South Australian chicken. If a chicken shop in a Westfield shopping centre is selling chicken and associated poultry products, it is not fair that out of the blue the landlord should decide to situate a processed turkey meat shop next door, because it is too close to the chicken outlet. That is the sort of problem that occurs continually. Further, it is not fair to install Coca-Cola machines right next to a delicatessen in a mall. If Westfield is to be serious about playing a genuine part in working with its tenants, it should remember that you have to leave a little bit of fat for the small business person or they will not survive. There may not necessarily always be an opportunity for Westfield to get another tenant.

On the other hand, I do not believe that all landlords were out of order in the way in which they dealt with people who entered into leases. I was disappointed to hear from accountants and the like who were selling properties that, generally speaking, tenants purchased a business, in some cases for $300 000, in major shopping centres with only a two year lease to run and no guarantee of an extension of that lease. Would you believe, Sir, that they did not seek legal or economic advice? Of course, some of them are now kicking and screaming. As a Parliament we have a right to make laws which protect and enhance the State and the opportunities for people in the State. When you are an adult, internal protection has to be put forward.

I believe strongly in the principle of *caveat emptor*: let the buyer beware. Regarding the report, we have gone further as a Parliament (on a bipartisan basis) to let the buyer beware. But there comes a point where the Parliament cannot be responsible on a day-to-day basis for every decision that an adult person makes—whether they are buying a small business, crossing a road or driving a car illegally. There has to be some onus on those people. The contracts entered into are well known to the landlord, because the landlord has often been privy to its drafting with his solicitor. They are often complex and are well known to the landlord but not to the tenant. I strongly recommend that, if tenants are to spend $30 000 or $300 000 purchasing a business, they prepare a business plan, undertake the searching properly and have the right economic and legal advice.

People should not just rely on their banks. As pointed out in the report, the banks are often not worried about the cash flow if you have good amounts of equity. Of course, we all know that, it does not matter how good your asset base is if, all of a sudden, your cash flow starts to deteriorate because you did not enter into a good lease and if the landlord introduces another like-natured business which starts to pull your cash flow down; you have a problem.

The report refers to training and development for people in small business. It was reported to me that some people who were in the public or private sector and who had never been self-employed decided to use their redundancy package to establish a family business. They used this money as a deposit for the purchase of a business and, quite often, put up their house as collateral security for a second or third mortgage. On the surface, it appeared to be great, but they failed to consider the history of that business and its ups and downs. The business might have been in an up phase when they purchased it only because of the professional business person's skills to improve the business. The person who starts that business for the first time is not necessarily highly skilled and may not get any training or development. As a result, when the new customers come in they are not handled as they were used to being handled. The product may not be presented in the same way; the buying opportunities may not be the same; and the business starts to fall away. Then, of course, the so-called rot sets in.

I have spoken to the Small Business Association, and I commend the efforts of its Chairman and the committee for the work they are putting in. I support them in an initiative that I have discussed with them which involves TAFE. I have a letter to the Minister for Further Education, the Hon. R.B. Such, asking that he work closely with them to establish good training and development opportunities for people entering small business. As someone involved in business for over 20 years, I strongly encourage anyone considering the purchase of a small business to ensure that they have a business plan and that they have done adequate training and are qualified enough to understand the principles of business. In addition, they should ensure that, whenever they have an opportunity, they further enhance their skills and training and that they network with the other businesses in their particular complex.

In summary, I believe that we have produced a good result. I feel that this report, if adopted in amendments to the legislation, will not distract people looking to invest in South Australia. In fact, it will put in place firm directions for developers. I am pleased to see that Westfield is spending $90 million in the District of Mitchell, because that is positive and important. I trust that the AMP will look at spending money on and expanding the Colonnades complex. The other point is that, if you do not have a reasonable mix of shopping to provide for competitive pricing and choice, and if you do not have a shopping centre which is prepared and which has the capacity through its size to get the right programs, services, car parking and facilities, it makes it very difficult for the tenant.

We have been able to produce a good, balanced report. We will still encourage development in this State. I challenge any developer to look at this report, if adopted in amendments to the legislation, and say that it is anti-development. It is not anti-development at all. However, it provides checks and balances for small business people, who are vital to this State. We have between 70 000 and 85 000 small businesses in

South Australia and they are the lifeblood of the State. They may employ only one or two people but, as the economy picks up and as they take on .5 or one person, it will be those small businesses that will kick start this State in terms of growth just as much as will the big companies. I do not have any problems whatsoever in supporting parts of the report that recommend checks, balances and protection mechanisms for small business people.

Whilst I know that some would wish that we had gone further again, I trust that they will look very closely at this report that the member for Kaurna has finely outlined, that they will look at what happens when the amendments to the Bill come through and that they will realise that this is the very best report that has come down for some time to assist them. The report will further create a reasonable opportunity for them in the small business sector. The rest of it will be up to a team effort between them, in further developing their business and opportunities, and we as a Government in this State, to get that massive debt down further and make our State more competitive.

We all know that we are 22 per cent more competitive when it comes to business charges and operational opportunities than Victoria, and at least 24 per cent better than New South Wales, but we still have further to go. As a Government we understand and accept that, but we have never said that in just four years we would restore the mess that had been handed over to us by Labor. It was always going to take at least six years, because it took them 10 years to get us into that mess. If we can get out of it in six years, this Government will go down in the history books as the best Government in South Australia for a long time.

Certainly, along the track we will do everything we possibly can to support small businesses. Philosophically, the Liberal Government supports small businesses. The members of Parliament in the Liberal Government strongly support small business, and many of us are from a small business background.

Mr Atkinson interjecting:

Mr BROKENSHIRE: Once again we hear the rhetoric from the member for Spence. The member for Spence has never had a small business. I trust he will never have one, because I do not think it would be in the best interests of the State. He is probably better off staying in Opposition as a member of Parliament than taking on a small business. He has run around with a fair bit of rhetoric tonight, but at the end of the day I would say to the people of South Australia who are in or interested in getting into small business, 'Do not be fooled: a leopard never changes its spots.' The Liberal Party is the only Party that will ever be able to create a climate and environment and sustain them to the point where those small businesses in time will be able to return to the prosperity, net profits and wealth they so deserve so they will create more jobs for South Australians and not have to go greyer and greyer as they have in the past, thanks to the neglect from the Labor Party over many years—and that includes the member for Spence.

Mr CAUDELL secured the adjournment of the debate.

FRUIT AND PLANT PROTECTION (ENFORCEMENT) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, lines 19 to 28 and page 2, lines 1 to 9 (clause 4)—Leave out the clause.

The Hon. R.G. KERIN: I move:

That the Legislative Council's amendment be agreed to.

In accepting this amendment, I point out that I have had discussions with both the Opposition spokesman and the Leader of the Democrats. The Bill proposed making all police *ex officio* inspectors under the Act. There were concerns about the possible misuse of police powers and, as it stood, the amendment would restrict police action to situations where there was reasonable suspicion of an offence having occurred. However, that would have compromised the current situation whereby individual police officers can be given the full powers of Fruit and Plant Protection Act inspectors and, for some of our more remote towns around the border, that would have created some problems for us. So, to avoid this, we have agreed to withdraw the clause and I am giving all police these powers in exchange for the withdrawal of the amendment and we will take it from there. This was arrived at in the spirit of compromise. All Parties support a more serious approach to fruit fly control and agree that it is important to get other measures included in the Act implemented as soon as possible, and I thank the other Parties in both Houses for that.

The general public is about to see a far more serious approach to keeping fruit fly out of the State. That will involve not only a more stringent approach at the borders and check points but also an upgrade of our efforts at the airport and other transport entries. This is not about going over the top but about protecting the horticulture industry, which has become a shining light for economic growth in South Australia. It is about protecting their markets and avoiding expensive protocols caused by outbreaks, as we saw earlier this year, and also about reducing the enormous amount that the taxpayers have to pay for clean-ups when we have an outbreak of fruit fly, normally caused by someone being careless or downright irresponsible. I thank members for their support and look forward to these measures helping us to keep fruit fly out of South Australia.

Motion carried.

JOINT COMMITTEE ON RETAIL SHOP TENANCIES

Adjourned debate (resumed on motion).

Mr MEIER (Goyder): I had not intended speaking to this report, but I would like to make a few comments on it. First, I recognise what the committee members have been through for a period of, I believe, almost 12 months now. I think that indicates the complexity of the issue they have been dealing with; it certainly is not an easy issue. In fact, unless I am mistaken, there are the equivalent of five minority reports with respect to the retail shop leases. Again, that indicates that it is a very complex issue; it is not easy to address and come up with a simple solution to it. We must remember that, before the last election, without any consultation with small business, the Labor Party unilaterally decided to extend shopping hours—with no consultation at all. The consequences of that were potentially disastrous for many small businesses. The way it did that is a reflection on the Labor Party, and it is hypocritical that the it now seeks to turn the blame back onto this Government.

Members would well recall that this Government had extensive consultations with the retail industry, in particular

with small and larger businesses, in an endeavour to try to come up with a compromise that would both allow some extended trading and also protect as much as possible the rights of small businesses. Small business is absolutely crucial to the future of this State and—can I be so bold as to say—the future of this country. It is all very well to have major companies setting up, and certainly I would give full support to large businesses; they are needed just as much, but it is the small business that carries on from day-to-day.

It was pointed out in 1982 that, if every small business in this country employed one extra person, there would be no unemployment in Australia. I believe that during the Federal Labor Party's years in Government that number increased from one extra person needing to be employed to nearer two. It was tragic the way in which the Labor Party literally ignored small business in so many areas. I must say I am pleased the Liberal Party in Government has acknowledged that small business needs help and we have to address the issue. Whilst I believe the member for Kaurna has addressed all the key issues in this report, I recognise the difficulties they have faced over a period of 12 months and I trust that this report at least will lead to addressing some areas to assist small business and retailing in this State as a whole.

Mr CAUDELL (Mitchell): I can only agree with some of the recommendations put forward in the minority report of the Joint Committee on Retail Shop Leases. However, I will comment on what the member for Spence said in reference to me: 'He would come to Paul on the road to Damascus.' I advise the member for Spence that I am on the executive of the Small Retailers Association for the tenants at Westfield at Marion to try to provide a link between the tenants and the Government. The thoughts I expressed when debating the Retail Shop Leases Act have not changed, nor have the scenarios. However, many of the tenants at Westfield Marion have become much more professional in their attitude and approach to the way in which they carry out their business. With the aid of members of the Small Retailers Association they have formed a very good group. They have become professional in their approach and dealings with Westfield and they have been very successful.

At the present stage they are experiencing a certain amount of turmoil because of the development occurring at Westfield at Marion. They are experiencing a drop in sales of somewhere between 20 and 30 per cent and much of that centres around the car parking arrangements as a result of the development. At the present stage, and while the development continues, over half the car parking is unavailable. However, to its credit Westfield has been quite amenable to the problems of the tenants and has made arrangements regarding renewals of leases on the very same rentals the people were paying previously and, in a number of instances, it has reduced the rentals being paid. This is all part of the negotiation and education process which has been going on with a number of the small retailers in that area. Many of the small retailers have been following a much more professional approach with regard to the preparation of business and marketing plans. For example, they are getting information from Westfield concerning ratios and customer mixes to identify their sales potential, expenses, the level of profitability and the ability to afford a level of rent based on that profitability.

It is because of that much more professional approach being instilled into the small retailers at Marion that a much closer association has developed between Westfield and its traders. Accordingly, it must be noted that at different times there is confrontation between the two. However, it is on a much more convivial and professional basis. I take offence at the member for Spence saying that I have seen a flash of light and changed my opinion because of electoral difficulties. I take offence at the comments of the member for Spence, who would not know what it is like to run a business and to face the vagaries of sales, reductions in cash flow and the problems of dealing with a landlord. For the honourable member to stand up in his almighty way and pretend that he knows all and criticise anyone who has an opinion is close to contemptible.

Mr Foley interjecting:

Mr CAUDELL: The member for Hart says that I am sensitive. I am very sensitive when an honourable member, who does not know about what he is talking when it comes to retail issues, stands up in this House and takes up the mantle on behalf of the Small Retailers Association when, in actual fact, they mean nothing to the honourable member. The fact that the honourable member in private says, 'They are not my natural constituency and they do not matter,' but in public gets out and starts beating the drum for the small retailers has me worried. As I said before, I have a problem with some of the recommendations of the minority report but there are other recommendations which I feel have some merit. Accordingly, I hope that some members of my select committee into multi-site franchising will look at some of those recommendations concerning non-renewal of leases. However, I will not be able to support the select committee's minority report.

Mrs ROSENBERG (Kaurna): I put on the record my thanks to those members who have contributed to noting the report. I thank the member for Goyder for reminding the Opposition of some of their activities prior to the last election when they showed their true colours about their care for small business. I thank the member for Mitchell for clarifying some issues which the member for Spence raised during his contribution. I thank the member for Mawson for his support of the recommendations in the report. I recommend most strongly to all members of Parliament that they read this report because nothing is surer than there will be future legislation put before this House on the basis of that report. I am not sure at this stage which honourable member of Parliament will bring that legislation forward, but members can be guaranteed it will come forward and it would be very wise for all members of Parliament to read the evidence put before this committee and to read the report before commenting on the new legislation and making decisions on behalf of landlords and tenants in South Australia.

Motion carried.

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

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

Motion carried.

[Sitting suspended from 8.40 to 10.17 p.m.]

PROROGATION

The Hon. S.J. BAKER (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 27 August at 2 p.m.

I would like to thank the many people who serve this Parliament. I reflect on the conditions that have operated in this Parliament over the past two months. Since we resumed at the end of May the renovations that have been taking place since 1994 have continued and life has been a little more difficult for many of the people who work in this place. It is very easy for us as politicians to walk in here for a few hours of the day and then walk out of the Parliament, but all the officers of the Parliament have had to put up with the renovations, the noise and dust—all those things that make life unpleasant—but they have done it with a great deal of grace. So, we thank the staff of the Parliament for their forbearance in what, I would say, are less than ideal circumstances in which to work. However, these conditions will prevail for some months to come until we bring the building up to standard.

If we reflect on what we have done since about 28 May we can be very pleased with the progress that we have made. We have presented a budget. We have had a number of very difficult issues to deal with, not the least of which was the firearms debate. We have progressed all those issues in a pretty reasonable and constructive fashion. One or two of us have become fairly testy on occasions, and I apologise to some of the people that I have had to take to task, but at times things got a little tight around the edges and there were moments when my temperature rose and I made sure that everybody knew about it. It is not the politicians who have to live in this environment, it is the people who work in the Parliament—those people who give such great service. As I have said previously, this is probably one of the smoothest working Parliaments anywhere in the nation, and perhaps if we went around the world it would be difficult to see the same amount of competence and dedication that we see in this Parliament.

First, I mention the table staff who guide us in our deliberations, keep us informed of how we should conduct ourselves and make sure that the material in the Parliament is progressed satisfactorily. They have made another sterling effort. I particularly mention the Clerk and Deputy Clerk for the way in which they manage the process.

When I read my copy of *Hansard* I find that it is remarkably errorless and is an improvement on my delivery. Sometimes I would like some exclamation marks included in the text to reflect the heat of the moment, but that is not possible. Again, *Hansard* has accurately recorded the deliberations of the Parliament. On occasions the *Hansard* staff have worked very long hours. They have managed the committee system—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Well, they did make my budget speech look pretty good, as the Leader said. In the 14 years I have been in this Parliament we have had more standing and select committees than there were in the past, as well as the normal sittings of the Parliament, yet the *Hansard* staff keep coming up to the mark and delivering a first-class service, and they do it with a great deal of humour and forbearance. They suffer some fairly indifferent contributions on occasions but make those contributions infinitely reasonable in terms of the words that are ultimately expressed on paper. There is always a special place for *Hansard*: it keeps delivering the goods, as it has done for the 14 years I have been in this Parliament.

The Library staff continue to provide the research service and access to the material and keep meeting the requests of the members of this Parliament, and again they have done a fine job. I now mention the people who keep us well fed and the humour they show. The efficiencies that we have demanded across this Parliament have been achieved, yet the quality of the service still remains. I pay special tribute to John Sibly for the way that he manages our catering staff but also to the staff themselves for the service that they continue to provide to some fairly hungry politicians. To the caretakers and all the other staff of this Parliament who are very essential—the police, who provide the security for the Parliament and those who perform a support service to the Parliament—again, they have my congratulations for a job well done.

The Parliament cannot live and be a vital forum for debate without the services of a good Speaker and a good Chairman of Committees, and we have had some vital debates during the past two months. They have been enhanced by the directions from the Chair, both from the Speaker and the Deputy Speaker. I pay tribute to both members for the way in which they have conducted themselves over that period.

Mr Oswald interjecting:

The Hon. S.J. BAKER: I said the Chairman of Committees.

Mr Oswald: The chairmen of standing committees.

The Hon. S.J. BAKER: The member for Morphett is trying to gild the lily now. To the Speaker and the Deputy Speaker, I congratulate them for a job well done. We have made it through this session. One or two members have not made the distance on all occasions, but that adds to the flavour of the Parliament. I suspect that those who were not with us for a short time would reflect that there was a very good reason for that occurring.

To the Opposition, which has put the Government on its mettle on a number of occasions, I would say that the past two months have been a very interesting experience. I have been very pleased with the cooperation that has been extended by members of the Opposition. We have had our moments, but overall we have achieved an enormous amount during this two month period. Again, looking back over the 14 years that I have been in this Parliament, in the past two months we really pinned down a number of changes that have been needed. We have delivered the goods, and I think the people of South Australia can feel very comfortable that the Parliament has dispensed its duties in a very efficient and effective fashion. So, to everybody who has contributed—my colleagues who have made my life interesting and helped me on numerous occasions and everybody who has made this Parliament live and dispensed their duties to their constituencies—I thank you all, particularly the staff who make this Parliament work so efficiently. So, thank you one and all.

The Hon. M.D. RANN (Leader of the Opposition): I am delighted to second this motion of thanks from the Deputy Premier. I also pay tribute to some of the people who make this Parliament work so efficiently and in a way that is probably a model for Parliaments, not only nationally but also internationally. I pay tribute to the *Hansard* staff who tidy up our speeches and make us appear lucid. I particularly want to take the opportunity today to pay tribute to Ted Holland, who retires this week. Ted is known to all of us for his particularly

smooth, Cary Grant-like features, as someone who wears a bow tie around the place, is a superb snooker player and who uses the old style—a quill and ink—to record *Hansard*. He has been here for 7 years but worked for 23 years at the House of Commons, so in many ways coming here was the penultimate experience. Here was a man who, in 1967—the year after England won the World Cup—started his career in the House of Commons. He reported on the likes of Harold Wilson, James Callaghan, Profumo, Macmillan—

An honourable member interjecting:

The Hon. M.D. RANN: —not Oliver Cromwell, but then Margaret Thatcher and so on. Here is someone who, in his retirement, has the opportunity to be able to say in his dotage that he reported from Wilson to Baker, from Thatcher to Brown or from Tony Benn to Frank Blevins. The point is that we know that he looks forward to spending more time shooting arrows. He has actually represented South Australia in archery. He is one of nature's gentlemen and he will be sorely missed, but I am sure we will get him back in here from time to time. That is an example of this Parliament in action: the fact that people are prepared to move from the House of Commons to the House of Assembly is in many ways testimony not only to Ted but to all of us. When he looks at the cut and thrust of the debate and remembers Wilson versus Ted Heath, he knows deep in his heart who was the best. I am sure he will write that in his memoirs. So, thank you Ted Holland for an outstanding contribution to this Parliament; you will be sorely missed.

Honourable members: Hear, hear!

The Hon. M.D. RANN: I also pay tribute to the Library staff. One year I forgot to mention the Library research staff and I paid for it for at least two years, so I particularly want to pay tribute to the Library research staff and all the Library staff tonight for their outstanding job. I pay tribute to the Attendants, who make our life much easier. They are often forgotten, ignored and overlooked, but they are totally indispensable to the running of this Parliament and to the operation of our lives.

I thank the people in the kitchens. The improvement in the food standard since the time I have been in this Parliament—since 1977, almost 20 years in different capacities—has increased and improved remarkably. I also thank all the dining staff and waiting staff who again make our lives much more homely when we are stressed and aggressive. On a Thursday morning they are a balm to our existence. I thank the people in the bar, in the dining rooms and in the blue room, also the police who keep us well protected from each other as well as from the outside world. I pay tribute to the clerks. The clerks are seldom thanked but are always appreciated and will be certainly remembered with great affection when we all retire. There is the travel staff, who I know have been fairly stressed in recent times, the accounts staff and the caretakers who make the place tick over.

There are also our own staff. Often that is one thing which you do not hear year after year—the people who work for the politicians, people who are asked to do things late at night in terms of preparing a brief for a Bill and who are rung up at 6.30 in the morning and at midnight—and will continue to do so—underpaid, overworked, and long may that be the case.

I also pay tribute to members of this Parliament, particularly to our opponents opposite. There are some people in the community who believe that we cannot stand members opposite. That is just not true: deep down there is a tremendous affection for members opposite. People do not appreciate the bonds that bind rather than the divisions that deter what is seen in the community to be an aggressive and adversarial form of democracy. In fact, deep down we are very close friends and outward appearances are not always what they seem.

Then I move on to you, Mr Speaker. I have to be careful, because I am told that I am the first Opposition Leader in a century to have been named in this Parliament. Certainly, I do not hold that against the Deputy Chairman at all, because he is someone whom we hold in the highest esteem. The other day Don Dunstan told me he was thrown out for calling Tom Playford's electoral system immoral, although he was then the shadow Attorney-General, not the Leader of the Opposition. So, he believes that I am setting a precedent.

There is much we could say about you, Mr Speaker, and indeed we do say much about you, but time is drawing to a close. It is really important, Mr Speaker, that you are about to go on a major seminar in the mother of Parliaments, Westminster. Mr Speaker, I know that you and the Speaker will have much to talk about and share in terms of the running of the administrations of both Parliaments. Mr Speaker, we look forward to your coming back after having a breath of fresh air in the mother of Parliaments and embracing us all with your wisdom and kindness and that independence for which you are renowned—that non-partisanship.

Mr Speaker, you pick up Standing Orders and open it up to not rule 303 but rule 137, which talks about any member of the Parliament who defies the Chair. Just because some people opposite do not know, I know that you are referring to all 47 members of this Parliament and not to those on this side of the House, and it is just a problem with the acoustics in this Chamber. I wish you well for the break, Mr Speaker, and we look forward to coming back and continuing to be a cooperative, world-class Opposition when we all return.

The SPEAKER: On behalf of the staff I thank the Deputy Premier and the Leader of the Opposition for their kind remarks. This Parliament is well served by the people who assist members of Parliament to ensure that the Parliament runs smoothly. I sincerely hope that when we reassemble members do have a better understanding of Standing Orders.

The Hon. M.D. Rann: I am taking them home with me.

The SPEAKER: I am very pleased that the Leader is taking them home and will read them before he goes to sleep at night because, if he does that, my life will be much easier. May I say it has been an enjoyable session. There are particular members who make my life especially interesting, however that is the cut and thrust of this place and I sincerely hope everyone has a good break.

STATUTES AMENDMENT (UNIVERSITY COUNCILS) BILL

Returned from the Legislative Council with the following amendments:

No. 1 Page 2, lines 15 to 17 (clause 5)—Leave out paragraph (b) and insert new paragraph as follows:

'*(b)* the presiding member of the Academic Senate who will be a member of the Council *ex officio* or, if the Vice-Chancellor is the presiding member of the Academic Senate, a member of the Academic Senate who is a member of the academic staff of the University elected by the Academic Senate (but that person cannot be a student of the University);'

No. 2 Page 2, lines 23 and 24 (clause 5)—Leave out paragraph *(e)* and insert new paragraph as follows:

'*(e)* if the Council so determines, one person co-opted and appointed by the Council;'.

No. 3 Page 2, line 26 (clause 5)—Leave out 'one member' and insert 'two members'.

No. 4 Page 2, lines 27 to 33 (clause 5)—Leave out paragraph (h) and insert new paragraph as follows:

'*(h)* two students of the University (not being persons in the full time employment of the University), one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Vice-Chancellor after consultation with the General Secretary of the Students Association of the University.'

No. 5 Page 3, line 7 (clause 5)—Leave out 'An employee' and insert 'A member of the academic or general staff'.

No. 6 Page 3 (clause 6)—After line 20 insert new subsection as follows:

'(1a) A person elected by the Academic Senate to the Council will be elected for a term of two years.'

No. 7 Page 4, line 33 (clause 8)—Leave out 'nine' and insert '11'.

No. 8 Page 4, lines 33 and 34 (clause 8)—Leave out ', at least five of whom are external members,'.

No. 9 Page 5, lines 1 to 4 (clause 8)—Leave out subsection (5).

No. 10 Page 6, line 9 (clause 14)—Leave out 'nine' and insert '11'.

No. 11 Page 6, lines 9 and 10 (clause 14)—Leave out ', at least five of whom are external members,'.

No. 12 Page 6, lines 23 to 27 (clause 14)—Leave out subsection (5).

No. 13 Page 7, line 6 (clause 14)—Leave out 'two' and insert 'three'.

No. 14 Page 7, line 19 (clause 14)—Leave out 'An employee' and insert 'A member of the academic or general staff'.

No. 15 Page 7, line 21 (clause 14)—Leave out 'An employee' and insert 'A member of the academic or general staff'.

No. 16 Page 10, lines 3 to 8 (clause 18)—Leave out paragraph *(h)* and insert new paragraph as follows:

'*(h)* two students of the University, one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Vice-Chancellor after consultation with the presiding member of the Students Association of the University.'

No. 17 Page 10, line 18 (clause 18)—Leave out 'An employee' and insert 'A member of the academic or general staff'.

No. 18 Page 12, line 2 (clause 20)—Leave out 'nine' and insert '11'.

No. 19 Page 12, lines 2 and 3 (clause 20)—Leave out ', at least five of whom are external members'.

No. 20 Page 12, lines 8 to 12 (clause 20)—Leave out paragraph *(b)*.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Mr FOLEY: On behalf of the Opposition, we accept the views of the other place and these amendments.

Motion carried.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

The following recommendation of the conference was reported to the House:

Clause 30, page 7, lines 9 and 10—Leave out all words in these lines after 'is amended' and insert as follows:

'—

(a) by striking out paragraph (b) of subsection (2);

(b) by inserting after subsection (2) the following subsection:

(2a) In imposing sanctions on a youth for illegal conduct—

(a) regard should be had to the deterrent effect any proposed sanction may have on the youth; and

(b) if the sanctions are imposed by a court on a youth who is being dealt with as an adult, regard should also be had to the deterrent effect any proposed sanction may have on other youths.'

Consideration in Committee of the recommendation of the conference.

The Hon. R.G. KERIN: I move:

That the recommendation of the conference be agreed to.

The effect of the amendment which members have before them is to remove from the Bill the ability to use general deterrence in the sentencing of a youth who is dealt with in the Youth Court. The general area of disagreement lies around the area of general versus specific deterrence, and perhaps for those who are less legal than I in this place I will use a fatherly example. If daughter three draws on the lounge room wall, I am sure that the punishment I would enforce on her would take into account how daughter four would view doing the same thing. However, the shadow Attorney-General does not agree that this is appropriate and says that the punishment should take into account only the deterrence to daughter three doing it again and not stopping daughter four from doing it. I know from having made that mistake in the past that that does not work.

The general principles of sentencing remain under the Criminal Law (Sentencing) Act, Division 2—General Sentencing Principles, and they will continue to be factors to which a court should have regard when sentencing a young offender. The amendment does not exclude those matters from being taken into account in sentencing. When the report of the review by the Juvenile Justice Advisory Committee is available, we will be reviewing the issue of general deterrence and, if the report is not adverse to the application of general deterrence, we will seek to gain the support of the Opposition and the Democrats to amend the Act to reflect those findings. We are not prepared to lose the Bill because of the importance of other factors such as home detention and other initiatives addressed in the Bill, so grudgingly we accept the amendment but look forward to the release of the report of the review by the Juvenile Justice Advisory Committee and at that time the Opposition's support should further amendment be consistent with the findings.

Mr ATKINSON: The nub of disagreement between the Government and the Opposition is about individual deterrence as against general deterrence. Individual deterrence can be taken into account in a sentence for the purpose of deterring the prisoner from again committing the same crime.

The Hon. R.G. Kerin interjecting:

Mr ATKINSON: No, the prisoner. The Minister interjects, 'It is the accused.' I have to point out to him that the accused will not be sentenced unless he is convicted, and that is why I use the term 'prisoner'. General deterrence is a doctrine of sentencing whereby the sentence should be such as to deter not merely the prisoner from again committing the same offence but deterring the public from committing the same offence.

The Opposition is agreeable to having a youth tried as an adult sentenced according to the principle of general deterrence if the sentencing judge regards that as appropriate. What we are not agreeable to yet is having a youth tried as a youth and sentenced according to the principles of general deterrence. We may be agreeable to that if the Juvenile Justice Advisory Committee, which is due to report at the end of September, agrees that a youth tried as a youth should be subject to general deterrence.

Mr Foley interjecting:

Mr ATKINSON: The member for Hart interjects, 'Who is on that committee?' Who is on that committee is very important because, if the Attorney-General can succeed in turning over the membership of the committee and getting a completely different report from the one which is currently being drafted, that report may well recommend that a youth tried as a youth should be subject to the sentencing principle of general deterrence. We do not know what will happen: we wait and see. I can assure members that, just as Evelyn Waugh wrote a trilogy about the Second World War in which the third novel in the trilogy was *Unconditional Surrender*, that is what the Government did in the deadlock conference tonight.

Motion carried.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: I move:

That the recommendations of the conference be agreed to.

There are three sets of amendments. Amendment No. 1 is of a technical nature. Amendment No. 2 deals with the changes that the member for Spence wished to foist on the scheme and they relate to CPI increases, a reduction of the limit of claim to $500 and other related amendments. The final set deals with reporting on the outcome of the fund.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I count them as three sets of amendments. The member for Spence might have wished to split one set of amendments but the conference treated them as three sets of amendments, and the member for Spence can think about it over the break. Good triumphed over evil. The capacity of the Criminal Injuries Fund to have additional revenue available to it was preserved and we did have the fund being subject to more and more pressure, as the member for Spence originally intended. I am sure that on reflection he is sorry for his original amendment, because he would realise that there is not an endless stream of money to serve all these purposes. The member for Spence can reflect that in 1991-92 the Consolidated Account paid $1.5 million towards victims of crime, yet it is expected that in the forthcoming year the Consolidated Account will bear a burden of more than $11 million. There is an end to the extent that any budget can afford a free-fall of that nature or a sheer escalation.

I have severe reservations about the way in which the Criminal Injuries Fund works, but this is not the time to debate that matter. The fund should be looking at the needs rather than the monetary compensation of victims. We know that a number of people become victims sometimes through their own transgressions, but most people have been on the receiving end of a criminal act. Whilst we all support the fund, the Attorney-General has indicated that there will be a review of the efficiency and effectiveness of the fund and the extent to which it actually meets the purposes for which it is designed.

As Treasurer, I believe the fund has to be accountable to the budget and that has not occurred in the past. We have to live within our capacity. If on occasions we can think in terms of non-monetary recompense, we will be serving the victims far better than does the current system. I am pleased to say that we did not have a situation where the Opposition increased the burden on taxpayers, but I am assured that the Attorney will be reviewing the scheme to get a better tailored scheme and that will be to the benefit of the victims we are trying to assist. The conference was a success.

Mr ATKINSON: Four proposed amendments were sought and each was in accordance with the recommendations of the Legislative Review Committee, which has a majority of Liberal Party members and is chaired by the Hon. Robert Lawson, a Liberal member of Parliament, Queens Counsel. The four recommendations of the Legislative Review Committee in February 1995 were that the unit of criminal injuries compensation be indexed to the consumer price index—amendment No. 1. The second amendment was that the minimum claim for criminal injuries compensation be reduced from $1 000 to $500. The third recommendation was that the standard of proof required of people who claim criminal injuries compensation be reduced from 'beyond reasonable doubt' to 'the balance of probabilities'. The fourth amendment or recommendation of the Legislative Review Committee was that an annual report be published about the criminal injuries compensation legislation.

The parliamentary Labor Party moved amendments in accordance with the Legislative Review Committee report—a report brought down by a majority of Liberal members and by a Liberal Chairman. We pursued the recommendations of that report faithfully, but a funny thing happened on the way to the forum. The Chairman of the Legislative Review Committee happened to be on the conference and he said that he stood by every recommendation of his report, except that his committee had never considered budgetary implications when it made its recommendations. Accordingly, he repudiated every one of his four recommendations.

Ms Hurley: Shame!

Mr ATKINSON: Shame, as the member for Napier says. The Opposition was left high and dry and we had no alternative but to surrender unconditionally to the Government and that we did.

Motion carried.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 11.36 p.m. the House adjourned until Tuesday 27 August at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 30 July 1996

QUESTIONS ON NOTICE

MEDICAL CARE

52. **Mr ATKINSON:** Why has the Government suspended the operation of section 14 of the Consent to Medical Treatment and Palliative Care Act?

The Hon. M.H. ARMITAGE: The proclamation of section 14 of the Consent to Medical Treatment and Palliative Care Act 1995 was delayed to enable the necessary arrangements to be put into place for the establishment of the register, as contemplated by that section. (Section 2 of the Act made specific provision for there to be a delay in the commencement of section 14.) Such arrangements were put into place to coincide with section 14 coming into operation on 30 May 1996. The register is operated by the Medic Alert Foundation.

SA WATER, FAN STATION

62. **Mr ATKINSON:**

1. What action has SA Water taken in the past two years to prevent the emission of bad odours from the fan station on the corner of Tungara and Liberton Avenues, Croydon Park and what further action is proposed?

2. Is waste from G.H. Michell's Thebarton tannery a possible cause of the smell?

The Hon. J.W. OLSEN:

1. Over recent years, SA Water (and the former EWS Department) have continued to investigate ways of improving the performance of fan stations in preventing Due to a significant level of odour problems associated with the fan stations on this section of trunk sewer, including the one at Liberton Avenue, SA Water's operations staff have trialled various modes of operation in an effort to reduce the level of odours. Equipment has also been installed in two of the stations (one at Welland and the one at Liberton Avenue) to dose a chemical deodorant in the exhaust stacks when the hydrogen sulphide concentration reaches an unacceptable level. Unfortunately, these actions have not completely eliminated the odour problems. United Water, who now operate and maintain the wastewater network, have been asked to again review operational procedures to eliminate this problem.

Representatives from SA Water and United Water met with a local residents group to discuss this matter on Thursday, 27 June 1996.

2. In the past, the wastewater discharged from G.H. Michell's Thebarton tannery has been a significant contributor to the generation of hydrogen sulphide in the tannery's wastewater; up to 25 mg/l and sometimes higher.

G.H. Michell have installed a sulphide treatment plant at approximate cost of $750 000 to reduce the sulphide level in their discharge to <5mg/l the level required by the trade wast regulations. The plant underwent final commissioning in December 1995 and while the plant has generally been operating satisfactorily, it is still undergoing some fine tuning to ensure consistent performance. The plants performance is being closely monitored by both G.H. Michell and SA Water, with daily sample results being supplied to SA Water every fortnight.

PUBLIC SECTOR NET DEBT

82. **Mr QUIRKE:**

1. What are the dollar values at 30 June for each year represented on the graph in chart 4 of the Financial Statement dated 31 May 1994, on both a 'no policy change' and 'policy' basis?

2. What were the precise assumptions in dollar values at 30 June for each year represented on the graph for the proceeds of the sale of the State Bank and recovery of net assets for the South Australian Asset Management Corporation?

The Hon. S.J. BAKER: The chart as supplied to the member for Playford compares the policy and no policy change figures as at May 1994 with the latest estimates of public sector net debt. The chart presents public sector net debt as a percentage of Gross State Product (GSP) and the numbers underlying the chart are consistent with numbers used in Chart 4 of the May 1994 financial statement and in figure 2.2 in the 1996-97 financial statement.

An outlays savings 'wedge' is shown in the chart. This wedge identifies the estimated improvement in debt resulting from the Government's outlays savings, offset by the funding of TSPs.

At May 1994, no estimates beyond 1998 were made. However, if the lines in the chart at Annex A were extrapolated, the 'wedge' would grow larger from 30 June 1998 onwards as the outlays savings implemented were ongoing and continue to reduce debt relative to the no policy change position while the offsetting effect of TSPs on debt ceases to grow.

1. The dollar values for 30 June of each year represented on chart 4—Total Public Sector Net Debt—Nominal Terms are as follows:

	Public Sector Net Debt (Nominal—$ million)		Public Sector Net Debt plus unfunded Superannuation Liabilities (nominal—$ million)	
Year ending 30 June	No Policy change	Policy	No Policy change	Policy
1990	4 686	4 686	8 067	8 067
1991	7 156	7 156	10 907	10 907
1992	8 057	8 057	12 250	12 250
1993	8 252	8 252	12 583	12 583
1994	8 688	8 686	13 090	13 088
1995	8 777	8 977	13 395	13 559
1996	8 243	8 404	13 068	13 153
1997	8 373	8 322	13 382	13 210
1998	8 108	7 826	13 292	12 833

2. The assumptions in dollar values at 30 June each year for the proceeds of the sale of the State Bank and recovery of net assets for South Australian Asset Management Corporation (SAAMC) are as follows:

Year ending 30 June	BankSA $ million (nominal)	SAAMC $ million (nominal)	Commonwealth compensation $ million (nominal)
1995			234
1996	700		
1997		262	

FAMILY AND COMMUNITY SERVICES, DOCUMENT SECURITY

102. **Ms STEVENS:**

1. How many hours were spent by investigation officers from the Crown Solicitor's Office reviewing document security in the Department of Family and Community Services?

2. Who was interviewed?

3. What was the total cost of the review?

4. Following the letter dated 2 April from investigating officer Mr Barry Forster to the member for Elizabeth, did the review make any findings on how the Opposition may have been in possession of information concerning anti poverty funding which had not been publicly released?

5. Will the Attorney-General table a copy of the review report?

6. What action has been taken to improve the security of documents in the Office of the Minister for Family and Community Services and his department?

The Hon. S.J. BAKER:

1. 61 hours—It may be worth noting that if the Government investigator's hypothesis as to the document 'leak' is correct and had the honourable member responded positively to his request for her assistance, this matter could have been resolved in a very short time.

2.

- 13 FACS employees, including Chief Executive, Director Community Services Division and 3 Regional Managers
- 6 employees of Minister for Family and Community Services, including Chief of Staff
- 3 representatives of community organisations who tendered for Anti Poverty funding
- One member of Premier's staff (Community Liaison Adviser)
- A member of Anti Poverty Funding tender evaluation panel.

3. $5 490.00.

4. It was established that the member for Elizabeth had received by facsimile (from FACS Regional Manager, Salisbury) part of a publicly released (19/12/95) FACS document which related to 'One-Off' General Welfare Assistance to help organisations cope with the demands for services since the introduction of gaming machines.

It is believed that the member for Elizabeth presumed this document to be the Anti Poverty Funding tender results and consequently released her 'News Release' of 23 February 1996 on the basis of this incorrect presumption.

5. No.

6. Recommendations regarding classification, security and transmission of documents have been made to the Minister for Family and Community Services and Chief Executive of FACS. The Chief Executive and the Minister are currently reviewing their procedures in light of these current recommendations.

GAMBLERS REHABILITATION FUND

103. **Ms STEVENS:** Will the Minister provide to the Opposition, before 18 June 1996, a reconciliation of the balance of the Gambler's Rehabilitation Fund as at 31 May 1996 detailing all receipts to, and payments made from the fund since its establishment?

The Hon. D.C. WOTTON: The reconciliation of the Gamblers Rehabilitation Fund is as follows:

1994-95	
Contribution to the Fund	$1 500 000
Allocations against these funds:	
-Expended	$378 750
-Allocated for specialist and other services still being established	$636 200
Total Committed	$1 014 940
1995-96	
Contribution to the Fund	$1 500 000
Allocations against these funds:	
-Expended	$613 960
-Allocated for specialist and other services still being established	$471 000
-Allocated to one-off funding to address particular implementation difficulties	$300 000
Total Committed	$1 384 960
1996-97	
Committed Contribution to the Fund	$1 500 000
Allocations against these funds:	
-Anticipated expenditure for existing services	$1 072 000
-Allocated for specialist and other services to be established in 1996/97	$320 000
Total Committed	$1 392 000

No unexpended funds from the Gamblers Rehabilitation Fund have or will be diverted into consolidated revenue. These funds continue to be available to the Gamblers Rehabilitation Fund Committee to meet the needs of the target group, and the Committee continuously review priority needs for new services.

I recently arranged for a review of the Fund's implementation to be carried out by a joint team involving some key service providers. The review reported that spending in haste was both unwarranted, and detrimental in a new service system which is yet unable to provide outcome evaluations what would justify significant changes, or hasty expenditure.

HEALTHSCOPE

105. **Ms STEVENS:**

1. Has the Health Commission obtained advice from the Australian Taxation Office as to whether the tax exemptions enjoyed by public and non profit hospitals are affected by the contractual arrangements with Healthscope?

2. Under the agreement for the establishment of the 'Torrens Valley Private Hospital' in the Modbury Public Hospital Building, does Healthscope have access to and the use of any equipment owned by the public hospital?

The Hon. M.H. ARMITAGE:

1. The Health Commission has not obtained tax advice from the Australian Taxation Office as to whether the tax exemptions enjoyed by public and non-profit hospitals are affected by the contractual arrangements with Healthscope. Advice from the Australian Taxation Office has been limited to that relating to entitlements of transferring public sector staff. The South Australian Health Commission has no indication that the arrangements with Healthscope would have any impact on the tax exempt status enjoyed by any other public or non-profit hospital.

2. The Temporary Private Hospital Agreement between Modbury Public Hospital Board and Healthscope recognises that the private patients within the temporary facility will have access to some equipment managed by Healthscope under the overall Modbury Public Hospital Board Management Agreement. In recognition of this Healthscope have been required by the Modbury Public Hospital Board to make an annual contribution as part of the temporary agreement for the purchase of new additional equipment for the use in the Modbury Public Hospital during each year that the temporary private hospital is operated. In addition, under the overarching Management Agreement, Healthscope remain responsible for the maintenance of all equipment at the Modbury Public Hospital.

All upgrade costs of the temporary private hospital have been met by Healthscope and such upgraded facilities will transfer to the Board at no cost at the end of the temporary arrangements.

All operating costs of the private hospital, such as the purchase of consumables, are met by Healthscope.

GLENSIDE HOSPITAL

106. **Ms STEVENS:** What was the number of 'open' beds in each ward at the Glenside Hospital on each day during May 1996?

The Hon. M.H. ARMITAGE: The number of open beds in each ward at Glenside Hospital during May 1996 was as follows:

Wards at Glenside Hospital	Number of Open Beds	Variations in Month
Cleland House	25	Nil
EMU	12	Nil
Mason	23	Increased to 25 (27-31 May)
Paterson East	19	Nil
Banfield	25	Nil
Greenhill	29	Nil
Karingai	19	Nil
Kurrajong	11	Nil
North Birches	30	Reduced to 25 (10-31 May)
North Glen	20	Nil
Downey East	20	Nil
Downey West	18	Nil
Medical Centre	15	Nil
Acacia	24	Nil
Jacaranda	24	Nil
Helen Mayo House	6	Nil

SA WATER, FAN STATION

110. **Mr ATKINSON:** Will the Minister consider installing a deodoriser in the SA Water fan station at Pedder Crescent, Regency Park?

The Hon. J.W. OLSEN: This fan station is one of several along the section of the main Adelaide trunk sewer which runs from

Regency Road north to the Bolivar Wastewater Treatment Plant. The trunk sewer is constructed of concrete pipes and the primary function of the fan stations is to prevent corrosion of the concrete by hydrogen sulphide gas (rotten egg gas) which is naturally generated from sulphur based compounds in the wastewater as it travels through the wastewater pipe network.

The honourable member is aware that deodorising equipment has been installed in two fan stations on another trunk sewer through Welland and Croydon Park. This equipment injects a chemical deodorant in the fan station exhaust stack when the hydrogen sulphide concentration reaches an unacceptable level. This action was taken some time ago by SA Water in response to recurring odour problems with these fan stations.

However, these deodorising systems have not completely eliminated the odour problems due to the exceptionally high levels of hydrogen sulphide that have been generated in the trunk sewer from time to time.

SA Water Trade Wastes Section is conducting a survey of industrial discharges to the wastewater system to identify potential odour causing discharges.

Under the contract with SA Water for the management of the Adelaide water and wastewater system, United Water is now responsible for operating and maintaining the fan stations in the wastewater network and for investigating odour problems. Very few odour complaints have been received by United Water from this area, however, United Water is currently investigating the operation of the fan station at Pedder Crescent to determine the extent and cause of any odour problems. An assessment will then be made to determine appropriate future actions.

HOUSING TRUST MAINTENANCE

117. **Ms WHITE:**

1. For each South Australian Housing Trust region, what is the average length of time that tenants of the trust are being required to wait before their requests for maintenance to their properties are being serviced?

2. Who monitors progress of maintenance work on trust properties, to what extent is that work monitored and what measures are in place to ensure the quality of that work and how does the trust ensure that once maintenance has been assigned to a licensed contractor it is physically carried out by a license contractor?

3. Given that many people cannot afford insurance cover, what is the extent of the trust's liability in cases where robbery or damage to property is caused through lack of maintenance to a trust dwelling and does this liability differ according to whether the trust had been notified of the need for maintenance prior to an incident?

The Hon. E.S. ASHENDEN:

1. Tenants' requests for maintenance service are determined on the basis of three established priorities.

Priority One: Work shall be commenced within four hours.

Priority Two: Work shall be commenced within 24 hours.

Priority Three: Work shall be commenced within 14 days.

2. The trust has established a comprehensive quality assurance strategy that includes follow up inspections by trust technical staff and customer surveys.

The most recent major customer survey, in September 1995, assessed the views of 1586 customers in the Gawler and Marion Housing Trust Regions, chosen as being broadly representative of all Housing Trust Regions.

The survey included 805 tenants who had contacted the trust for maintenance in the 12 months prior to the survey. 77 per cent found the work satisfactory, 91 per cent said the contractor treated them with dignity and respect, and 96 per cent said maintenance phone room staff were courteous and polite.

Self-audit processes established by the trust to analyse service performance include customer assessment of service. These reports are now indicating levels of satisfaction with maintenance work substantially higher than the September 1995 survey.

All maintenance contracts require the principal contractors to lodge certificates of proof of all appropriate licences prior to the commencement of the contract. It is then the principal contractors' responsibility under the terms of the trust contract and the legislative requirements of the Builders Licensing Act to ensure that any employee of the contractor also holds the appropriate trade licence.

3. The trust has a duty of care to keep the premises in a state of good repair. Maintenance requests that affect the tenant's health, safety or security fall into either the priority one or priority two maintenance repair category and will therefore be dealt with within 4—24 hours. Within the conditions of tenancy the trust agrees that where a situation exists that is likely to cause injury to person or property or undue inconvenience to the tenant, the tenant may carry out such repairs as required to overcome the risk of injury and/or inconvenience.

Generally the trust has no liability for tenants' property. However, within the context of its duty of care, situations may result in liability for damages suffered by tenants. In such cases the tenant wishing to claim from the trust would need to be able to demonstrate that non completion of the maintenance was material to the loss and that the trust was negligent or in breach of statutory or contracted duty.