HOUSE OF ASSEMBLY

Thursday 26 March 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

EDUCATION (GOVERNMENT SCHOOL CLOSURES AND AMALGAMATIONS) AMENDMENT BILL

Mrs MAYWALD (Chaffey) obtained leave and introduced a Bill for an Act to amend the Education Act 1972. Read a first time.

Mrs MAYWALD: I move:

That this Bill be now read a second time.

This Bill amends the Education Act to commit to legislation the review process that must be undertaken before Government school closures or amalgamations can occur. I recognise that school closures are often very emotive, and it is imperative for the wellbeing of school communities that appropriate consultation occurs when determining the rationalisation of education services within a cluster of schools.

Improving the standard of education for our children is a priority for any Government. Changing demographics and the need to upgrade and modernise facilities create circumstances whereby rationalisation of resources is required to ensure that valuable funding is maximised where it should be—in the classroom.

Last year the review process undertaken by the current Government in relation to particular school closures was subject to much criticism by both the community and the Ombudsman. The Ombudsman in fact described the review process in certain instances as inadequate.

Reacting to this criticism, the Labor Party and the Democrats introduced Bills to amend the Education Act, which sought to establish an appeal process for review of the Minister's decision. Neither of these Bills were intended to take away the Minister's power to close a school. In introducing these amendments, both Parties chose to ignore the identified problem. On the contrary, both these Bills sought to rectify the lack of consultation in the initial review by establishing a second review.

Establishing a committee to address the failings of a previous committee is nonsensical, serving only to prolong the process, prolong the period of anxiety for the school communities, prolong the uncertainty for the students and staff, and waste valuable taxpayers' money to go through the process a second time.

Education funding has already been stretched to the limit and any process that results in added administrative costs would not be in the interests of education in this State. It seemed to me that the obvious solution was to formalise the process to ensure we got it right in the first instance. The amendments in the Bill now introduced will make sure the process review is formalised, that all the stakeholders will be consulted and the Minister will be accountable to this Parliament and the public for a decision that is contrary to the recommendations of the review committee.

Given that the Government has already given in principle support for this Bill, I have no problem with the Government's commencing preliminary review proceedings for reviews for the rest of the year. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 9—General powers of Minister

This clause provides that the Minister may close a Government school subject to new Part 2A (*see clause 3*).

Clause 3: Insertion of new Part

PART 2A—CLOSURE OR AMALGAMATION OF GOVERNMENT SCHOOLS

14A. Application of Part

This clause provides that a Government school cannot be closed or amalgamated except in accordance with new Part 2A. New Part 2A does not apply to—

- the temporary closure of a Government school in an emergency or for the purposes of carrying out building work; or
- the closure of a Government school if a majority of the parents of the students (or where the school is wholly or principally for adult students, a majority of students) indicate that they are not opposed to the closure.

14B. Process for closure or amalgamation of Government schools

The provisions set out in new section 14B apply in relation to the closure or amalgamation of Government schools to which new Part 2A applies.

14C. Review committee

A review committee will consist of persons (including representatives of the Minister, the Education Department, Local Government and parent organisations) appointed by the Minister.

14D. Conduct of review

In conducting a review in relation to Government schools within a particular area, a committee must—

- call for submissions relating to the present and future use of Government schools within the area; and
- invite submissions from, and meet with, certain other interested persons in relation to each of the relevant schools.

The committee must have regard to the educational, social and economic needs of the local communities likely to be affected by the carrying out of the recommendation and of the needs of the State as a whole when making its recommendation.

14E. Report on review

A committee must submit to the Minister its report on the review and recommendations no later than the date specified by the Minister (which must be no earlier than three months after the appointment of the committee).

14F. Minister's decision as to closure or amalgamation

The Minister may close a Government school or amalgamate a number of Government schools after giving due consideration to the report and recommendations of the committee that conducted the review.

If the Minister makes a decision that a school should be closed or that schools should be amalgamated contrary to the recommendations of a committee, the Minister must, within three sitting days of giving notice as to the closure or amalgamation, cause—

- a copy of the committee's report and recommendations; and
- a statement of the reasons for the Minister's decision,

to be laid before Parliament.

Mr De LAINE secured the adjournment of the debate.

FISH STOCKS, NATIVE

Mrs MAYWALD (Chaffey): I move:

That the Environment, Resources and Development Committee be requested to investigate and report on the environmental impact of commercial and recreational fishing on native fish stocks in inland waters including but not limited to the following matters:

(a) the impact on native fish breeding stocks through commercial fishing licenses being extended to include adjacent backwaters to commercial reaches;
(b) the impact of the relocation of commercial reaches and the reallocation of surrendered reach waters on local communities, recreational fishers and tourism;
(c) carp harvesting options;
(d) the environmental impact of the use of different fishing gear and methods of taking fish;

(e) the sustainability of inland commercial fisheries;
(f) the impact of water management practices on native fish stocks.

There is a lot of controversy in the Riverland at the moment in relation to restructuring of the inland river fisheries and there is grave concern that public consultation has not been undertaken as best it could. I have asked the Environment, Resources and Development Committee to investigate this matter to ensure that native fish stocks and the future sustainability of the commercial fisheries can be adequately addressed.

Mr VENNING (Schubert): I support the motion moved by the member for Chaffey. Members are aware that the member for Chaffey is a member of the ERD Committee, of which I am Presiding Member. I am aware of the problem and have seen the letters that have come in to the committee from the local government authorities. This is a very worthy motion in asking the ERD Committee to look at the very important question of our inland fisheries. I support the motion and urge the House to pass this motion today.

Ms KEY (Hanson): I rise to support the motion. Being a member of the Environment, Resources and Development Committee, it has become clear to committee members that this is an important issue that is certainly in line with the current inquiry taking place into the area of aquaculture. I urge members to support this motion and to do so today.

Mr LEWIS secured the adjournment of the debate.

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT

Mr CONDOUS (Colton): I move:

That the annual report of the committee for the year ended 30 June 1997 be noted.

This is the fourth annual report of the Legislative Review Committee, and it covers the year ended 30 June 1997. The late tabling date for the report is as a result of the election and the establishment of a new committee. The purpose of this report is to provide a record of the committee's activities, as well as information on the committee's functions and powers. It is considered that this information should be placed on the public record to enable a greater understanding of the role of the committee and its relevance to the parliamentary process.

During the 1996-97 financial year, a number of controversial regulations, including regulations made under the Firearms Act and the Reproductive Technology Act, were introduced. These regulations form the basis of two of the committee's substantial reports to the Parliament. A synopsis of those reports can be found in this report, as can information on the committee's handling of a number of other regulations and references during the year. Interestingly, for the first time, the Legislative Review Committee has included a number of appendices in this report, which include historical information on the activities of the committee and its predecessor. These appendices include a list of the past reports of the Legislative Review Committee from 1992, information on the number of regulations dealt with by year since 1965-66 and the total number of regulations dealt with by each committee since 1938. This material has been included to place it on the public record for the benefit of those who have an interest in these matters.

As a result of the election held on 11 October 1997 for the House of Assembly and half of the Legislative Council, the membership of the committee has changed dramatically. I would like to take this opportunity to acknowledge and congratulate the previous members of the committee and, in particular, the immediate past Presiding Member of the committee, the Hon. Robert Lawson. The new committee is committed to continuing the good work. I recommend the report to this House.

Motion carried.

EDUCATION POLICY

Adjourned debate on motion of Ms White:

That a select committee be established to consider and report on the following matters of importance to primary and secondary education in South Australia:
(a) the financial and operational impacts on school and learning of the introduction of information technology to South Australian Government schools including the EDSAS and DECS*tech* 2001 technology programs;
(b) issues relating to the provision of education to country students and the disadvantages they face;
(c) the effects of school closures on the provision of education to school communities;
(d) the fall in retention rates to Year 12 and the related issues of the recognition of vocational education within the South Australian Certificate of Education and the transition of students from school to employment; and
(e) any other related matter; and
that the minutes of proceedings and evidence to the 1996 Legislative Council Select Committee on Pre-school, Primary and Secondary Education in South Australia be requested for referral to the committee.

(Continued from 19 March. Page 702.)

The Hon. G.M. GUNN (Stuart): This is an important motion before the House, because education is an area which affects every citizen. The State appropriates a very large percentage of its budget to the provision of education services in South Australia. It has been particularly interesting listening to the contributions of certain members, particularly the member for Spence, when he took us back many years to the days of the debates between private and State schools. It is clear that, from the attitude of the member for Spence, the DLP has risen again in South Australia. Mark Posa failed at the ballot box but, through other means, he has achieved his objectives. He has three members—the member for Spence, the member for Playford and the member for Peake. Bob Joshua, Frank Cole and Archbishop Mannix will be delighted with the speech of the member for Spence. I am surprised at this re-emergence, because I thought it was a political force which had crawled into the wilderness. However, the groupers from Victoria would be proud—

Mr CONLON: I rise on a point of order, Mr Speaker. I assume that relevance has some application in notices of motion and motions in debate as well. Plainly, this has no relevance to the matter of education.

The SPEAKER: Order! I ask the member for Stuart to return to the subject matter of the motion before the House.

The Hon. G.M. GUNN: I thought I was being particularly relevant to the debate which had already taken place, because for 10 minutes we listened to the member for Spence give us the history of State aid to private schools. I believe that, in a democracy, parents have the right to have a choice as to whether their children attend a State-funded school or a private school. I believe that in this State we need well resourced, well funded public sector education because, in an

electorate such as mine, children would not get an education unless the Government of South Australia provides it.

Many people do not accept that the State school system provides an education for everyone who walks through the gate. Therefore, they have problems comparing the State school system with that of the private sector. I believe that the private sector is doing an excellent job in providing education in many parts of South Australia. I do not think that this motion is necessary, because the State Government is providing a large amount of money—although it could always spend more.

I could give members a list of the difficulties that I have in my electorate. I would like to see air-conditioning provided in school buses, particularly in the isolated parts of the State where temperatures are a lot higher in the summer. Many parents believe that seat belts should be fitted in all new school buses—and I agree with that. There are always difficulties when people set out to reorganise school buses. As a local member of Parliament, I say that, if you want a problem created for you, let the transport section of the Education Department start to reorganise school buses and the most difficult situations will be created. The best of friends will fall out.

Ms Hurley interjecting:

The Hon. G.M. GUNN: Yesterday, the Deputy Leader did not know the difference between New South Wales and Victoria. On the day before she did not know that there are two power stations at Port Augusta. I do not know whether the honourable member interjects accurately, but I agree that we need to be flexible in the administration of school buses. I am currently involved in discussions with the Minister—

Mr Conlon: We are talking about school closures, not buses.

The Hon. G.M. GUNN: I am coming to that. Obviously, the honourable member is very impatient or ill-informed. How can children get an education if they cannot get to the school? What is the honourable member talking about? The school bus system is important to rural South Australia. The honourable member does not understand, but I cannot help that. If he sees me privately I will try to explain it to him. As difficult as that may be, I will try to assist the honourable member with his dilemma.

Mr Conlon interjecting:

The Hon. G.M. GUNN: It would not make any difference at all to the honourable member if the bus went past his place, because he is beyond help. I do not want to be distracted from the motion before the Chair, because it is important. I believe that in this State we need to have an informed debate on education. One thing that I would like to see happen as soon as possible is a great increase in the availability of computers in schools. I sincerely hope that not too far into the future every secondary school student will have a computer on their desk, as that is long overdue.

In the districts which I represent—and some of the areas which the member for Giles represents—for parents to ensure that their children get an adequate secondary education is one of the most difficult problems that they must confront. The cost involved and the dislocation of family life are horrendous. I believe that the State of South Australia and the Commonwealth should provide more assistance to enable parents to send their children to secondary schools, whether that be at a provincial centre or in Adelaide, because the opportunities that these children need can be provided only if parents are well resourced. I am of the view that that is a matter of the highest priority.

The Tonkin Administration was the first Government in South Australia to provide any assistance to isolated families. The Tonkin Government should be proud of that action, but time has moved on and resources need to be greatly increased. There is not much point in our having a debate as to whether we should have State or private schools: that debate has taken place. It was interesting to listen to the member for Spence, because he indicated that parents are choosing to send their children to Catholic schools and that the range of children who can attend those schools has been widened more than was anticipated. I will give the honourable member an example from my district, namely, the Caritas College at Port Augusta, which provides excellent education facilities for a wide range of students. It also runs a boarding facility, which is very important to isolated communities.

The honourable member was slightly misguided but I realise that he was just acting as an advocate for the DLP. I understand that one of his closest confidants is Mark Posa—his guiding light—aided by the late Senator McManus, Bob Joshua and some people in Victoria. However, I am surprised that a Labor member of Parliament who claims to have a union background is such an advocate of the DLP. It will be interesting to see what happens behind the scenes, because the honourable member engaged in some rather peculiar antics on that occasion.

I could not let the opportunity pass without drawing it to the attention of the House, because it is a significant political event to see the re-emergence of the DLP. Education was one of the strong policies of the DLP, and it was largely responsible for State aid to private schools during the time of the Menzies Government. It is obvious that the member for Spence and his DLP colleagues are re-emerging strongly, and it will be interesting to see how many more DLP members come into the House.

The honourable member who was responsible for moving this motion is obviously concerned about this matter and has the best intentions, but I do not believe it is necessary, because the Government is aware of the problems, and the only thing stopping the Government from providing better education is lack of resources.

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

Ms BREUER (Giles): It is not often that I agree with the member for Stuart but I do agree with some of the comments that he has made today, although a lot of his contribution was rubbish. I agree with him on the issue of country schools, because we represent very similar areas. A lot of members in this place have no concept of what country schools mean to people in rural, northern and isolated South Australia.

I want to refer to the effect of school closures on communities and, in particular, the Iron Knob school, which closed at the end of last year. We are approaching the end of the first term that these young students have had to travel to Whyalla for their schooling, and quite a number of effects are becoming evident. Vandalism of the former school property in Iron Knob has become a problem. Airconditioners have been taken from the school, as has anything that moves, and quite a lot of damage has been done to the school buildings. As a result, the school's appearance has deteriorated, so any opportunity for the sale of those buildings has gone.

Iron Knob is a very small community of about 300 people. It has had a lot of knocks in the last few years. Its future is very limited because BHP is moving out and the iron ore deposits have disappeared. It is a struggling town, and the

final blow was the closure of the local school. People who were prepared to stay because of the lifestyle are now leaving the town because of the lack of schooling for their children.

There was a possibility that there would be an influx of people into the town because of the Iron Duke mine, which is not far away, and that people might have been prepared to move, but those people are now staying in Whyalla, and that will have an effect on the town and community of Iron Knob. It has an effect on the children who are now having to travel to Whyalla for school—about three-quarters of an hour on the school bus. I know that this has been an issue in country areas for many years, but for these students, who are not used to it, it is a major shock to their system. We are talking about littlies, because many primary school children are involved. These school children are now mixing with older children on the bus and parents are not happy about that, because the young children are learning bad behaviour on the bus. Parents are very concerned about what is happening with their children.

I agree with the member for Stuart on the issue of airconditioning. It gets very hot in our part of the State. Children are expected to travel on these buses for three-quarters of an hour each way in very hot conditions, and most children become very distressed on the trip. I think that airconditioning should be compulsory in all school buses. This is another thing with which the children must cope and with which they have not had to cope in the past, when it took 1½ minutes to get to school.

There are some benefits for students who travel to Whyalla for their schooling. The children now have more options in their subject choices, and they have the opportunity to socialise with young people in Whyalla that they did not have before. However, the problem is that these children are not used to mixing with large groups of students or with students who are quite sophisticated by their terms, so they are feeling isolated in many instances. Some problems are definitely emerging with the Iron Knob students, and I will be following the situation very carefully.

McRitchie Crescent school closed last year, and many problems are becoming evident there also. The Whyalla City Council has written to the Minister, I believe on two or three occasions, about the future of the school building. I note that the school building is up for auction shortly. However, I would seriously doubt that anyone will be prepared to buy that building, which has deteriorated because of vandalism. School patrols are going in, but they cannot be there 24 hours a day. That school, which is in a prime location, is looking miserable, and I very much doubt whether anyone will buy it.

I have mentioned before in this place the appalling way in which the McRitchie Crescent parents and staff were told of the closure of their school. They were notified 1½ hours before the media was notified. The principal did not have time to let the parents know before the children went home from school: they heard it on the radio. It was an appalling way in which the school was closed, and I believe that this motion will enable an assessment of such aspects to ensure a much more humane procedure for closing a school. If a school is to be closed, it should be done properly and not the way in which McRitchie Crescent Primary School was closed.

As I said, the students who attended McRitchie Crescent Primary School were students with special needs. Many were from very low socioeconomic backgrounds; and many were from single parent families, where the parents were young and were having major difficulties in raising their children alone. These children went to a school which was a safe place for them. The school played a major role with these students. The school staff did all sorts of things: they would take the child to a dentist or doctor if required because they were not getting that support from home. They took in students from other schools who had major behavioural problems, worked with them and gave them lots of support.

When we talk about special needs schools, we are talking about different special needs in this case. The Minister has written back to McRitchie Crescent Primary School parents, as follows:

> I am advised that McRitchie Crescent Primary School promoted itself as catering for students with special needs. However, all schools cater for students with special needs and a staffing allocation is made to schools for this purpose.

That is true, but in this case we are not talking about those sorts of special needs: we are talking about children who need to be nurtured, nourished and cared for, and McRitchie Crescent school did an excellent job of doing that. These students are now attending some of the bigger schools and, once again, they are feeling isolated among the new set of students with whom they are working. They are not getting the same sort of attention that they were receiving at McRitchie Crescent because of the size of these other schools. Students from McRitchie Crescent School are now trying to settle into their new schools and problems are really emerging. We need this process in order to consider these issues before further decisions are made.

I also want to talk about the provision of education to country students. I believe that much of what is said in this Chamber is just rhetoric. In reality many of the things that are talked about do not happen. Particularly in schools in the northern part of the State, principals are continually being asked to provide the same services with fewer resources. Many of the schools have had to increase class sizes and decrease curriculum options for students. The ability to be more efficient seems to have come to an end in many of these schools, and the ability of teachers to support special needs students has declined owing to exhaustion, and we know what that is all about. Schools, particularly in the northern part of the State, cannot access special education support and services. The Government talks about how much support and services are provided, but it should talk to schools in Coober Pedy or in the Pitjantjatjara lands about those special services, which those schools find very difficult to access.

Administration time has been decreased in the schools, increasing the demands on staff. Computerisation of offices has occurred in some schools, but that brings its own problems; where do these administrative staff go for training? It is difficult to get these staff to courses in Adelaide; they have to be pulled out of the schools, which means more workload for the teachers remaining. So, many problems are occurring in rural schools that are not evident in city schools. At some stage I will talk again about the issues for country schools, particularly in the northern part of the State, because many issues need to be discussed. For example, we talk about how much money is being put into schools. Upgrades look very impressive in dollar terms, on paper, but in remote areas they mean very little. Few State schools can boast state of the art facilities, and in remote areas major problems exist in buildings that were often not designed purposely for local conditions. As I will be going up to the Pitjantjatjara lands in a couple of weeks time to visit all those schools, I will

certainly have some comments to make on my return if I am not happy with the situation there.

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

That the debate be adjourned.

The House divided on the motion:

While the division was being held:

The SPEAKER: Order! As there is now only one member for the Ayes and the balance for the Noes, I rule in favour of the Noes. The question stands in the negative.

Mr CONLON (Elder): I will not take long but I want to add a few brief comments in support of the motion. It is wise that we should have some degree of independence in a review of education in South Australia, particularly in the case of my electorate with regard to the funding of education and in the matter of school closures. We had the misfortune in my electorate to see the closure of the South Road Primary School, and that closure was made for no good reason at all. As to demographics, one interesting demographic is at work, that is, if you are in a Labor area your schools are at risk. The people at Clovelly Primary School have put up with existing conditions and have been waiting for five years for money that was promised. They have put up with conditions that would not exist elsewhere. It would be advantageous to have a degree of independence in looking at the funding and management of education in South Australia. Let me deal with the contribution—and I use that term very loosely—of the member for Stuart.

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises will not shout over the Chair and the member for Mawson is interjecting out of his seat. The member for Elder.

Mr CONLON: I will deal briefly—

Members interjecting:

The SPEAKER: Order! The Minister will not continue interjecting after he has been brought to order. The member for Elder.

Mr CONLON: I will deal briefly with the contribution by the member for Stuart. I could not work out whether he actually supported or opposed the motion but finally worked out that he opposed it. It was plain that he knows as little about education as he does about the DLP. If he knew anything about the DLP, he would not be accusing a member of the Church of England and a member of the Greek Orthodox Church of being members of the DLP, unless the DLP has adjusted its admission criteria to allow anyone who is remotely monotheistic. I close by congratulating the member for Stuart on what I think is a parliamentary record—having been in this place for 28 years without having disclosed a single area of expertise.

Mr HILL (Kaurna): I am pleased to rise to speak in favour of this motion. In particular, I would like to address briefly paragraph (d), which refers to year 12 vocational education and the South Australian Certificate of Education. It is important that some independent scrutiny be given to the circumstances that are facing young people in South Australian schools at present. As we know, over the past three or four years that the current Government has been in power, the number of children staying on to complete year 12 has fallen dramatically. In the last months of the previous Arnold Government, the retention rate for people going through to year 12 was certainly over 90 per cent; in fact, at one stage it reached 95 per cent. It has now fallen to about 60 per cent, which is an appalling reduction in the number of people participating in secondary education.

The question has to be asked: why are these people leaving the school system? It would be easy for me to say that it was exclusively as a result of a reduction in funding. Of course, that does have something to do with it, because the amount of money going into secondary education has declined. That has meant that there have been fewer courses and fewer opportunities in secondary education. There have also been fewer opportunities to get into TAFE and other programs after schooling. As we know, Commonwealth Government funding to post-schooling work related programs has been reduced, so presumably a number of young people have decided there is no real future in staying in the school system and that they may as well leave. That is one possibility.

The way the SACE certificate is currently constructed means that a number of people decide that the SACE certificate is too difficult for them and they decide to opt out. In the past, pre-1993, a number of people went through to the end of year 12, sat the certificate and failed and, in that sense, dropped out of the system. However, these days, because of the way the certificate is constructed, people have to be involved in continuing assessment with an increasing workload. A number of young people look at that process and decide that it is too difficult at the very beginning of the two year certificate process and drop out. If that is the case, there is obviously great need for reform of the SACE certificate.

I do not argue against the SACE certificate because, clearly, it suits many children. In fact, many children, including one of my own who is now undertaking tertiary education, have progressed through that certificate and done well. It very much suits children and young people who are looking to proceed to tertiary education. However, I do not necessarily believe it suits all young people, and many of them are dropping out early as a result of the difficulty they find with the SACE certificate course. It is important that some independent assessment is given to the way that course operates.

I know that the assessment board, which runs the SACE certificate course, has looked at how it operates. In fact, over a period of time, it has attempted to expand the number of options available to young people through SACE. However, it seems to me that the danger is that it will water down what is a good system rather than providing real alternatives to a number of young people who find it very difficult. This is particularly so for boys, because the drop out rate amongst young males is alarming. In fact, over 50 per cent of young males now fail to complete year 12. In a modern society it is absolutely dreadful that half of our young males—

Ms Rankine: It's a disgrace!

Mr HILL: —as the member for Wright says, it's a disgrace—are failing to get a proper education. As we all know, the opportunities for people without proper educational qualifications these days are very limited. Their opportunities for getting into other forms of training are also very limited. We need to keep young people at school. This review process, through a select committee, is one way of getting some evidence to help us understand where we should be heading.

Mr HANNA (Mitchell): From the point of view of the schools in Mitchell, this select committee would be of great value, particularly in respect of reference (c) concerning the

effects of school closures on the provision of education to school communities. Following the closure of a couple of primary schools in the Mitchell electorate, and combined with the cutting of two schools, namely Clovelly Park Primary and Marion primary, to cater only for those in reception to year 6—with their year 7s having been transferred in a sense to local secondary schools, namely Hamilton Secondary College and Daws Road High School—they are experiencing difficulties particularly in relation to their competition with other schools in, for example, sporting activities. The average age of the oldest children in the schools is perhaps only 11 rather than 12, or maybe they are 11 turning 12 rather than 12 turning 13.

Unless all the schools in an area have the R to 6 constraint with a middle school available at what were secondary schools, there are disadvantages to those primary schools that remain as R to 6. In an ideal world, if there were enough funding, perhaps we could look at middle schooling options throughout the whole of suburban Adelaide, but parents and schools have experienced a number of problems. Parents naturally make the choice for their children where they can have all their children together in the one school. We have seen enrolments in those R to 6 schools dropping off because of parents wishing to have their year 7 students at school with older siblings. So, a number of issues which are arising in respect of middle schooling, in particular related to the question of school closures, could be examined by the select committee. I think it should have the opportunity to do so.

The Hon. M.K. BRINDAL (Minister for Local Government): I am attracted to this debate, basically because of its hypocrisy. Some two Parliaments ago when we were in Opposition I caused to be established through the assistance of the Independent Labor members a select committee to inquire into education. Meeting as rarely as possible, it was chaired by the then Minister (Hon. Susan Lenehan), whose one purpose of holding the committee was that it would never report—and report it never did. It did not look at some of these more peripheral issues, but it did address some of the serious problems confronting education, such as teacher training—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: Yes, I remember that the member for Spence was also a member of that committee, and I remember that he was as frustrated as I and other members of the committee that we could not get anywhere, because the terms of reference were far reaching and profound. They were not Party political—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: The honourable member asks what is the difference this time. They were core issues, which looked at things such as the provision of teacher training, the adequacy, relevance and quality of teacher training in this State, the misapplication of Federal moneys to train more teachers than were needed—

Mr Hill interjecting:

The Hon. M.K. BRINDAL: The member for Kaurna invites us to amend the motion. Indeed, the Government might choose to do that if that is the Government's wish and if the Government has the numbers in this House. It looked at issues for education that every person in this State—every parent, every teacher and certainly every member of Parliament—should be vitally concerned with, and that was the shape of education in the future and the nature of our curriculum.

I note that, since I was trained as a teacher, there is now huge dissatisfaction within the teaching service, because every Government—both Labor and Liberal—for about 30 years, whenever there has been a problem, has lumped it into the schools and left the schools to deal with it. They have increased the breadth of the curriculum willy nilly. They have promised more and more in terms of what it is that the State believes education is and what should be offered to children. At present most people are largely dissatisfied because they are getting rather little of rather too much.

In my opinion there is a lack of focus and direction in education, and it is no wonder that so many of this State's best teachers are frustrated to the point that, if they have not left, many would like to. Education is not in a particularly healthy state, but this motion taps around the edges and does nothing much to address it.

Point (a) refers to 'the financial and operational impacts on school and learning of the introduction of information technology'. That appears to be very good except, when you look back, there is a certain amount of hypocrisy in a member's introducing this, given that she is the successor of a Government that spectacularly did nothing, and it is interesting that she wants to establish this committee at a time when it is probably too early to report on the impacts and educational outcomes. This program is just beginning, so we almost want to investigate it before there is enough data objectively collected or enough experience to have a critical examination of it. That makes a lot of sense to me when we ignore important facets such as teacher training and other matters.

Members interjecting:

The Hon. M.K. BRINDAL: They chortle opposite. Let us look at point (b):

> Issues relating to the provision of education to country students and the disadvantages they face;

The member for Kaurna more than anyone else knows that some very significant work was commissioned in this regard by none other than the Right Hon. Gough Whitlam. He did significant work, or commissioned work to be done and, as a result of that work, which was carefully detailed and annotated, the disadvantaged schools program was established throughout Australia and is still known in South Australia as the priority projects program.

At that time the strong recommendation was that two huge areas of need in education in this country were socioeconomically disadvantaged kids and kids who came from geographically isolated backgrounds. Those needs were clearly established, categorised and laid out. Nothing was done by that Government: it was left to the Fraser Government, probably for political reasons of its own—and I admit that—to establish the country areas program. But establish it it did in about, from memory, 1982, and that program has been running successfully in the country ever since. Yet, we have the shadow Minister not knowing that and wanting to investigate something that has already been thoroughly investigated and documented.

Mr Hill: Twenty years ago.

The Hon. M.K. BRINDAL: The member for Kaurna says, '20 years ago.' I remind the member for Kaurna that he worked on related projects for a number of years while he was in education and, while it was established 20 years ago, there is an on-going body of knowledge in the Department of Education built on 20 years' experience for both aspects of this and one needs only to go to the departmental libraries. I

remind the member for Kaurna of significant research studies which were undertaken in his time and which, I think, give him a mention. Perhaps members opposite should go to the member for Kaurna and ask him a bit about the subject before they whack notices on the Notice Paper which look good in theory but which will contribute not much to the understanding of this Parliament in practice. I do not even pretend to understand point (c):

The effects of school closures on the provision of education to school communities;

It is a bit of a weird expression. If a school closes, there is not a school community. I do not quite understand what it means. Does it mean the effects of school closures on the community that they served? What, in fact, does it mean? What are they trying to get at? If we close a school here, are they considering the educational impact on the wider community, which might be a valid thing to look at?

Mr Koutsantonis: Amend it.

The Hon. M.K. BRINDAL: I am constantly told to amend it. I will go back to the relevant Minister and say that this motion is such a nonsense that we should not possibly accept it in its present form. If the Minister is kind, he may amend it and some good may come from a well-conceived motion but without any knowledge of the subject, any real purpose or any real direction. The Government may well choose to look at it. The Minister may well choose to turn what is basically a very poor attempt to do anything into something worthwhile.

Ms Key interjecting:

The Hon. M.K. BRINDAL: Because I have more important things to do. There is not much in this State—

Mr Atkinson: We know what you do on Monday mornings, but what do you do for the rest of the week?

The Hon. M.K. BRINDAL: There is not much more important to do than education. While I am capable of taking the jibes opposite, especially from the member for Spence, I am sure that councils in this State—the third tier of government, which has enormous responsibility and which handles enormous amounts of money—will be very pleased to read his comments that they are consigned to my Monday mornings. The biggest Act on the Statute Book of the Parliament of South Australia is the Local Government Act, which is currently being reformed. The member for Spence has spent hours in this House telling us of his intricate interest in the City of Adelaide and its various roads. I remind the member for Spence that under active consideration is the governance of the city of Adelaide.

Mr ATKINSON: On a point of order, Sir, I wonder what relevance to debate on the motion relating to education are the details of the Minister's initiatives in local government.

The SPEAKER: I uphold the point of order. The Minister will come back to the subject matter before the House.

The Hon. M.K. BRINDAL: I appreciate that the member for Spence does not want his trite comment about local government any more exemplified. He has already made a fool of himself: he need not go on.

Mr Hill: Dismiss point (d).

The Hon. M.K. BRINDAL: I will not dismiss point (d). I will speak to my colleague and suggest that he dismiss the motion.

Ms STEVENS secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING)(VICTIM IMPACT STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 551.)

Mr HANNA (Mitchell): The member for Spence has introduced the Bill following submissions from a number of victims of crime. I can state briefly the benefits of the Bill. It simply gives a right to victims of crime to express their feelings and personal history as far as it relates to the aftermath of the crime in front of the judge and the guilty party. This will occur after guilt has been established but before the judge has sentenced the guilty person. Bearing in mind that victim impact statements, usually in the words of the victim themselves, are routinely put before judges prior to sentencing, this is a limited change to existing procedures. It is optional for the victim. If they wish, they can submit a written victim impact statement through the Crown Prosecutor in the usual way, but for some victims of crime it will be a powerful, cathartic experience to express freely and forcefully to the court their emotions and suffering as a result of the particular crime.

This has to be put in a psychological perspective. After the crime has been committed—and this is particularly relevant in crimes against the person—whether it be assault, sexual assault or murder, there is generally intense trauma, with which the victims concerned must immediately deal. Obviously, in the case of murder, I am referring to the immediate family and friends of the person who has been killed. Ideally, the victim at that stage has professional counselling as well as the support of close family and friends. Shortly after the event, they are required to tell their story to police, possibly others, who might be investigating aspects of the crime, medical or psychiatric professionals and whomever else they turn to for support.

On each occasion they will, to some extent, relive the initial trauma of the crime. Sometimes they must then go through a period of anxiety wondering whether police will be able to identify and apprehend the culprit. Then begins the fairly lengthy waiting process as the accused person is processed through the court system. In many cases they will be waiting for over a year after the commission of the offence before the matter goes to trial in the District or Supreme Court, assuming it is a serious offence.

All that time, if the person is a witness, they will be apprehensive about one day giving evidence in court and having to face the accused person in court. All that time they will be anxious, wondering whether the accused person will be acquitted as a result of some clever legal manoeuvre or simply insufficient evidence being presented to the court on the day, and so on. Finally, the long wait is over, the trial has been run and a verdict of 'guilty' has been pronounced.

I suggest that for many people this is a psychological turning point. Up to that point, the whole process of the criminal justice system has been focused on the accused person. Victims are not able to get on with their lives—perhaps not even able to get on with the healing process—knowing that the trial is looming. For many victims of serious crimes, I would suggest, most of the psychological resolution and healing of the trauma can meaningfully begin only after the accused person has been found guilty and perhaps sent away to prison.

So the end of the trial, in many cases, is something of a psychological turning point for a victim who has been

traumatised. That is why it is important to provide such people with an opportunity to speak out, should they wish to do so, so that they can fully vent their feelings in what is essentially a public ritual.

It is important to note that the sentencing process itself is not substantially changed by the Bill. The court must still consider a list of sentencing factors which are set out in section 10 of the Criminal Law (Sentencing) Act. Those factors, quite properly, include the impact of the crime upon the victim. And if, through a personal account given by the victim in court, the judge has a better idea of what is wrong with the victim as a result of the crime having been committed, then what is wrong with that?

There may well be a second important psychological benefit if this measure is adopted by the Parliament. Most criminologists would agree that those guilty of criminal behaviour tend to depersonalise their victims. For example, an armed robber might be thinking of robbing a bank or a credit union and, on a purely materialistic level, collecting some cash at gunpoint rather than considering the fears and feelings of the people behind the counter. Indeed, in our ordinary everyday speech we speak of people who 'rob banks'. On a conceptual level, it is true that they are robbing a bank but, in reality, it is a human interaction with devastating consequences for the person on the wrong end of the gun.

With many different kinds of crimes it may actually have some rehabilitative effect for the guilty person to be confronted with the suffering of the victims of the crime. In some cases, this may induce the guilty person to fully realise the human impact of their actions. Indeed, this approach is endorsed within the youth justice system now where family conferencing takes place and there is scope for young offenders to be confronted by their victims precisely for the purpose of making the young offender realise the consequence of their actions. I was pleased to note a media report this morning to the effect that the Attorney intends to extend this scheme to adult offenders.

There are, therefore, sound reasons for this Bill to be supported, even if the option may not be taken up all that often. Some victims, for example, perhaps children or people with non-English speaking backgrounds, might be better off presenting their story to the court in documentary form, as is done at present, without incurring significant costs or delays.

Before concluding, I will point out the flaws in the arguments put forward by the member for Mawson in his second reading speech made in this place on 26 February. At the outset, he made the serious error of assuming that the victim's statement given in court after the finding of guilt will actually dictate what the sentence is to be. Quite clearly, when this amending Bill is read in the context of the Criminal Law (Sentencing) Act, the judge will take account of the victim's personal statement to gain a sense of how the victim truly feels and how the victim has been financially and emotionally affected by the crime, and under our current law this is one of the factors which judges must consider before sentencing. But there are many other factors, many of which relate to the history and circumstances of the accused. It is just not true that the amendments will allow the victim to dictate to the judge what the sentence should be.

The member for Mawson then made the point that the victim impact statement should be put to the court through the Crown Prosecutor rather than directly by the victim. Essentially that is what happens now with written victim impact statements. But the honourable member has overlooked that, in practice, it will be the Crown Prosecutor or someone from the Crown Solicitor's Office who will have arranged for the victim to attend the court and advised and warned the victim about certain matters which should or should not be raised. For example, the victim is sure to be advised that there is no point in simply abusing the accused, that that is not the purpose of the exercise. Therefore, some measure of quality control is built into the process. After all, if the victim starts to stray from the true purpose of giving an account to the court of the impact of the crime, the judge will, no doubt, step in, to remind the victim of the issues that must be addressed.

The member for Mawson also displayed a lack of understanding about the nature of the statement which the victim will give to the court when he suggested that it was so unfair and contrary to the principles of natural justice that the victim could then not be cross-examined. The point of the victim's statement is to establish the impact of the crime upon the victim. In many cases, these are highly subjective matters not readily contradicted by the accused, who usually has little idea of what the victim has gone through after the event.

True it is that the victim, in describing the act of the crime, may need to refer to some of the facts surrounding commission of the offence. There may be a dispute about whether there were aggravating circumstances. However, that is the present situation anyway. It sometimes happens that the prosecutor will allege that the offence occurred in a certain manner but the defence counsel will seek to portray the whole scenario in a manner more favourable to his or her client. This is more likely to arise when there is a plea of guilty, because where there has been a trial the judge has had the advantage of hearing ample evidence about the commission of the offence and, where there is a finding of guilt, there are usually very clear inferences to be drawn about the manner in which the crime was committed.

Where the matter is resolved by way of a guilty plea, the defence counsel and prosecutor will have had opportunities to discuss the circumstances surrounding the commission of the offence, and contentious matters are usually resolved. If they are not and if there is a serious dispute about some of the circumstances which might have a vital impact upon the sentencing process, those matters can ultimately be sorted out in a disputed facts hearing. That is the current process, although it is rarely resorted to because usually defence counsel and the prosecutor are able to more or less agree on the factual scenario concerning the actual commission of the crime upon which the judge will base his or her sentencing remarks. There is no reason why that existing process could not be used if a serious dispute arose from comments made by a victim in court in the course of giving a victim impact statement.

So, although the member for Mawson complains of a lack of natural justice because of the prohibition on cross-examination of the victim, there are processes available at present which allow such problems to be overcome. I point out that there is another principle also prominent in administrative law which is perfectly apposite for this Bill: 'Let the parties be heard.' That is what this Bill is about.

In summary, the Bill will be of great benefit to some victims and it will not have any significant cost implications or disadvantages to anyone. It is no good for the member for Mawson to say that, at some stage, the Attorney-General intends to review the operation of victim impact statements. The fact is that the Attorney-General has had four years to put measures such as this in place. If he is not able to get around to it, it is up to the Opposition to come up with these constructive suggestions, and I trust that all the non-

government members will support reasonable measures such as this.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): This private member's Bill seeks to amend the Criminal Law (Sentencing) Act so that the victim will be able to make an oral statement to the court of the effect of the crime on him or her after the conviction of the accused but before sentencing. I have no difficulty with the idea of the victim impact statement introduced by the then Labor Attorney-General, the Hon. Chris Sumner, which is to be found in section 7 of the Criminal Law (Sentencing) Act. It should be noted, however, that the Hon. C.J. Sumner was always of the opinion that a victim impact statement should be conveyed to the court by the Crown on behalf of victims and not by victims themselves. The principle empowering victims was articulated by the Hon. C.J. Sumner, as follows:

(14) be entitled to have the full effects of the crime upon him or her known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report. Any other information that may aid the court in sentencing should also be put before the Crown by the prosecutor.

There are very good reasons for this principle, the most fundamental of which is that in a solemn hearing on sentence there are rules of law about what the court is or is not entitled to take into consideration. It is unlikely that the victim would know these rules of law and so would be faced with either his or her statement being ignored or being told that it may not be permissible to say certain things.

The Bill is also contentious in that the defendant cannot dispute the contents of the statement by examining or cross-examining the make-up of it. This appears to be contrary to principles of natural justice. The admission of an oral statement also gives rise to the problem that it cannot be provided to the defendant or to the defendant's counsel in advance of the hearing so that there is fair warning of the argument faced by the defendant. Mr Atkinson says that the purpose of the Bill is not—

Mr ATKINSON: I rise on a point of order, Mr Speaker. Clearly, the Minister is reading from a script prepared by the Attorney-General, and I ask him to refer to me by my electorate rather than by name.

The SPEAKER: Order! There is no point of order other than the fact that members should be referred to by their electorate.

The Hon. M.H. ARMITAGE: The member for Spence says that the purpose of the Bill is not to allow the victim to make a submission on sentence. It appears that he has not read his own Bill, which provides:

. . . for the purpose of determining sentence for an offence.

The Attorney-General has already announced that the role of the victim in the criminal process will be thoroughly reviewed by his department. This will include a comprehensive review of the operation and effectiveness of victim impact statements. For those reasons, the Government opposes the Bill.

Mr De LAINE secured the adjournment of the debate.

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

A quorum having been formed:

FISH STOCKS, NATIVE

Mr MEIER (Goyder): I move:

That the order of the House adjourning debate on the motion until Thursday 28 May be rescinded.

Motion carried.

Adjourned debate on motion of Mrs Maywald (resumed on motion).

(Continued from page 806.)

Mr LEWIS (Hammond): I support the motion at least as far as the substance of the material it purports to contain is concerned. However, I wish to amend it so that it is more easily understood by those who have not been party to this debate. Accordingly, I move:

Leave out all words after 'Committee' and insert 'investigate and report on the environmental impact of commercial and recreational fishing on the native fish stocks of inland waters, particularly related but not limited to the effect of:

(a) extending commercial fishing licences to incorporate adjacent backwaters into commercial fishing reaches;
(b) relocating commercial reaches and reallocating surrendered reach waters on local communities, recreational fishers and tourism;
(c) various carp harvesting options;
(d) the use of different fishing gear and methods of taking fish; and
(e) the impact of current and possible alternative water management practices;

and discover if inland commercial fisheries and fishing practices are sustainable in perpetuity.

The SPEAKER: The honourable member will have to bring up the amendment in writing.

Mr LEWIS: A copy has been circulated to all members.

The SPEAKER: I have now received a copy. The honourable member may proceed.

Mr LEWIS: As I have said, this proposition is very sound. The House would do well to give it expedition so that the committee, even though it already has the power within its establishing statute, can immediately begin its investigations. The furore that has arisen in consequence of recent changes to the location and to the reallocation of commercial fishing reaches in the mid-Murray area is in no small measure the reason for my standing here today urging expedition of this inquiry and report. It has set the community very strongly against the decision that has been taken to relocate some reaches from the upstream areas of the river in South Australia to the mid-Murray.

The allocation of backwaters has also caused a great deal of dissent in the community, the majority of people being opposed to that proposition. However, I see some benefits in allocating backwaters if the target species were to be restricted to exotic fish such as carp. They are exotic or feral species, as is redfin, and they have, quite properly, on other occasions been described by me and others as the 'rabbits of the river'. Notwithstanding the fact that rabbits are nice to eat, as is carp, the fact is that their impact is devastating on the natural environment and the native species of fish which had previously lived there.

However, the original mover of the motion, the member for Chaffey, well understands, as I am sure do other members of this place, that the effect of the carp is not the only adverse effect on native fish breeding and on native fish stocks. It has clearly been a substantial factor but other factors are believed to include the way in which we have managed flows down the river and removed the natural rhythm of high rivers and low rivers from the total environment to the extent that native fish are no longer stimulated by the inundation of native grasslands on the swamp areas or billabongs, or whatever you want to call them, adjacent to the main channel when floods come.

Over the hundreds of thousands of years, if not longer than that, when the river has been free to flow according to the effect of natural rainfall and snow melts, those species have evolved to respond to the available feed and suitable breeding habitat; thus their breeding has been stimulated, whereas carp, like rabbits, simply breed whenever they can get together.

The Hon. R.B. Such: What a life!

Mr LEWIS: It is constant.

The Hon. R.B. Such: No wonder they're always smiling.

Mr LEWIS: It could be. I also support the member for Chaffey in her desire to have the commercial fishing practice investigated to ascertain whether it is sustainable in perpetuity. There are contending opinions about that, but I suspect that there has already been sufficient research to give us evidence in the form of good science rather than popular opinion to the effect that, at the levels of catch that have been taken from the water over the past couple of decades, commercial fishing practices and water management practices combined make the commercial fishing of those native species in the South Australian part of the river unsustainable in perpetuity. Accordingly, I wish this measure expedition and trust that other members of the House and the committee in particular will produce a report before the end of this financial year.

Mr ATKINSON (Spence): I commend the member for Hammond for his work on the motion in order to make it clearer. It is important work in the Parliament which is rarely done. However, it could be a little clearer if in paragraph (e) we deleted 'the impact of' which seems to me to be repetition and which adds nothing. It could read: 'current and possible alternative water management practices'. Paragraph (b)—'relocating commercial reaches and reallocating surrendered reach waters on local communities', would surely read better if it were 'to local communities, recreational fishers and tourism'. I do not want to insist on this, as I think that the member for Hammond has already done a good job on improving the motion; all I suggest is that perhaps that amendment to paragraph (b) might improve it a little further.

Mr Lewis: If you move that I will accept it.

Mrs MAYWALD (Chaffey): I thank the members for Hammond and Spence for their input and the cooperation of the Government in rescinding the adjournment of the debate. This is a very important issue in the inland waters regions, and I feel that it needs to be expedited and that this review should take place as soon as possible. I appreciate all the work that has gone into this matter, and I commend the motion to the House.

Amendment carried; motion as amended carried.

EDUCATION (GOVERNMENT SCHOOL CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 407.)

Ms THOMPSON (Reynell): In rising to speak on this motion on behalf of the Opposition, I give notice on behalf of the Opposition that in Committee we will move to delete clause 4, the transitional provision applicable when this Bill was introduced at the end of last year. Although the schools being discussed at the time had sadly already closed (and we have heard of some of the impact of those closures), the whole topic of school closures and the need for a process that is absolutely fair for the whole community, particularly students who are experiencing disadvantage in some aspect of their lives, has not in any way diminished. The Opposition remains concerned that there be a clear process of review of any decision relating to the closure of schools.

Two school communities in my electorate are very worried that they might fall under some formula that determines that they no longer need to exist. Both of these schools have suffered a considerable decline in numbers since they were built some 20 to 30 years ago. In fact, the number of students in one of them has fallen from 700 to just over 200. But there are special reasons for those school communities to continue to exist. One of those schools, the Morphett Vale South School, is located in an area where there is a large amount of transitional and emergency housing. The Salvation Army and the Lutheran Church both have emergency housing close by. This school therefore caters for a number of children experiencing considerable trauma and distress in their lives.

The need for these children to be able to attend a small school, where they can feel welcome and safe and have their educational and often their social needs supported at a time of great distress, is very clear to those who are concerned about every child getting the maximum opportunity to learn at school and to develop educational and social skills. This school is also situated in an area of high unemployment. It is surrounded by a number of Housing Trust homes which have short duration tenancies. In fact, some of the greatest social problems in my electorate are concentrated in this corner of Morphett Vale.

Those who are continuing parents in this school community put in an amazing amount of effort, because many of them have suffered educational deprivation and they realise that their children will have much better chances in life if they are able to make the most of their education. The fact that some 20 parents regularly participate in the activities of a school with not many more than 200 students indicates the commitment of these parents to that school community and their children's education. I would hate to think that these people—children, parents and the staff—should ever have to go through the trauma of facing a school closure. I hope that the formula does not apply and that the Department for Education, Training and Employment and the Minister recognise the wisdom of allowing this school to continue to do its excellent work. However, if formulae apply, I certainly want this school to have every opportunity to put its special social and educational circumstances to a review process which is empowered to consider those special circumstances.

The SPEAKER: Order! I call on Notices of Motion: Other Motions.

OLDER AUSTRALIANS

Ms STEVENS (Elizabeth): I move:

That this House condemns the Federal Government for its harsh and unconscionable treatment of older Australians through:

(a) changes to the Pharmaceutical Benefits Scheme that will make vital medicines more expensive;

(b) changes to aged care arrangements resulting in a $12 fee per day for accommodation and increased daily fees for nursing home residents and an increase of $5.50 per week in fees for hostel residents;

(c) scrapping the Commonwealth Dental Scheme;

(d) introduction of a user pays component for recipients of services from the Home and Community Care Program.

We have seen a concerted attack on older Australians by the current Federal Government over the past two years through a number of different avenues, and that is why I move this motion today. As I have said, the cuts have been harsh and unconscionable, hurting the most vulnerable members of our society. They have also been announced at different times and, while each has been significant on its own, it is not until we put them together and look at what has happened in its entirety that we get a true picture of the impact on older Australians.

First, I refer to the Pharmaceutical Benefits Scheme. As from 1 February this year the Howard Government has forced thousands of Australians to pay more for medicines that their doctors say they need. No matter how much taxpayers' money the Government spends on fancy advertising campaigns, the simple fact is that the Howard Government's pharmaceutical changes will force 850 000 sick and elderly Australians to pay more for their essential medicines. People affected by these changes are mostly those older Australians with blood pressure and ulcer problems. In many cases it is the same group who are being hit by the Government's nursing home changes. Blood pressure and ulcers are chronic complaints. The drugs to fix them have to be taken on a long-term basis, and many people are on these drugs for the rest of their lives. These cost increases will essentially follow them for the rest of their lives.

Many people are on more than one medication so simply swapping from one drug to another is not possible, as it takes time to get the mix of drugs right. In many cases doctors have spent years working out which combination of drugs works best with their patients. The higher drug charges are both unsafe and unfair. People will feel a cost pressure to switch to older, cheaper and less effective drugs. The changes are unfair because people with a chronic illness, on low incomes and older Australians, especially those in nursing homes, will be hit hardest by these changes.

Let us also not forget that from 1 June 1997 the Howard Government increased prescription charges. For pensioners and people with health care cards the cost of each prescription increased from $2.70 to $3.20, but there was no adjustment in pension. This latest change is a further blow. However, the changes to aged care accommodation arrangements have been the most devastating in the sense of betrayal that older Australians feel. Not only do we have the result of the $500 million budget cut but it has been characterised by consistent incompetence with the Government lurching from one crisis to another trying to fix things as the debacle has unfolded. We have seen a change of Minister and a backdown by the Prime Minister, but things still have not been properly worked out. Not for a long time has there been such a public outcry as Australians realise just what this new policy means.

People willingly pay entry fees to move into retirement villages and commonly, in recent years, into hostels, because these are decisions about living in a different style of accommodation with more daily support. However, most people go into a nursing home after a medical crisis—about 60 per cent go direct from hospital. Many of these people are in the final weeks or months of life. Others will recuperate and be able to return home. Over half of new residents to nursing homes either die or leave within four months. At this time of life the last thing elderly people and their families need is to be worried about how to pay an entry fee or about the debt they are accumulating if they do not pay.

Why should this happen? Why should they pay for what is really medical care in the final stages of life? The irony is that 10 years ago most people in this situation would have stayed in hospital at even greater cost to the Government but, instead, we have at this point changes resulting in a $12 fee per day for accommodation and increased daily fees for nursing home residents and an increase of $5.50 per week in the fees for hostel residents, in spite of the fact that they receive a lower level of care than nursing home residents. The latest fee is simply a tax on the elderly, because the cash comes off Government subsides rather than going to improved facilities. So, all in all, we have a situation that is incompetent, inequitable and unconscionable, and the Government, I am sure, will pay.

The third point in my motion is the Commonwealth Dental Scheme. The scheme was scrapped unceremoniously without warning a couple of years ago by the Commonwealth Government. The scheme was worth $100 million across Australia and $10 million here in South Australia. South Australia lost over one-third of the funding for public adult dental care when this program ceased: $10 million out of a budget of $27.5 million for adult dental care has disappeared, and none of it has been replaced. Not only that, there has not been one announcement by the Government on how the problem will be managed. The problem simply exists and we are making out it is not there. Indeed, 25 dentists—the equivalent of 12 full-time dentists—were removed from the South Australian Dental Service due to the loss of that Commonwealth money. In fact, 69 000 people were on a waiting list for adult dental care at 30 June last year, and by 30 November the figure was 78 000. The figure is increasing at between 1 500 and 2 000 a month and, if members do their sums, they will see that at this time we are looking at numbers greater than 80 000 now waiting for treatment.

The Community Dental Service is now seeing 2½ times more people for emergency care than for routine care. As the waiting list gets longer, more and more people are treated for emergencies such as pain and swelling, and fewer and fewer are able to have routine care. People are told that the waiting time is at least two years. Without a significant increase in funds, that is a gross understatement as the clinics are flat out providing emergency care. In some clinics, months may go by without anyone coming off the waiting list. We all know that this is happening because we get these cases reported to our offices on a daily basis.

Research in Australia in the early 1990s showed that poorer people were more likely than other Australians to wear full dentures and it thus had more social impact on them, such as being unable to chew well. Of course, it is these people again who are targeted by this cut. With more and more time being spent on emergency care rather than routine care such as fillings in the Community Dental Services, we will be going backwards in terms of the nation's oral health.

It is strange that infections and other diseases of the mouth are regarded as much less important than other health problems and so do not attract adequate funding. These are the facts in relation to what is happening in public dental care in South Australia. As members would know, the Federal Minister (Dr Wooldridge) continues to shrug his shoulders and simply say that it is a State responsibility. When the issue was put recently to the State Minister for Human Services, he said there was no way that the State was going to make any contribution to fixing this mess. The point is that someone has to do something. Or do we just stand back and let things get worse? When Labor was last in Government in this State its policy acknowledged that the Commonwealth had a responsibility to do something. However, it also said

that we just could not stand by and let nothing be done. We promised at least $2 million to go some way towards stemming the flow. However, the present State Government has done nothing in this regard.

The next part of my motion relates to fees for Home and Community Care services. In the 1996-97 Federal budget, when the Federal Government waded into pharmaceutical benefits and aged care accommodation, it also brought in a need for services provided by the Home and Community Care program, that is, services to the frail aged and people with a disability and their carers, because these are the people who receive these services. However, the cost of those services must be covered by fees from the users of those services by up to 20 per cent over four years, and the four years started from the 1996-97 budget.

While people across Australia were saying that, because of the ageing of our community, there needed to be an increase in these services, the Federal Government has said that there will be no increase in Federal funds to this program unless 20 per cent of new money comes from the users themselves. These are the people who are in need of domiciliary care services and rural district nursing services. They are the people throughout our State for whom local government provides day services and day options. We have them in all our electorates, and they are some of the most vulnerable of our citizens.

Again the Federal Government has shifted the cost of these vital services—services which keep old and frail people out of nursing homes or hospitals—to the consumer themselves. The ironic thing about this is that these services are there to try to keep people functioning to the best of their ability in their own home. If those services are not there, those people will end up in nursing homes or in hospitals, and the economic cost will be much greater. It is a callous and extremely short-sighted measure which, of course, only costs us all more.

Finally, I refer to superannuation, where Federal Government changes have also impacted on older Australians. The Howard Government's three social security measures that came into effect on 20 September last year are another slap in the face for people who will lose or have lost their jobs. Inclusion of superannuation and roll over assets in the social security means test for people over 55 will mean that around 7 000 Australians will have their social security payments reduced or cancelled. Again, the Government has shifted the goal posts for workers who have done the right thing and invested in superannuation for their retirement, and those people will have to use that money before they can get any social security benefits.

While we have all protested at each one of these Federal Government changes, we need to look at all these matters together. When we put them all together, we see that, over the past two years or so, the Howard Liberal Government has made an unprecedented attack on older Australians in our nation. I know that there is significant disquiet amongst this group. I believe that, when it comes time to vote at the Federal election some time later this year, the full anger and sense of betrayal that has been felt will show itself in the results at the ballot box.

Mr McEWEN secured the adjournment of the debate.

GRAND JUNCTION ROAD

Mr De LAINE (Price): I move:

That this House:

(a) opposes the Government's proposal to establish a 12 hour per day clearway on Grand Junction Road between South and Port Roads;

(b) opposes the Government's decision to allow A-double road trains to operate on Grand Junction Road between South and Port Roads;

(c) calls on the Government to put a freeze on both proposals until a thorough assessment is made of the whole situation; and

(d) calls on the Government to investigate other options for sea cargo to be transported to both the Port River in line with its 1997 election promise.

The Government's two proposals to establish a 12 hour per day clearway and to allow A-double road trains to operate on Grand Junction Road between South and Port Roads has created a lot of heat in my electorate and, to some extent, to my colleague in the electorate of Hart. My concern in respect of those two issues is to support constituents who live, work and shop in areas adjacent to Grand Junction Road, between South and Port Roads. As a local resident of many years standing, I share their concerns and their opposition to both proposals. The Minister and Transport SA are saying that the two issues are entirely unrelated, but my constituents and I am not convinced of this. Traffic volumes have been heavy on this road for many years, so why was a clearway not established before? That is the question that I and others in the area are asking.

It seems strange that, as soon as A-double road trains are allowed access to Grand Junction Road, it becomes necessary to impose a 12 hour clearway. That is an outrageous amount of time, considering that around the nation are clearways are designated for only a couple of hours in the morning or evening. However, 12 hours from 6 a.m. to 6 p.m. is just beyond the pale. It is true that the traffic volume is in excess of 800 vehicles per hour in each direction along Grand Junction Road between those two major roads. I know that, because I have checked it myself, and that is the figure. As I said, it has been about that volume for quite some years, and I do not see why there needs to be any change now, except for the fact that A-doubles are being allowed into the metropolitan area—I might add along with the B-doubles that were quietly allowed to come in some time ago.

Recently, the ALP shadow Minister for Transport, the Hon. Carolyn Pickles, was briefed by the Minister (Hon. Di Laidlaw) on both proposals—the clearway and the A-doubles. I would like to make a few points that have arisen as a result of that briefing. First, in relation to the clearway proposal, I quote from a media release from the Minister dated 20 January 1998, as follows:

A decision on a proposed Grand Junction Road clearway will only be made after interested parties have been consulted. As with all of these issues, there is a consultation process that South Australian transport will follow.

I ask the Minister: what will happen if people do not agree with the two proposals after this consultation process? By way of example, I mention the closure of the Parks High School and the Croydon Primary School, where consultation was supposedly undertaken by the Government. The Government then closed down those two schools in spite of the unanimous recommendation that they should stay open. I do not have much hope about what will happen at the end of the consultation process in this regard. Further, the Minister stated:

Port Adelaide Enfield council is about to begin the consultation process, and Charles Sturt council is already talking with traders and other interested groups. The two councils will then report back to Transport SA with their findings.

I want an assurance from the Minister that, if the results of the public consultation are that the clearway not be proceeded with, that will be the case. The clearway proposal is 12 hours per day, from 6 a.m. to 6 p.m. A large number of small businesses and service providers are situated on both sides of Grand Junction Road, between South and Port Roads. Clearly, a clearway will have a disastrous effect on those businesses and service providers. I am told that most of these business people rely for 80 per cent of their custom on people being able to park along Grand Junction Road in front or in the near vicinity of their premises.

It would also make it impossible for supplies to be delivered to their businesses. Fairly large trucks park at the front of these shops and other establishments in order to deliver supplies, and that would be impossible. Once again, that would force these people out of business. The clearway proposal is a major concern as a loss of these businesses represents a loss of livelihood and investment on the part of their owners, employment for many local people, and access to shops and services for residents, many of whom do not drive motor vehicles.

I use this road quite a deal and, having taken particular note, my considered opinion is that, even with vehicles parked along each side of Grand Junction Road, there is still more than adequate room for two lanes of normal traffic, including semitrailers, but certainly not A-doubles or B-doubles. Secondly, I would like to make a few points about the Minister's briefing on the A-doubles. The Government has allowed A-doubles to operate in the northern Adelaide area on Grand Junction Road from 1 March this year. An A-double is a prime mover with a conventional semitrailer and another trailer behind. The total length of an A-double is 36.5 metres, some 11 metres longer than the length of the B-doubles, which are also unacceptable and dangerous on that road. It is nearly 120 feet long in the old language or, in other words, the length of nine average size cars.

A-double vehicles have been operating in South Australia at Port Augusta and Port Lincoln since the mid-1970s, and as far south as Lochiel, near Port Wakefield, since late 1994. It is interesting to note that the A-doubles were allowed to travel south no farther than Lochiel, where there was a staging station and the second trailer could be unhooked: they were not allowed into the metropolitan area of Adelaide. I wonder why, all of a sudden, given that it was not safe enough for them to travel to Adelaide in 1994, it is suddenly safe to allow them into Adelaide in 1998. I am certain that traffic volumes have increased since then, so I cannot see why it is safer now that it was in 1994.

Another point made by the Minister is that A-doubles would travel only on specific routes from Port Wakefield to Port Adelaide and Outer Harbor. Will this be policed, and how? We have been trying to police large trucks travelling through Port Adelaide for at least the last 12 years, and to no avail. They are policed for a while, the policing is relaxed and trucks continue to travel through the Port Adelaide business centre. I have been told that B-doubles have been turning off Grand Junction Road: one tried to turn into a service station last week, got halfway in and could not get out. Traffic was banked up at the back of that road train and it was unable to move either way. There have been other stories of B-doubles turning off Grand Junction Road into lesser roads and causing all sorts of problems. I ask once again: will this route for A-doubles be policed, and how? I do not believe it will be.

The South Australian Road Transport Association estimates that about 60 A-doubles will enter the metropolitan area each day, replacing 120 semitrailers. The residents and I would rather have 120 semitrailers than 60 A-doubles. The A-doubles are just far too big, cumbersome and dangerous. The other aspect to be considered is the employment implications. Here again we see the loss of another 60 jobs, reducing the number of drivers from 120 to 60 per day. That is just not on, as far as I am concerned.

The Minister made the point that, when travelling to the Port Adelaide docks, the A-doubles will use Grand Junction Road, Eastern Parade, Grand Trunkway and Dock Road. They will reach Outer Harbor along Grand Junction Road, Bower Road, Causeway Road, Semaphore Road and Victoria Road. I ask again: will this be policed, and how? I do not believe that it will.

I recently attended and addressed two public forums on these issues, the most recent being a well attended public meeting at Rosewater. Obviously, neither the Minister nor a Government representative was present, although two officers from Transport South Australia endeavoured to answer questions put to them by the meeting at large, reasonably successfully in some cases and not at all in others. When asked about the stopping distance of the A-doubles and even B-doubles in the case of an emergency, there was no answer.

A woman doctor who has a surgery on Grand Junction Road at Rosewater said that over the last three or four years there have been three fatalities on Grand Junction Road and one very serious accident which resulted in the person's becoming a quadriplegic. All those accidents involved large semitrailers on this road, which was not built for these sorts of vehicles. There is strong opposition to the proposals and also strong opposition to the current practice of allowing B-doubles to operate. As I said, they are big enough at 11 metres shorter than A-doubles. I agree with local business people on these three issues, and I ask the Government and the Minister to reconsider.

The Opposition calls on the Government to put a freeze on both proposals until a thorough assessment is made of the whole situation. It calls on the Government to investigate other options for transporting city cargo to both the inner and outer harbors of Port Adelaide. That is a short term measure. In the long term, it is recognised that a road staging station in a non-residential area of Wingfield or Dry Creek should be set up, as has been set up for some years in Lochiel, where the second trailer can be unhitched from a road train and hooked up to a prime mover.

We are asking that greater use be made of rail for transport to the port and, failing that, or in tandem with that, rather than Grand Junction Road being used, Cormack Road be used. It is a wide road running parallel to Grand Junction Road. There is much vacant land around it, thus Cormack Road could be widened if necessary to cater for the larger trucks, but certainly it is not appropriate to allow them on Grand Junction Road.

Thirdly, the Opposition calls on the Government to expedite the building of the third river crossing over the Port River in line with its 1997 election promise. I believe that approval has been given by Cabinet to proceed with the third river crossing but, as with many other things that this Government has promised year after year, it may be announced in the budget papers each year but nothing done about it.

The local residents and business people are not bloody-minded. They have set up a committee which they hope will be able to negotiate with the Government on behalf of residents and traders affected by the proposals and to find

solutions. They recognise the need for road transport and cargo to be brought into the inner and outer harbors of Port Adelaide, and they are happy to cooperate in whatever way they can.

The clearway proposal is now a fact of life, with A-doubles being allowed on the road since 1 March, and a decision was taken on the quiet sometime ago to allow B-double access also. The local people are opposed to these proposals, and so am I. The Opposition and local residents are concerned about road safety and are equally concerned about the health of the small business people and other service providers on Grand Junction Road. These proposals will impact on their businesses to an enormous extent—the estimate is about 80 per cent—and also on the people who shop there and obtain services from them. I support the motion.

Mr MEIER secured the adjournment of the debate.

ADELAIDE FESTIVAL

Mr BROKENSHIRE (Mawson): I move:

That this House congratulates the Government, Minister for the Arts, the Director and staff of the Festival of Arts and the community of South Australia for their commitment to and support for the 1998 Festival and Fringe Festival and for being the most financially and culturally successful thus far.

I know that my colleagues are keen to support this important motion, which deals with the cultural, social and economic opportunities for our State. On a bipartisan basis every member in this House would be very interested to support it. I wish to congratulate a few people. At the top of the list, I congratulate the Minister for the Arts. I do not throw out accolades to the Minister every day, but on this occasion I am pleased to do that as she is a Minister extremely committed to her portfolio. She works tirelessly with all interest groups in the arts areas, and she is to be commended on the way she has gone about ensuring that the budget lines have been put in place to make sure that the Government can support financially as well as in kind magnificent events such as the Festival of Arts.

I also congratulate Mr Tim O'Loughlin, the CEO of the department, and Robyn Archer, whom we saw almost every night on the television talking about the events of that day and future events during the Festival. One of the important aspects of Robyn Archer's appointment that helped to make the event so successful was the fact that she was a South Australian who had started her own personal career in this State and temporarily went onto other things overseas. As a result of her travelling overseas and the great experiences she had, she then brought that skill and expertise back to South Australia. Having a good understanding as a South Australian of what South Australians like, she was able to put a program together that not only was well supported by and beneficial to overseas and interstate visitors but indeed was strongly supported by South Australians.

More than 20 000 people turned up for the Festival's fiery opening night spectacular, *Flamma Flamma*, and an extra 2 000 from school and community groups participated in the fire requiem procession. As a member of Parliament in this House I appreciated the way school students were brought into the Festival of Arts and the Fringe. I ask that in future our young people in schools be more involved. The empathy, confidence and excitement they got out of these opportunities augers well for their future. The lunch time forums were a great thing, giving people the chance of involvement and to get away completely from work pressure during the day. More than 2 000 people turned up to those forums.

I refer also to the holding of events outside Adelaide. As someone who is proud of the south, I was particularly proud as the member for Mawson to see WOMAD choose McLaren Vale. It was a great success. The television news on that night showed spectacular footage, particularly given the magnificent landscape of the McLaren Vale region. I thank for their support the winemakers and the wine industry and the committee of the McLaren Vale Sporting Complex Incorporated, and again I thank WOMAD for choosing McLaren Vale. Since the event committee members of the McLaren Vale Sporting Complex have told me that they would be very keen to see WOMAD come back to McLaren Vale in two years for the 2000 Festival.

There is an opportunity to consider holding WOMAD events or similar outside the Adelaide area at different times of the year rather than just at the end of or during the Festival. Whilst this is an exciting time, people want to get involved in these arts festivals and cultural events more regularly. Given that we are the Festival State, we should strongly consider broadening our opportunities for festivals in South Australia. During the Festival I enjoyed travelling through Adelaide, particularly of an evening, whether along Rundle Street East or around other Festival event locations, and seeing the smiles on people's faces, seeing people appreciating and enjoying the magnificent ambience we have in South Australia, and seeing them working in a common community spirit and having fun. I would like to see that nurtured and the Festival is great for that. I understand that businesses in South Australia, whether in hospitality tourism or in small business, including the Rundle Mall traders, appreciated the economic stimulation, which in many ways outweighed that of previous Grand Prix events.

In deference to my colleagues' commitment to private members' time—and they also have important business to debate—I will wind up my contribution in the next minute or two. I hope that others will support this motion when we have more time. This event has been very financial for the Festival of Arts. All those people involved in the planning are to be congratulated, because the Festival of Arts is not an easy event to bring back to surplus. We have all seen what happened this year. Congratulations: I appreciate the support of all those people. I support the Government in its endeavours not only in this event: I know it intends to increase the budget by $1 million for the year 2000 Festival of Arts, and that is a good move on behalf of the State Liberal Government of South Australia.

Mr KOUTSANTONIS (Peake): I also support the motion. I am pleased to see that the arts are being held financially accountable and that the Festival of Arts returned a profit. I wish also to bring to the attention of the House comments made in another place about the Festival by the Hon. Sandra Kanck in regard to the original Festival poster, which the Government and Ms Robyn Archer supported.

The SPEAKER: Before the honourable member proceeds, I offer a word of caution from the Chair: he should be careful how he refers to debates in another place in the current session.

Mr KOUTSANTONIS: Thank you, Mr Speaker. I will be careful. I will quote from *Hansard* what the Hon. Sandra Kanck said in another place:

It will show to posterity that we had a small group of religious zealots, very small-minded people in this community, who were trying to force their morality onto the rest of us. I suspect when people read in about 30 or 40 years time that they will be either incredulous or mirthful, or both of those. I must say as someone who was raised on Christian principles that I was quite disgusted at the way in which Robyn Archer was targeted and demonised in the process.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker. The honourable member appears to be quoting directly from the record of debate in another place. I do not think that Standing Orders allow reference to debates in another place.

The SPEAKER: I refer the honourable member to my initial warning. If he quotes from a newspaper or a general publication in the public domain which reports what an honourable member in another place said, that is one matter, but if he is now quoting directly from the *Hansard* report in the other place that is not permissible.

Mr KOUTSANTONIS: Thank you for your guidance, Mr Speaker. I also thank the member for Unley, because I am sure that he is just as concerned as I about the attack on Greek Orthodox and Catholic Christians, who live not only in my electorate but in his as well.

The Leader of the Opposition was attacked in another place because of his opposition to the original Festival poster, and I believe that he was labelled as being small-minded. I think that the Hon. Mike Rann spoke for the majority of South Australians on this issue when he said that he felt that religious icons and values should not be attacked or used in a commercial manner. It must be pointed out that it was not only Greek Orthodox and Catholic groups that were outraged but also the Islamic community, the Hindu community and other minority ethnic groups who hold sacred their religion and traditions.

This poster, which offended a large number of South Australians, eventually was withdrawn from public view, but I believe that basically it set out to offend a number of Christians. As I said at the beginning when I rose to support this motion, I support the arts in South Australia. I think the arts are an integral part of our State. I also agree with the point made by the member for Mawson that the arts must be financially viable—the State Government cannot pour funds for the arts into a bottomless pit—but I have a problem with the State Government pouring money into an organisation which deliberately set out to offend the Christian community in South Australia—and, in the words of Robyn Archer, to be iconoclastic. Robyn Archer was literally iconoclastic.

When a member of the other place attacked what she called religious zealots—extreme Christian groups in South Australia—I was deeply offended. Those 'religious zealots' are the mainstream Christian groups in South Australia. I will ask the Hon. Sandra Kanck privately by letter to withdraw those remarks. I find it offensive that she thinks that the Catholic, Greek Orthodox and Protestant communities are religious zealots. We are not.

Mr Brokenshire: She wouldn't understand.

Mr KOUTSANTONIS: The member for Mawson says that she would not understand, and I agree. This goes to the heart of intolerance, of not understanding, and of our democratic principles. We have the right to object and to be heard. We should not have to go away into a corner where so-called religious zealots are not heard. The fact is that 90 per cent of South Australians are practising Christians, and their views should be heard.

Mr Foley: Hear, hear!

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: The member for Hart and the member for Mawson agree with me that mainstream religious groups should be heard. To call someone a religious zealot is offensive, and I do not think that any member of this House would disagree with me.

An honourable member interjecting:

Mr KOUTSANTONIS: He is unfinancial. Before the election, a number of members of this House came out against the Robyn Archer Festival poster. They included, I think, the member for Playford and the member for Hartley. The member for Spence definitely did and, of course, I did also.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: The member for Mawson indicates that he publicly opposed the Festival poster. I congratulate the Government on withdrawing the poster, but I see today that the Government will auction or sell for profit copies of these disgraceful sacrilegious posters. If that is true, I am deeply concerned, because I have heard a number of Aboriginal groups complain about their sacred Dreamtime artwork being used on tea towels and boomerangs and sold as souvenirs. I agree with them. Their artwork is sacred to them and should, therefore, be treated with the same dignity.

When mainstream Christian artwork is abused in the way in which Robyn Archer and the Festival abused it, I do not think that the Government should auction these posters or use Government money to print them. We are now seeing these posters being used to raise revenue. I might add that I have also seen that poster displayed in the offices of some Liberal Party MPs.

Members interjecting:

Mr KOUTSANTONIS: Not in the member for Mawson's or the member for Hartley's office, but in some other offices. I find that offensive—

Mr Brokenshire: It's anti-Christian.

Mr KOUTSANTONIS: I find that offensive and anti-Christian, as the member for Mawson says. Even though I support the Festival, I do not support the use of Christian images as a selling point. That is not only disgraceful, sacrilegious and offensive but also it is in the worst possible taste. I find it unbelievable that in 1998 Robyn Archer, who is a very talented lady in some aspects of the arts, would come out and say, basically, that we are just opportunists because we have attacked the Festival poster. As a Christian, I believe that it was my duty, as did other members of this House, to come out in opposition to this poster, to defend our right to worship and our sacred images.

I find it offensive that the Hon. Ms Kanck seems to think that it is appropriate for her to say that the Hon. Mike Rann's behaviour was appalling. I think he spoke for almost the entire South Australian population at a time when the Government was silent. I believe that the Hon. Mike Rann's opposition to the Festival poster forced the Government into an embarrassing back-down. Even though it was embarrassing for the Government, I congratulate it on doing something. The member for Hartley has said that he also asked the Government to deal with this. I did not hear the member for Hartley come out and oppose this in the House, but I am sure that he did in his electorate.

Mr Scalzi: I did on radio.

Mr KOUTSANTONIS: He says that he did on radio. I am sure that the member for Hartley did what he could.

Mr Scalzi interjecting:

Mr KOUTSANTONIS: Is the honourable member going to speak after me?

An honourable member interjecting:

Mr KOUTSANTONIS: That is all right. The sad thing about all this was the silence from the Government. It took almost six months of offence before the Government acted. It sat by thinking that nothing would come of this because no-one had yet complained, and it let it go. The Government was not outraged or upset until the Leader of the Opposition took up the case for South Australian Christians in the Greek Orthodox and Catholic Churches. That is when the Government was kicked into action. I find that very disappointing.

In conclusion, I commend the member for Mawson for his motion and the Festival for making a profit from bringing the arts to the South Australian public. It is important that we have a vibrant arts festival in South Australia, but I hope that we learn from the mistakes of the past and that in future those who organise the Festival are a little more considerate of Christian views.

Motion carried.

WASTE RECYCLING FACILITY

Mr WRIGHT (Lee): I move:

That this House calls on the Government to oppose the application by a private company to establish a waste transfer and recycling facility on the corner of Old Port Road and Tapleys Hill Road, Royal Park, because:

(a) the development would be inappropriately located in close proximity to a large number of homes;
(b) the proposed development would have a huge negative and undesirable impact on the quality of life of the residents who live in this area;
(c) the development would cause a drastic reduction to the value of people's homes;
(d) an industry of this type would cause significant problems for other nearby commercial operations.

An honourable member interjecting:

Mr WRIGHT: No, there is no paragraph (e) at this stage—not unless you amend it. I bring the motion before the House today because of this matter's critical importance to people in the western suburbs. I need to give some background information with regard to this proposal because it is certainly impacting very strongly upon local residents.

This proposal is not new to people in the western suburbs. In fact, in 1993 a proposal for a similar development on the same site by the same applicant went to the then South Australian Planning Commission. On 6 December 1993 the South Australian Planning Commission refused the application with respect to the site for a proposal different from that which is now before the Development Assessment Commission. Subsequently, the applicant, JJJ Recyclers, took the matter to the Environment, Resources and Development Court, where it was dismissed on 3 November 1994. The applicant then took the matter to the Supreme Court, where it was dismissed on 5 July 1995. The applicant has every right to make an application of this nature because the area in question—

An honourable member interjecting:

Mr WRIGHT: A good Minister, too, as I understand it. Unfortunately, I was not here at the time because of unforeseen circumstances. I might say I understand that, whoever the Minister was, it was not his responsibility. I am not blaming any previous Minister. JJJ Recyclers had every right to make an application of this kind to the Development Assessment Commission, because the area in question, on a corner of Old Port Road and Tapleys Hill Road, is currently zoned light industrial, therefore giving JJJ Recyclers the capacity to make an application of this nature. I would question that classification. I believe that, because of the heavily populated residential area this involves—

Members interjecting:

Mr WRIGHT: This is a very important motion, and I am sure that you would want me to do it justice. The area in question is a heavily populated one that I believe should not be zoned light industrial. As I understand it, the Charles Sturt council is in the process of addressing that matter. Nonetheless, the application was knocked back during that period, and now JJJ Recyclers have gone through a similar process and, once again, made an application to the Development Assessment Commission. The application went before the commission in 1996 and has been dragging on for some time since then because, unfortunately, JJJ Recyclers have not provided additional information which was requested of it by the commission.

Despite the fact that the application was referred to the Development Assessment Commission on 6 August 1996, it was not until 3 December 1997 that a response to questions asked legitimately by the Development Assessment Commission was provided by JJJ Recyclers.

A long time delay has occurred and, as a result, a large number of people in the western suburbs have not only had to go through this same process on a second occasion but also have had this matter dragged out for an unhealthy period because of the applicant's failure to respond to legitimate questions asked by the Development Assessment Commission. In respect of that matter, no laws have been broken, and no laws have been broken in respect of the long period involved. The Development Act provides that the applicant must respond as soon as possible and preferably within 10 days but, if that does not occur, there is no penalty. That is an area in the Act which at another time the Parliament probably should address.

In relation to this application, not only has the local community been put through the same process but the application has been dragging on for 12 to 18 months because of the inadequacies of the Development Act to provide that unless an applicant does supply additional information to the Development Assessment Commission that applicant will pay the ultimate penalty—which would be refusal of the application.

We now have a proposal for a waste and transfer recycling facility on a corner of Old Port Road and Tapleys Hill Road at Royal Park. I am sure all members would concur with me that recycling is a very important part of the economy, and that a waste and transfer recycling facility is of critical importance. However, we must address the issue of where waste and transfer facilities should be located. My critical objection to this application, which is currently before the Development Assessment Commission, is that of location. What in fact—

Members interjecting:

Mr WRIGHT: Are you not interested in this? You were interested in the last motion, but you are not interested in this one.

Members interjecting:

Mr WRIGHT: Well, you are not going to get—

The SPEAKER: Order! The honourable member is only wasting his own time.

Mr WRIGHT: I can assure you that you will not get on today, so there is no point in goading, interrupting or asking me to hurry up. This is a very important issue for people in

the western suburbs. If it was a frivolous motion, I would be happy to sit down, but on this occasion it is a very important motion and I am sure that members opposite, like members on this side, are very keen to hear the merit of the debate. It will get to the stage where members will have the opportunity to vote on this motion, and I would hope that they would do so in all good conscience and take into account the merits of the argument which I will now address. With respect to this application, the major concern is the location.

Mr Lewis: Which one is it?

Mr WRIGHT: Notices of Motion: Other Motions—No.5, page 3. You will see it there on the Notice Paper. If you cannot find it for yourself, the member for Mawson—who is a good mate of yours—can turn around and show you where it is. If I could return to the content—because I know members are very anxious for me to get started on that; I may not be able to finish it today, but at least—

The Hon. D.C. Wotton interjecting:

Mr WRIGHT: At least I can get started on the merits of the argument and the reasons why so many people in the western suburbs strongly oppose the proposal currently before the Development Assessment Commission. First and foremost, the reason for objection is one of location. We have a proposal for a waste and transfer facility, and all the connotations which go with a waste and transfer facility, to be located on a corner of Old Port Road and Tapleys Hill Road.

Members need to be aware that that location is slap-bang in the middle of many residential houses. Just in the areas of Royal Park, Hendon and Queenstown—where the member for Price has an active interest—there are about 3 000 houses. I would ask members whether a waste and transfer facility, with all the connotations that go with a facility of that kind, is suitable for a location accommodating 3 000 residential houses. Of course, the answer is 'No.'

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

ERRAPPA CAMP

A petition signed by 1 080 residents of South Australia requesting that the House urge the Government to reconsider its decision to withdraw funding of the Errappa Blue Light Camp in Iron Knob was presented by Ms Breuer.

Petition received.

HOUSING TRUST REVIEW

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: The South Australian Housing Trust Triennial Review which I have tabled today is one of the most significant reviews of the trust in its 60 year history. It is significant both in terms of its findings and its timing. As members would be aware, the push for housing reform was initiated by the Labor Keating Government, which was concerned with the inequities between subsidies provided to public housing tenants and rent assistance provided to people living in private rental housing through the Commonwealth Rent Assistance Program.

In recent years there has been a fundamental shift by the Commonwealth Government away from providing capital funds to build new public housing towards providing direct rental assistance to low income private renters. Indeed, in 1996 the Federal Government proposed reforms to housing assistance which would have seen capital funding to the States for their public housing programs abolished completely and replaced with direct Commonwealth income assistance to the tenants.

In May last year the Commonwealth backed away from this proposal and agreed to continue capital funding for public housing—albeit at a reduced level—until June 1999, on the condition that the States worked with the Commonwealth on detailed proposals for the reform of public housing. In June last year, State and Territory Housing Ministers agreed to examine public housing reform proposals in the four key areas of eligibility, rents, tenancy and allocation to improve the targeting of public housing. These proposals include a national standard for means testing for public housing; the introduction of limited tenure for public housing; and the allocation of public housing according to need. The States and Territories are at various stages of implementing these reforms. As I announced last month, the South Australian Government has approved changes in the State's housing policy to apply to new tenants to ensure that all new housing assistance is provided to people on a needs basis. This will involve changes to eligibility, tenure and allocations. The details of these changes are currently the subject of discussions with various community groups.

As I have highlighted previously, the Commonwealth's increased funding for private rental assistance and reduced capital funding for public housing has enormous implications for South Australia, which has the highest proportion *per capita* of public housing of any State in Australia. Since 1989-90, Commonwealth funding under the Commonwealth-State Housing Agreement has declined (and I stress 'declined') by about 35 per cent in real terms.

In response to reduced Commonwealth funding and faced with changing demands and a large, ageing housing stock, the focus of the Housing Trust in recent years has been on reducing concentrations of trust houses in the older estates, upgrading remaining public housing, giving higher priority to housing for those in need, reducing expensive debt and promoting home ownership by tenants. The South Australian Housing Trust Triennial Review recommends further changes to ensure that South Australia is able to maintain and provide appropriate public housing to those in need.

I want to make very clear that the review is a report to Government and to Parliament: it is not Government policy. The Government has not yet had the opportunity to consider the review. The independent three yearly review focus on the longer term financial viability of the trust and its capacity to meet housing needs was examined. The most important finding of the triennial review is that the underlying financial position of the trust is unsustainable. The trust has a very large stock of houses which are more than 30 years old and of which many now need major upgrades or should be bulldozed. Capital funding is now well below a level that is sustainable.

The review concludes that the trust will not be financially viable over the medium term unless significant changes are made. The issues raised in the triennial review include State and Federal responsibilities; inequities in current housing assistance provided to people in private rental versus people in the public housing system; and the size and condition of the trust's public housing stock.

The review recommends a 10 year reform program to refocus public housing to better target those in greatest need; to develop financially sustainable public housing; and to

provide a better mix of housing through urban renewal programs. The review recommends a continuation of the trust's modest house sales program; increased upgrading of remaining stock; the introduction of limited duration tenancies; changes to rent arrangements, including more flexible arrangements to reflect the quality and location of housing; and a continuation of the reduction in the trust's high cost debt. The greatest thrust of the review is in line with Cabinet's recent decisions regarding the future direction of public housing in South Australia to better target housing assistance to those in need for the period of the need.

However, as I have said, the review is not Government policy: it is a report to the Government. The review's findings and recommendations will be carefully considered by the State Government in consultation with key housing groups and stakeholders. A number of the issues raised in the review will need to be addressed as part of the negotiations with the Commonwealth Government. As I mentioned earlier, the future direction of public housing in Australia has been the subject of ongoing discussion between the States and the Commonwealth as part of the Commonwealth-State Housing Agreement negotiations.

Tomorrow I will be meeting with State and Territory Housing Ministers and the Commonwealth to discuss progress on reforms and the longer term future of housing assistance arrangements beyond June 1999, when the current Commonwealth-State Housing Agreement expires. The main issue for South Australia is a fair financial deal which does not disadvantage us as a State because of our very high levels of public housing, which have been a significant commitment by the people of South Australia over many years through the Housing Trust. I will keep the House informed on the progress of negotiations with the Commonwealth and discussions in relation to the findings of the triennial review.

JUVENILE JUSTICE ADVISORY COMMITTEE

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I lay on the table a ministerial statement made by my colleague the Attorney-General in another place today.

QUESTION TIME

The SPEAKER: Before calling on questions, I wish to advise that questions directed to the Minister for Youth and Employment will be taken by the Minister for Education, Children's Services and Training; and any questions for the Minister for Administrative Services will be taken by the Minister for Government Enterprises.

HOME AND COMMUNITY CARE PROGRAM

Ms STEVENS (Elizabeth): I direct my question to the Minister for Human Services. Will the Government introduce service fees in 1998-99 for services to the frail aged and young people with disabilities under the Home and Community Care Program, or has the Minister been able to negotiate some other arrangement for South Australia to access Commonwealth growth funds? The Commonwealth has offered the States access to growth funding for home and community care, subject to the introduction of fees. On 10 December 1997 the Minister told the House that he was going back to the Federal Government to argue for an adjustment of that policy. What have you done?

The Hon. DEAN BROWN: I find it interesting that yesterday the member for Elizabeth asked a question in the House specifically seeking more funds for home care. On the one hand she is up there arguing for more funds for home care as she did yesterday, talking about very significant demand particularly in the past six months where in some areas that demand has increased by about 30 per cent and then, on the other hand, today she says we should not access any growth funds. The fact is that we have taken up this issue with the Commonwealth. We are also negotiating with the Commonwealth about some of the existing fees being recognised as fees. I make it clear to the House that the Commonwealth Government has said that by 1 July 1998 we have to impose a 20 per cent fee for all HACC services delivered. That means that in some areas where a fee is already charged, for example, Meals on Wheels, where that is already provided, we are negotiating to have that existing fee recognised as a 20 per cent fee, as I believe it should be, or for whatever percentage it is of the total cost.

In other areas there are organisations which believe that for equitable reasons it is appropriate to charge a fee, recognising (and I ask the member for Elizabeth to understand this) that fees under the Commonwealth agreement are charged on a means basis. In other words, those who can afford to pay a 20 per cent service fee should pay it. Cabinet has not made any decision on this. We are still working through the detail, which is very complex because, as I said, some of the organisations already charge a fee; others do not but would like to. In fact, they see some inequality out there in that they are delivering services but at this stage not charging a fee, even though some of the people receiving those services are in a position to be able to pay a token sum of at least 20 per cent towards the cost of the fee. We are working through those details and, when final decisions are made, I will come back to the House.

WEST BEACH BOAT HARBOR

Mr CONDOUS (Colton): Will the Premier inform the House of the latest independent information which supports the Government's consultation process in relation to the West Beach boating facility? There have been claims from sections of the community that this Government has failed to negotiate or consult on key environmental concerns surrounding the West Beach boating facility.

The Hon. J.W. OLSEN: The Minister for Government Enterprises today released the findings of an independent consultant's report. That independent environmental scientist, appointed at the initiative of the Parliament, has endorsed the Government's community consultation and environmental investigation procedures. Woodward-Clyde, appointed by the West Beach Community Construction Forum—this is an independent consultant; the forum was given the opportunity to appoint its own consultant—says at all levels the investigations have been appropriate. The report endorses the Government's decision to push ahead with this development. It is evidence that we put all the checks and balances in place. We have consulted exhaustively and we have conducted the appropriate inquiries.

This development has been talked about for some 15 years, and we will not contemplate having our hands tied because of a small number of local protesters who disagree with a development which has the bipartisan support of the Parliament. Independent consultants, environmental scientists, now give us a clean bill of health, so to speak, as it

relates to the investigations, the checks and balances that have been put in place. Clearly, the release of this report demonstrates to the broader community that the process, as it relates to the Glenelg and West Beach development, is appropriate and has been given an environmental tick.

FIRE SERVICE, CHIEF EXECUTIVE

Mr CONLON (Elder): Does the Minister for Police, Correctional Services and Emergency Services support the move of the Chief Executive Officer of the Fire Service to place himself on the on-call roster which, on occasions, would see him assuming the role of incident commander at serious fire or emergency incidents?

Members interjecting:

The SPEAKER: Order!

Mr CONLON: Are you still awake, Graham?

The SPEAKER: Order! The honourable member will proceed with his question.

Mr CONLON: A recent Fire Service newsletter indicates that the Chief Executive Officer has decided to place himself on the on-call roster, despite the fact that his training is military and not in the Fire Service and despite the fact that the move is being resisted by workers in the Fire Service on occupational health and safety grounds. Do you support your chief officer?

The SPEAKER: Order! Before calling the Minister, I remind honourable members that it is not necessary nor desirable to ask a question at the beginning and at the end of an explanation. On many occasions the question varies from the start to the finish. Members will ask their question and then explain it.

The Hon. I.F. EVANS: Yes.

HOUSING, PUBLIC

The Hon. R.B. SUCH (Fisher): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Ross Smith and the member for Hart.

The Hon. R.B. SUCH: Will the Minister for Human Services outline some of the key issues that will be addressed tomorrow in Sydney at the meeting of Ministers responsible for housing?

The Hon. DEAN BROWN: It is an important negotiation that we go into as it will lead to a new Commonwealth-State Housing Agreement to operate from 1 July next year, assuming at that stage that we have reached some settlement. I look forward to a somewhat more flexible approach from the Commonwealth Government than we have had in the area of health. I stress the fact that there are some very fundamental issues, especially for South Australia, because this State has made a bigger commitment to putting up public housing through the Housing Trust over many years than have other States. Both Liberal and Labor Governments have made the additional commitment of about $400 million in terms of borrowing money outside the Commonwealth-State Housing Agreement. We have made that a commitment to put more public housing into this State. Now we are finding that, as a result of the move towards rental assistance only and cutting out capital funding for public housing, which was started by the Keating Labor Government, South Australia is being disadvantaged.

We are finding that South Australia misses out by about $46 million a year in terms of rental assistance because we do not get Commonwealth rental assistance for public housing. In other words, the State Government picks up the full effect of rental assistance when it comes to public housing. The Commonwealth Government pays rental assistance only for private housing and that means that, because we have put in a greater effort and picked up our social responsibility in South Australia for many years, we are now being penalised. I will be arguing our case strongly. I can recall having preliminary discussions on this matter with both Labor and Liberal Federal Governments previously. I assure the House that we will argue for a special bilateral agreement with South Australia that takes account of our unique position.

Other issues are up for discussion as well, including things like making sure that public housing is there for those with the greatest need. We have made some headway in this State already, and I put down a significant statement a month ago which set the new course. Even though it will take a number of years to take up that new course, we did that so we protected existing tenants and those on the existing waiting list. However, that issue of tenancy and making sure public housing is available for those with the greatest need has already been dealt with satisfactorily in South Australia.

The other issue that I will be taking up with the Federal Government is suitable transition provisions, because the triennial review that I have just tabled in this House shows that at the end of 10 years there will be a significant public housing debt within the Housing Trust if we try to maintain the existing stock and if the level of assistance we get from the Federal Government continues to decline as it has since 1989-90. Therefore, we need to make sure that we have policies which are flexible enough to bring in private capital in some areas to continue the modest sale program of about 1 000 houses a year, which has been going on for a number of years. Also, we need to have the capital funds to make sure that we can upgrade the tens of thousands of public homes in this State that are more than 30 years of age. Unless we do that, we will truly produce some ghettos in this State. Tomorrow's negotiations are only the first part of it. I do not expect any resolution from tomorrow. However, I will be laying down well and truly these principles that we want to preserve for South Australia.

RAILWAYS, *OVERLAND*

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Does the Government stand by its claim that the future of the *Overland* is secure following privatisation of Australian National, and how many jobs would be lost if Great Southern Railway proceeds with the abandonment of the *Overland* service? Last August, Great Southern Railway bought Australian National's passenger rail division, which obviously includes the *Overland*. The Chief Executive of Great Southern Railway, Mr John Finnin, was quoted yesterday as saying that the *Overland* is under review. Mr Finnin stated:

> Two directors are working specifically on a proposal for the *Overland* to either kill the blessed thing or make some money out of it.

Mr Finnin continued:

> Given my other products and their potential to make greater money, I might just decide to kill it.

On 26 August last year, the State Minister for Transport stated:

After years of uncertainty, it is great news for rail workers and rail users that both Great Southern Railway and GWI have given a commitment to maintain existing services. The South Australian Government is committed to working with both companies to ensure the long-term operation of these services.

In a joint announcement by the then Federal Transport Minister, John Sharp, and the Finance Minister, John Fahey, on 28 August last year it was stated that Great Southern Railway had committed to 'maintaining the passenger services and improving the *Overland*'s connection in Adelaide'.

The Hon. J.W. OLSEN: The simple fact is that if GSR was to cease or reduce services on the *Overland*, it would be in default of agreements with both the Commonwealth and State Governments. Mr John Finnin, Chief Executive, I am advised, of Great Southern Railway, has reassured the Minister for Transport and Urban Planning and Minister for the Arts this day that GSR has absolutely no intention of backing away from its commitment to maintain services on the *Overland*. Secondly, GSR's bid was predicated on expanding the services, not diminishing them.

Mr Clarke interjecting:

The SPEAKER: Order, the member for Ross Smith!

The Hon. J.W. OLSEN: Thirdly, he says that it is GSR's intention to expand services out of Adelaide in the short to medium term. That is the response of the Chief Executive following an inquiry from the Minister for Transport and Urban Planning today. Of course, GSR must be able to reach commercially realistic track access charges. To date, it has not been able to negotiate that position with Victoria. That is not the circumstance that applies in South Australia. So we look forward to GSR's honouring the agreement upon which it purchased the facility.

ISLINGTON LAND

Mr VENNING (Schubert): Will the Minister for Government Enterprises advise the House of any concerns he has for the welfare of the people of Islington?

The Hon. M.H. ARMITAGE: I thank the member for Schubert for the opportunity to outline recent activity to address the significant contamination issues at the Islington railway site which have been of concern to local residents. The Government has been working hard to develop a strategy to proceed safely with the remediation of the northern part of the site, which for many years has had large amounts of industrial waste dumped over it from the former AN railway workshop.

Members interjecting:

The SPEAKER: Order! I caution the members for Elder and Ross Smith.

The Hon. M.H. ARMITAGE: The Federal Government has committed $5 million to clean up the area, and the State Government, through the Land Management Corporation, is managing the remediation program. A number of recent field investigations have been undertaken which have involved over 400 test pits being excavated throughout the dump area to determine the extent of the contaminants. As a result, a proposed clean-up plan has been developed which involves the construction of an on site repository similar to the one used successfully in the clean up of the Mile End railway yards.

Last week, the Minister for Transport and I met with the company, which has control of Islington through its purchase arrangements for ex-AN rail assets, to stress from the Government's perspective the importance of the remediation program proceeding as quickly and as safely as possible. This meeting was very productive and the company, Australian Southern Railways, has agreed to the proposed clean-up plan. What it has agreed to particularly is to release a sufficient area of land at the northern end of the site for the remediation program which will also provide a buffer zone between nearby housing. ASR agreed to work with the community to advance and benefit the area where possible.

The Port Adelaide Enfield Council has been consulted to seek its agreement from a planning viewpoint for a buffer zone and repository at the northern end of the site. The council has indicated its broad requirements, and further negotiations will be required to confirm its final requirements and to provide absolute certainty to ASR and the Government for the remediation plans. This important step will enable the remediation program to be finalised prior to the excavators moving onto the site. I expect that on-site activity—

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith.

The Hon. M.H. ARMITAGE: —can be commenced before the end of this year, following a range of environmental and legislative controls and checks on the finalised remediation program. These are necessary to ensure that environmental safety for nearby residents is maximised during the construction and once the land is fully cleaned up. The local community has been kept informed about this activity through a series of community consultative group meetings—

Mr Conlon interjecting:

The SPEAKER: Order! I warn the member for Elder.

The Hon. M.H. ARMITAGE: —the most recent of these being held last night. I understand the community is very supportive of the recent activity of the Government to ensure the clean-up, which will provide the community with a vastly improved environment adjacent to houses. In summary, my main concern for the people of Islington is not only the environmental clean-up that is going on but the fact that they languish under the representation of the member for Ross Smith.

Members interjecting:

The SPEAKER: Order! I will make an observation from the Chair. Four or five members obviously come into this Chamber with a tactic of deliberately disrupting and distracting Ministers when they are on their feet. It does nothing for the standard of debate in the South Australian Parliament. I ask members to desist from that and not force the Chair into a position of having to take action by way of suspending members.

REGIONAL DEVELOPMENT BOARDS

Ms BREUER (Giles): Will the Minister for Industry and Trade explain his criticism of regional development boards, in particular the Whyalla Economic Development Board, and why has the Minister not yet honoured the State Government's offer of a new partnership agreement with the Whyalla City Council by signing the new resource agreement in respect of funding for the Whyalla board? On 10 March, the Deputy Premier was reported as saying that most regional development boards had failed to provide outcomes that the Government had wanted. The Deputy Premier was reported as saying:

The boards, including Whyalla, were administratively driven, not job creation and outcome driven.

On Monday 23 March the Whyalla City Council unanimously passed a motion expressing its support for and confidence in the Whyalla Economic Development Board and expressed concern that the Minister had made these comments without consulting either the council or the board.

The Hon. G.A. INGERSON: The Government at the moment is expending in excess of $3 million a year in relation to regional development boards, and part of my role as the new Minister is to review those processes and make sure that the $3 million we are putting into that program gets the outcome and development results that we desire. Whilst I singled out the Whyalla Development Board, if the honourable member has read her local paper, she would know that I said that there is a review of all the boards, including the Whyalla board.

I find it quite amazing that the honourable member should say there has been no consultation with the council. In fact, not only was the Mayor of the council at lunch with me discussing this very issue but the Mayor and other members of council were at the meeting that evening when I made specific reference to this issue. It is our intention to make sure that, with the changes—

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith has been warned. He should be wary.

The Hon. G.A. INGERSON: It is our intention, with the changes that have come about because of variations to local government boundaries, that the reviews include not only the outcomes from the board but also whether the current board representation is realistic in terms of these local government changes.

I want to make an absolutely positive commitment to this Parliament that there is no intention at all to change the amount of money put into these boards. It is purely and simply to make sure that we get outcomes equivalent to those currently achieved in the Riverland and the South-East. Both those boards are exceptionally productive boards, and it is my view that we ought to be trying to lift every regional development board to similar standards so that we get better outcomes for the community. I might point out that, in discussions around the town with many business people to whom I spoke during that day, the view was that the Whyalla Development Board could do with some help to improve its outcomes.

GOVERNMENT REVIEW ADVISORY GROUP

Mr HAMILTON-SMITH (Waite): Will the Minister for Local Government advise the House of the level of public response he is receiving to the recommendations of the Governance Review Advisory Group for the Adelaide City Council?

The Hon. M.K. BRINDAL: I am not surprised that the member for Waite were to ask such a question because he, unlike members opposite, is actually interested in the interrelation between the City of Adelaide and the electors whom we represent. The public response to GRAG is somewhat less overwhelming than we would have liked. The response in terms of the Government's speaking to the Corporation of the City of Adelaide and to its senior representatives is proceeding very well indeed. We have had a number of meetings. I would like to publicly pay tribute to the Premier, who must be given much of the credit for establishing the mutual trust and respect—

Members interjecting:

The SPEAKER: Order, the member for Schubert!

The Hon. M.K. BRINDAL: The member for Ross Smith clearly does not want to hear the answer. This Government has got out working with another level of government, that is local government, for the betterment of the State. Members opposite spectacularly failed for more than a decade and made this city into almost a laughing stock. Now we have a Premier who is getting it right, and what do you want to do?—whinge and grizzle, carp and groan.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: The member for Ross Smith had best tie himself back to the 1950s.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: He is a product of the 1950s—

Mr Clarke interjecting:

The SPEAKER: Order! I name the member for Ross Smith for continuing to flout the authority of the Chair.

The Hon. M.K. BRINDAL: —and it is where he belongs and it is where he is at home. As I said—

The SPEAKER: The Minister will resume his seat.

Members interjecting:

MEMBER FOR ROSS SMITH, NAMING

The SPEAKER: Does the member wish to be heard in explanation or apology?

Mr CLARKE: Yes, Sir. I apologise and I will be silent for the rest of Question Time.

The SPEAKER: Over the last several days the Chair has constantly warned members about the standards to be maintained in the House. I believe that the Chair has continued to be a Chair that has tried to maintain the absolute tolerance of interjections, to be a Chair that has perhaps not wanted to stifle debate or interjections because in fact sometimes they can contribute to the debate or relieve the pressure of the House.

But we have reached the stage where I believe there is a desire to disrupt and distract. I do not think it is desirable. If members referred to *Hansard* yesterday, they would find that the honourable member was called up for interjecting some six times. Today he has been called up at least three times by me to stop interjecting. He has been cautioned. He has been warned on two occasions, which I think is pretty fair warning for the action. The Chair notes the apology but certainly does not accept it.

The Hon. M.D. RANN (Leader of the Opposition): In the spirit of the last day of Parliament, and in the spirit of the fact that just two weeks ago—

The SPEAKER: Order! Is the Leader moving that the explanation be accepted?

The Hon. M.D. RANN: Yes, Sir. I move:

That the honourable member's explanation be accepted.

As the Speaker would be well aware, a few weeks ago there was an incident in this House when we believed there had been a *prima facie* case for breach of privilege by the Deputy Premier in misleading this House. Indeed, we believe that that occurred this week as well. But in the spirit of trying to maintain cordial relations with the Government, I believe it is important that this explanation be received to facilitate the

efficient running of this House. I think that the shadow Minister both showed contrition and apologised, that it should perhaps be reflected upon and that you should reconsider your judgment.

The Hon. G.A. INGERSON (Deputy Premier): It has been very clear over this whole session that there has been a general attempt to provoke and test the Chair. In particular, there has been a continuing procession of argument and attempts to disagree with the Ministers, in particular by the member for Ross Smith. Clearly, there has been an attempt to make it difficult for you, Mr Speaker, in running this House. As you would know, Sir, the flagrant abuse and not accepting the ruling of the Chair when the Chair has, over a long period of time, right through this particular session, gone out of his way to make sure that the honourable member concerned has understood clearly that he wanted to be tolerant and that he was prepared to go through this process has really come to an end. Clearly, there has been this long term deliberate pushing—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —as far as the member for Ross Smith is concerned.

Motion negatived.

The SPEAKER: I now ask the honourable member for Ross Smith to leave the Chamber.

The honourable member for Ross Smith having withdrawn from the Chamber:

The Hon. G.A. INGERSON: I move:

That the member for Ross Smith be suspended from the service of the House.

Motion carried.

QUESTION TIME RESUMED

Mr WRIGHT (Lee): My question is directed to the Minister for Racing.

The Hon. M.K. BRINDAL: On a point of order, Mr Speaker, my answer to a question was interrupted. I had not finished, Sir.

The SPEAKER: If the honourable Minister does have an addition to his reply, the Chair with the concurrence of the House will allow him to complete it. The honourable Minister for Local Government.

GOVERNMENT REVIEW ADVISORY GROUP

The Hon. M.K. BRINDAL: As I was saying, negotiations are in train with the Lord Mayor and the CEO. The discussions have been open and frank, and the process is moving forward. Three public consultation meetings are being organised by the Corporation of the City of Adelaide, one on 31 March in North Adelaide and another on 7 April at the Italian Club. The first of those meetings, held last week in the Adelaide Town Hall, was attended by some 70 people.

Of the 53 recommendations in GRAG there seem to be comments on only seven. There seems to be little, if any, opposition to the concept of a smaller council, and most of the other points made by GRAG generally seem to be accepted. Central to GRAG is that the Executive Government, and this Parliament in particular, has some right, being elected by universal franchise of the adult population of this State, to achieve a rightful balance between the aspirations of the people of South Australia generally and the residents of the City of Adelaide.

The Government is not interested. I note that some of the response for GRAG has been driven in the media and resolves to a particular viewpoint held by the City of Walkerville, and now the City of Prospect, for almost a division of North Adelaide, based on what appears to me at this stage, subject to any other consultation, to be class prejudice dating from the 1950s and the personal preferences of bicyclists who want to come in and out of the city.

Mr Conlon interjecting:

The SPEAKER: I caution the member for Elder and remind him that he was warned earlier.

The Hon. M.K. BRINDAL: This Government is trying to work with any member of this Parliament, any member of the general public and indeed the City Council to muster our best endeavours to assist to so develop the economic base of this city that we can see it move into developments that catapult it into the 21st century. That can and must remain our focus.

I was heartened, because Hassell was commissioned by McGregor Marketing to do a survey, as reported in today's *Advertiser*. It has been welcomed by the Lord Mayor because she has expressed some delight that the parklands are used by 250 000 South Australians per month. With the resident electoral franchise of the city being 9 000 and the total population of the city being something like 20 000, that represents a lot of non-residents of the City of Adelaide with a vital stake in our parklands. That is a factor that should escape no member here. I was most interested that at least half the people—on the Lord Mayor's own figures that represents 500 000 people—believe that restaurants, leisure centres and wetlands are suitable development options for the parklands. That is something we need to take on board.

Mr FOLEY: I draw your attention, Sir, to Standing Order 98 referring to debate. The Minister is now clearly debating the substance of the question. I ask that you rule him out of order.

The SPEAKER: The Chair has been listening carefully to the Minister. I am not sure that he is debating it yet, but he is certainly starting to draw out the reply, and I now ask him to draw his remarks to a conclusion.

The Hon. M.K. BRINDAL: I certainly will, Sir. In conclusion, the Government is committed to an open, frank and honest consultation process with all interested parties in this matter. I urge members opposite and the people of South Australia to get behind this process to put a viewpoint. The Government consulted in developing the report. The Government is now consulting, and it will be no good for the people to come bleating afterwards and say that they were not consulted. We are consulting now, and we want to hear what people say.

SOUTHERN RACING FESTIVAL

Mr WRIGHT (Lee): Is the Minister responsible for matters involving the racing industry aware of any negotiations between the South Australian Jockey Club and Honda for Honda to sponsor the Adelaide Cup? I have been informed that Honda has been approached to sponsor the Adelaide Cup, despite Toyota Lexus already being the main sponsor for the $500 000 Southern Racing Festival, which includes the Adelaide Cup as its feature event.

The Hon. G.A. INGERSON: I am not on the SAJC committee and I have not been informed.

RURAL LINK SERVICE CENTRES

Mr WILLIAMS (MacKillop): Will the Minister for Regional Development inform the House when the Government rural link service centre, colloquially known as the 'one-stop shop', will be opened in Keith? During the election campaign last September the Premier announced that Keith was to be one of six South Australian regional towns to be part of a pilot program to ensure that rural South Australians were not disadvantaged by distance. The one-stop shop centres were to offer a range of over-the-counter Government services such as those involving licences and permits and account and fee payments. It was envisaged at that time that the centres would be operational with trained staff by the end of February.

The Hon. R.G. KERIN: Much work has been done on the pilot service centres not only in Keith but also in Ceduna, Peterborough, Lameroo, Kimba and Maitland. At the moment they are scheduled to be opened in June. Considerable consultation led to concerns being raised with me and the Office of Rural Communities, and as a result I directed the office to reassess some of the services to be provided and to consult further. June is now a more practical starting date.

One of the major concerns raised with me was the fear that the centres would compete with some of the local businesses. As a result, the service centres will not have a bill-paying service where such a service already exists in the town from a post office or other provider. That is important for those towns. The post offices in those centres are privately owned agencies, and it is important that we get a net increase in services and not put at risk any existing businesses. I have insisted that that issue be well and truly addressed. The service centres will have a trial period of two years.

As the member for MacKillop said, they are intended to be a one-stop shop, to introduce services those towns do not have as regards applying for licences, permits and registrations and for obtaining information on Government services. They will be operated in each of those places by a host agency, which will be paid a retainer to do that. In most towns, although not in all, that will be local government. The other five centres have had their arrangements finalised. Negotiations are continuing in Keith. I thought that matter had been sorted out, but in the past couple of days I have been informed that there is a sticking point in those negotiations. It is hoped that this will be addressed quickly and that June will still remain the opening date for Keith. I will keep the honourable member informed of how the negotiations are proceeding.

HOUSING TRUST, SMOKE ALARMS

Mrs GERAGHTY (Torrens): Will the Minister for Human Services confirm that, following installation of smoke alarms in Housing Trust properties, residents will be required to maintain them under an agreement between themselves and the Housing Trust; and, if so, how does the Government intend to ensure proper maintenance and operation of smoke alarms by residents who are frail aged or suffering from a physical or mental disability? The Legislative Review Committee received evidence yesterday that the Housing Trust would seek to enter into a contractual arrangement with tenants to maintain smoke detectors. While being fully supportive of the initiative, I am concerned that many Housing Trust tenants in my electorate would not be able to fulfil such a contractual requirement by virtue of their disability.

The Hon. DEAN BROWN: First, if they are new Housing Trust homes they will be solid wired and do not need ongoing maintenance. If they are the battery-operated type of smoke detector, they last for about two years and give the tenants plenty of warning that the battery is going flat, because they periodically beep and make a very loud noise in the middle of the night. I have personally experienced that. The honourable member should be aware that discussions are ongoing with various community service groups whereby we might identify Rotary Clubs, Lions Clubs and other such clubs which would be willing to replace batteries. Otherwise, I am sure that some of the tenancy groups themselves would be only too willing to come in and help anyone with a disability or who is aged and frail.

An honourable member interjecting:

The Hon. DEAN BROWN: Well, there are a number. One of the initiatives that I am trying to encourage within the Housing Trust, where we house people with a disability or who are aged and frail, is for the neighbourhood to take some responsibility for those people. In the HACC area, these are community based housing projects, so the community will take on much of that responsibility. With respect to the Housing Trust specifically, we are looking at having voluntary community groups to help people who are frail or aged or who have disabilities. It is a simple job involving five minutes every two years. I hope that the people concerned have relatives, but if they do not I expect that service clubs will be only too willing to do this.

WORKERS COMPENSATION

Mr LEWIS (Hammond): My question is directed to the Minister for Government Enterprises. Is there still an escalating rate of increase in workers compensation claims in some industries; and, if so, how will the Minister address the problem in any such industry sector?

The Hon. M.H. ARMITAGE: I thank the honourable member for his question about this important matter, and I take the opportunity to inform the House that it is estimated by WorkCover Corporation that about 20 industry classifications are responsible for more than 50 per cent of all workplace related injury and illness claims and costs, and that, extraordinarily, six major hazards account for 80 per cent of workload injury and disease. Those six hazards are: manual handling, industrial equipment, fixed plant and machinery, mobile plant and transport, hazardous substances, and noise.

In response to those figures, the corporation has identified 10 key industry sectors in the initial phase of Safer Industries 2001, which is a major industry specific effort to reduce injury and illness in the workplace. The corporation will work collaboratively with the following industries, all of which have high costs in their impact on the workers rehabilitation and compensation scheme. Those industries are: employment services, labour hire and contracting firms, domestic and commercial cleaning, road transport, construction trades, construction finishing trades, commercial and residential building trades, nursing and convalescent homes, meat products manufacturers, grapefruit and vegetable nurseries, and the hospitality sector.

Targeting industry specific prevention strategies involving industry bodies and WorkCover Corporation specialists working together already has proved successful in the mining and quarrying industries and in supported employment

sectors. They have reduced compensation claims by about 50 per cent in the past two years. So, Safer Industries 2001 will focus on these high cost industries that I have identified, specific high cost employers within those high cost industries, small business groups, and the six priority workplace hazards which I identified in a targeted way, to achieve the best possible long-term improvement.

WorkCover Corporation has appointed a specialist consultant to assist each sector with strategic planning and implementation. Those consultants will work closely with industry sectors to identify the key sources of illness, injury and claims costs, and particularly to develop long-term plans to address those concerns. I anticipate that more industry sectors will be added to the list for intervention as the program develops.

SALISBURY WOMEN'S GROUP

Ms RANKINE (Wright): Is the Minister for Aboriginal Affairs aware that the Salisbury Women's Group, which the Minister announced last week would receive assistance following the setting up of an economic development team within the State Department for Aboriginal Affairs, was told last month that the TAFE community education program in which the group was involved would be terminated from 12 February this year; and, if so, will she take up the matter with the Minister for Education, Children's Services and Training to have that decision reviewed?

Since its inception in 1992, the Aboriginal education program has offered in excess of 30 courses. Staff and students claim that the program was cancelled, in a 'rude and bombastic manner', with no consultation and no opportunity to negotiate. The Salisbury Women's Group, which the Minister announced last week would receive assistance from her department to establish an art and craft gallery and café, has now been forced to meet in a local church hall and is trying to pursue its training and traditional crafts with the voluntary assistance of staff.

The Hon. D.C. KOTZ: Obviously, I have not been given any information on the background to the question. This is a most proactive measure that has been taken through the Department of Aboriginal Affairs to assist that group to move towards setting up an art and craft gallery, which it desires. That is my commitment at this stage. The honourable member has identified areas involving several issues that relate to the jurisdiction and portfolio of the other Minister. Perhaps if the honourable member had asked her question directly of the Minister for Education, Children's Services and Training, who also has responsibility, she may have received a more direct answer.

I am sure that either the other Minister or I will require a little more information. If the honourable member would like to see me, or the other Minister who is in the Chamber at the moment, after Question Time, the information that she has will probably be sufficient to clarify the situation so that an answer can be provided to her.

MANAGEMENT TRAINING, CHINA

Mr SCALZI (Hartley): Will the Minister for Education, Children's Services and Training advise the House of details of an agreement signed by the State's three universities to deliver management training programs to China?

The Hon. M.R. BUCKBY: I am aware that the honourable member has had some involvement with the universities in respect of this matter and has been interested in this area for quite some time. This Government is being particularly proactive in encouraging both TAFE institutes and universities to sell our education expertise to China and South-East Asian countries. This is being met with a great deal of enthusiasm in those countries because obviously they acknowledge that Australia is within their region, that they must pick up the English language in order to operate within this region and that there are many other areas where we can help them in terms of further education, particularly in the area of engineering.

I am pleased to say that late in 1997 the three universities signed a memorandum of understanding with the Sinopec Management Institute in Bejing, China. Sinopec is responsible for the training and professional development of all senior and middle managers in China's petrochemical industry, which is the second largest industry in China.

Commencing in March this year, specialists will provide a program of graduate level courses for managers from Sinopec to be taught at the Central China University of Science and Technology in Wuhan. This is a real plus for South Australia because it gives us exposure in China, particularly in this area. So, is gives us an advantage in terms of education being sold from South Australia with the three universities working as one. China is very keen to take up this agreement, further develop it with the university, and look for other potential courses which might be able to be taught at graduate level.

WEST BEACH BOAT HARBOR

Ms KEY (Hanson): My question is directed to the Minister for Government Enterprises. Why has the Government reneged on its promise to the Parliament regarding limiting the height of the breakwater at the West Beach facility? The Minister for Transport and Urban Planning in another place said today:

> The Government considers it would be prudent to allow for the raising of breakwater heights in the future. The West Beach facility, designed to be a small boat launching facility, should not be used for the launching of small craft in stormy conditions.

The Hon. M.H. ARMITAGE: It does not surprise me that, having had the rug pulled from under their feet—

Members interjecting:

The Hon. M.H. ARMITAGE: No, factual. Having had the rug pulled from beneath their feet in relation to the environmental issues by the environmental consultant's report, the Labor Party is now attempting to raise other issues in a desperate attempt to stop progress in South Australia. Factually, as I understand the situation, the Minister for Transport in relation to the approval has accepted, I believe, option No.2 of what has come back from the DAC. That option provides that the breakwater will be constructed exactly as the Government agreed with the Labor Party—and we look forward to its bipartisan support as this facility is built over the next little while. We look forward to that support, but we are building it in exactly the same fashion as that.

However, the DAC report back to the Minister did identify that, because we were decreasing the height so that the breakwater was no longer able to withstand a one in 100-year storm but in fact would cope with only a one in 10-year storm, there would be additional costs. As the waves break over the top, the pylons and so on to which the boats will be moored are likely to be damaged in this one in 10-year

storm—a direct effect of the negotiations between the Labor Party and the Government.

However, we agreed that the project is important enough so we are now specifically putting in place, I believe, option No.2 out of five that were presented to the Minister by the DAC. Any suggestion that we are changing what the Parliament has agreed to is a furphy in an attempt to try to set scuttlebutt running among people who, I remind members of the House, had on one side of their posters 'No boat harbor' and on the other side 'Vote for Stephanie Key'.

TOURISM PLAN

Mr BROKENSHIRE (Mawson): Will the Minister for Industry, Trade and Tourism outline to the House the likely benefits to flow to industry from the new SA Tourism Commission strategic plan? Having received a copy of the plan and discussed it with tourism industry folk in my electorate, who have seen great increases in tourism in the past few years, they are wondering to what level this will now allow them to go in respect of further development.

The SPEAKER: Order! The honourable member is commenting.

The Hon. G.A. INGERSON: I thank the member for Mawson for his question. One of the things about the member for Mawson is his keen interest in tourism and in the wine centre at McLaren Vale. The Tourism Commission announced recently a new strategic development plan which talks about the overall direction for tourism. It is important to note that already $1.9 billion worth of value in the GSP is added annually, it employs some 26 500 people in the industry and 25.1 million visitor nights are generated by the industry. It is a very important industry, and there is an expectation with this new strategic plan that the GSP will be increased by $560 million a year, that it will employ an additional 10 000 people and that visitor nights will increase by 4.5 million over a five-year period.

The strategy is to ensure that those in the industry recognise that, as the world tourism market expands, the product must be of world's best practice. It is very important that we ensure that all the small business operators, in particular, understand the need to improve their product and to grow as the industry grows. The whole thrust of the plan is to ensure that the strong points of South Australia—the good living, the wine, the entertainment, the events and the convention business—are expanded over the next five years.

This State has probably some of the best unspoilt nature developments, projects and opportunities for the public—Kangaroo Island, in particular, is quite fantastic. It is also important that the heritage and culture of our State continue to be promoted as we expand our tourism opportunities. The second-most important aspect in the strategic plan is to send a brochure on our State to 1.5 million households in Victoria, New South Wales and Southern Queensland. It is a product-driven brochure which will encourage people to come to our State to holiday and to invest in the products which we have. It is a brand new project which, we believe, will make a significant difference in rural South Australia, so that the product of tourism can be expanded throughout our regions. To wind up, we expect growth of $560 million in the GSP and the creation of an additional 10 000 jobs in tourism over the next five years. It is a very important strategic plan for tourism in South Australia.

MODBURY HOSPITAL

Ms BEDFORD (Florey): Will the Minister for Human Services please explain the exact meaning of the word 'collocation' as it applies to the contract between Healthscope and the South Australian Government in relation to Modbury public hospital, and is the word 'collocation' defined within both contracts?

The Hon. DEAN BROWN: In terms of a general definition of 'collocation', I think there is a dictionary in the Chamber, but collocation means side by side, both organisations on the one site. I will have to look at the contract to see whether there is a definition in the contract. I do not have a copy of the contract with me, but I will look at it and get back to the honourable member at an appropriate time.

MENTAL HEALTH

The Hon. D.C. WOTTON (Heysen): Will the Minister for Human Services update the House on the progress that has been made to date on the review of public mental health services?

The Hon. DEAN BROWN: In December, I launched the mental health summit which was specifically launched as a result of, first, the findings of a Coroner's report into a number of incidents that had occurred involving mental illness and, secondly, the number of complaints which had been lodged with either me or other members of Parliament. It was quite apparent that, as a result of the move away from institutions out in the community, a number of urgent needs were not being met within the community. In other words, people were falling through the gaps. The programs that were being offered had not been sufficiently developed since the early 1990s to cope with deinstitutionalism.

As a result of that, the summit was launched in December. Something like eight or 10 different workshops have been developed, and each of those workshops looks at a specific issue, including the clinical treatment of people with mental illness, accommodation, the treatment of mental illness in rural areas and so on. The people who have attended those workshops represent a very broad cross-section of people involved with mental illness in the community.

We need to appreciate that recent assessments indicate that one in five people suffer some mental illness at some stage during their life. So, it is very widespread within the community. Perhaps, because of modern health technology, more and more people are being identified as having mental illness. Certainly, we have seen an enormous demand. The move away from institutions started in the early 1990s, I think with the best of intentions, but it failed to look at the impact and the resources necessary. I am afraid that that move occurred without adequate resourcing, particularly at Federal level. We have been arguing with the Federal Minister to ensure that adequate funds are available for the treatment of people with mental illness across Australia. I expect to be briefed on the outcome of the various workshops later this month or early next month. Recommendations will be prepared in a final report which will be made public at the time.

WEST BEACH BOAT HARBOR

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table a ministerial statement made in

another place this afternoon by the Minister for Transport and Urban Planning about the West Beach boat launching facility.

ARTS, SECOND TIER THEATRE

The Hon. DEAN BROWN (Minister for Human Services): I also lay on the table a ministerial statement made by the Minister for the Arts in another place about the Second Tier Theatre Sector.

HOME AND COMMUNITY CARE PROGRAM

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Earlier this afternoon I answered a question from the member for Elizabeth about HACC funding and the 20 per cent service fee charge. I indicated that I thought that 20 per cent had to be achieved by later this year; in fact, it is the year 2000. Although we are supposed to be starting to collect fees now, I am able to indicate that 57 different groups within the State which are funded by HACC are already collecting fees. They vary from virtually no collection to about 30 per cent collection of fees.

Ms Stevens: They used to keep them themselves.

The Hon. DEAN BROWN: They used to keep them themselves as part of their growth funding. Literally hundreds of organisations do not yet charge any fees, and they will have to look at this. I stress that some of those are more complex negotiations. For instance, how do you collect a fee on a means basis if you are providing a small transport service to the local community? I will obtain that information, but I want the House to realise that the 20 per cent is not expected to be achieved until the year 2000.

GRIEVANCE DEBATE

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

Ms THOMPSON (Reynell): Today I rise to draw the attention of the House to the type of unscrupulous practices engaged in by employers who do not have the best interests of this State at heart in times of high unemployment, when they regard their workers as expendable, easy come, easy go; and, if they happen to be injured in the process, well, bad luck. The firm I am speaking of has 60 vans and employs about 70 workers, most of whom drive around delivering products across the metropolitan area. They work to extremely tight timetables, which anybody who really drove according to the speed limit and who served their customers with some courtesy would be challenged to meet.

A constituent came to me after she had resigned when the brakes failed in the vehicle she was driving, after she had made repeated requests for her vehicle's brakes to be examined. In the end she could not stand the stress any more; she could not stand what was happening to herself or the risk to which she was putting the public. Her story has been verified by four other workers from the firm as well as by the two unions involved, both in the specifics of the case and in the general treatment of the workers in the area. This raises matters in respect of the health and safety of workers, the conditions of workers, public safety and public health, and I will be detailing all the matters raised for the Minister and requesting a very comprehensive investigation, which has not happened so far, despite a number of reports to Government agencies, including the former DLI—as we all love to call it—and the Equal Opportunity Commission.

Workers talk about their vans shuddering when braking, bald tyres and no reversing lights, and there have been several incidents of brakes failing. The state of the vans is so poor that customers have provided my constituent with letters expressing their alarm about the state of the vans on the roads. When the workers report these conditions to the mechanic, they are constantly abused and told that it is all their fault and that they drive in a way that is described in terms which I would not like to use in Parliament. The abuse that the workers experience from the mechanic and the yard manager on a constant basis adds to their stress. They have expressed to me particular concern that the mechanic is not licensed to work on LPG vehicles. They have endeavoured to have this verified but have been told that the mechanic's surname is no business of theirs and neither is it any business of theirs as to whether he is licensed to do the appropriate work.

As for their working conditions, most have never been advised of the hours they are supposed to work. Generally they work about nine hours a day but are paid for seven. They frequently—in fact, usually—go without breaks and are not provided with water on hot days—or any days. They often have to provide their own cleaning products to maintain the health and cleanliness of the vans. One employee was prosecuted for driving an unregistered vehicle—the company's vehicle. She lost her licence for six months. This caused considerable disruption to her personal life. She is a single parent and was not able to take her child to child-care. The union endeavoured to make an agreement that the worker would work in a non-driving capacity for the six months. But suddenly, after two years of honest employment, the worker's books started not to balance. She was constantly told there were losses, she was required to make them up and she was eventually sacked.

The workers I spoke to said that this is the usual way of getting rid of anybody they do not like. In terms of public safety, obviously having so many vans on the road where the workers are expressing fears about their safety is a major hazard. There are also public health issues, because the vans are advertised as being refrigerated, but in fact 50 per cent are not. The goods carried are subject to spoilage, and the workers have expressed to me fears that on hot days they are supplying unsafe goods to the community. All in all, this is a very poor picture of a very poor employer, who risks the lives of his workers and the public in many ways. It is not the sort of employer we want to encourage in South Australia.

Mr CONDOUS (Colton): I received an invitation to lunch at Government House on Thursday 19 March. The reason for my being invited to the lunch along with 20 other leading members of the Greek community was to honour the newly appointed Greek Ambassador to Australia. The luncheon was subsequently changed to a dinner on Wednesday evening 18 March. When I was advised of that by my office I applied for a pair from the Opposition, but it refused, so I apologised to Government House and the Governor and said that I would be unable to attend.

While laying a wreath at the War Memorial yesterday to mark Greece's Independence Day on 25 March, I felt

honoured that at the conclusion of the wreath laying ceremony the Governor took the trouble to apologise to me for changing the Thursday lunch to a Wednesday dinner in honour of the new Greek Ambassador. The Governor explained that he had to attend a close friend's funeral in Melbourne. I in turn apologised for not being able to attend because I was refused a pair by the Opposition.

Mr ATKINSON: I rise on a point of order, Mr Speaker. I am not sure of the exact Standing Order, but there is certainly a Standing Order that provides that the Vice Regal's name is not to be used invidiously for the purpose of making a debating point. It seems to me that the member for Colton is violating that Standing Order by quoting the Governor and bringing his name into debate for the purpose of making a point against the Opposition.

The SPEAKER: The Chair is of the view that the point of order is correct in principle. As to the motive side of the argument put up by the member for Colton, I am not too sure about it at this stage and I will listen with great care. As a matter of principle, it is not wise to reflect or even to refer to another Vice Regal position in the State.

Mr CONDOUS: Yesterday the Government, respecting the significance of Greece's National Independence Day, raised nothing about the member for Peake's attending a cocktail party at the Greek Consult-General's office after the laying of wreaths. We respected his wish as an Australian of Greek parentage to be present at the consul's function. However, I believe that I was denied the right to attend a dinner given—

Members interjecting:

Mr CONDOUS: We did not mind the member for Peake's going to the consul's office. I believe the action taken was a slap in the face to the Greek community.

Members interjecting:

Mr CONDOUS: I do. I honestly believe—

Members interjecting:

Mr CONDOUS: Perhaps you gave it to him in another place; I do not know.

Members interjecting:

Mr CONDOUS: I do not know who was on the invitation list; I did not see that. I know I was invited and that was it. It is a slap in the face to the Greek community because the move to deny me the right to represent the Greek community to formally welcome the Ambassador to his new appointment as Greece's line of communication between the Australian Federal Government and the Government of Greece was wrong. I just hope that in future the Opposition will show a little bit of maturity.

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

Mr SNELLING (Playford): I wish to bring to the attention of the House the plight of the Abattoirs Bowling Club, which has existed for 76 years and which is located on the site of the Gepps Cross Abattoir. Over this time the club has paid a minimal rent to the South Australian Meat Corporation, a rent that is substantially lower than the market rate. The land on which the club is located was supposedly accidentally sold when the South Australian Meat Corporation was sold. The club was given an undertaking by the Liberal Government that an alternative site would be found. This undertaking was given by former Treasurer Stephen Baker at a meeting with club representatives. The former Treasurer promised an eight-year extension of the club's lease, with the possibility of the club's being relocated to the Pines Sports Park.

The extension to the lease never happened and, when a meeting with the new Treasurer finally eventuated, the club was told it was bad luck, that the club would have to either pay the market rent demanded by the new owners of the abattoirs or close down. The current lease expires in February next year and, unless arrangements can be made, the club will certainly close. All this may seem trivial to members on the Government benches, but I assure them that, to me and to those members of the club whom I have the privilege to represent in this place, it is not. The club has a long and proud history. Many champion bowlers are or have been members of the club. The club has been treated shabbily by this Government and I call on the Government to honour the commitment made to the club last year by either helping to negotiate with the new owner of Samcor a rent that the club can afford or assisting the club to relocate and continue in its proud tradition.

Mr WILLIAMS (MacKillop): Today I refer to the Lucindale Lions Club and how a small group of people have been responsible for one of South Australia's premier rural events, the South-East Field Days. This event is held on the third Friday and Saturday in March each year at Lucindale, and last Friday I had the privilege and pleasure of being a guest of the field days' committee. A small 100 per cent rural town, Lucindale lies in the heart of the South-East, the local economy relying almost solely on farming and, with the combination of modern transport bringing the larger towns like Naracoorte closer and the cost price squeeze, which has afflicted all rural communities over the past 30 years, the population of the area has contracted. In fact, the population of the Lucindale District Council area has dropped from about 1 700 to about 1 400 in the past 10 years.

Traditionally, the area relied on wool and beef production and, although these industries probably still predominate, diversification has seen new agricultural pursuits undertaken as farmers strive to maintain viability. This is no more evident than in the local area school, where the agriculture science course caters for studies as diverse as aquaculture and viticulture, as well as the growing of experimental crops to assess their varying potential for the local area, in addition to the more traditional courses.

Earlier this year I had the pleasure of attending the one hundredth show at Lucindale and earlier still I was fortunate enough to be invited to speak during the Australia Day ceremony. Through these and other contacts that I have had with this community I can vouch that the legendary Australian hospitality and friendship is alive and well in Lucindale. This year the Lions Club celebrated the twentieth anniversary of the inaugural field days, which were held on 6 and 7 April 1978. The first field days were held in conjunction with a tractor pull, an event which enjoyed considerable popularity in those times.

The field day was held on the Friday and consisted of approximately 30 static displays and field demonstrations provided by rural firms from the surrounding towns of Naracoorte, Penola and Kingston as well as the local boys. The club kept the barbecues burning all day and ran a bar, whilst the local football ladies provided food stalls and the scouts and cubs sold soft drinks. About 500 patrons attended that first field day. The tractor pull was held on the Saturday, bringing visitors from further afield. In 1980 the popular gadget competition was included, allowing farmers and others

to show off their ingenuity while competing for prizes for the best gadget displaying originality and usefulness. The following year the South Australian Yard Dog Championships became an additional feature.

This successful format continued for many years until the tractor pull lost its appeal and I believe the last such event in South Australia was held in Lucindale in 1990. The field days, which began on the local football oval, are held on an adjacent site, which has been purchased by the committee and specially adapted for the event. The area is irrigated throughout the summer to provide a verdant carpet for the patrons, and services including toilet blocks and powered sites for exhibitors have been installed. The current site covers 12.5 hectares and this year was host to 600 exhibitors utilising 520 sites. Organisers told me that these exhibitors came from every State of the nation except Western Australia. Because the South-East is host to such a diverse range of primary industries, there are exhibitors in all fields of agricultural and horticultural production. There are experts in all forms of animal husbandry, displaying the latest in technology, ready to offer advice and provide their services.

Likewise, broadacre machinery is aplenty and the array of available equipment and gadgets astounds. This year 87 exhibitors new to the field days were attracted to Lucindale due to its reputation, which has now spread far and wide. Not only were rural trade exhibitors attracted but a wide variety of other lifestyle exhibitors were situated in three huge pavilions which covered 3 200 square metres displaying crafts, fashions, food and cooking demonstrations, home wares, wines and much more.

The theme of this year's field days was 'Safety in the Workplace' and the Farm Safe group was one of those providing demonstrations on this theme. Many Government departments were also represented. This day provides an ideal opportunity for the exchange of ideas from Government scientists, particularly in the conservation and environmental fields, to landholders. Earlier, I mentioned that Lucindale was a small town but, in the words of Peter Fisher, the current South-East Field Days Chairman, the success is due to the 'Can do, Lucindale community'. He said:

> . . . every sporting club and pretty well every organisation. . . helps us, churches, sports clubs, the area school, the kindergarten, the scouts, guides. . . you name it. . . they all earn money to keep their groups and their projects going'.

The organisers say that the event has probably reached its optimum size. However, they also said that 10 years ago. The small Lucindale community, through its field days last week, attracted the patronage of over 25 000 people and they have every right to be proud of their overwhelming success. I wish them more of the same.

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

Ms KEY (Hanson): I refer to an issue which is very dear to the heart of my electorate—the West Beach boating facility. Members may or may not be aware that West Beach is in the seat of Hanson, and I have had a number of deputations from my constituents about that boating facility. They have raised two particular concerns with me: public access to the beach and what the boating facility will look like. Today, I found out—via a ministerial statement made by the Minister for Transport and Urban Planning in another place—that the negotiations that took place last year on public access have been cancelled. While the construction phase of the boating facility is taking place, even access from north to south along the beach will be restricted, despite the reassurances that people who use West Beach received before that time.

Also, the height of the groyne is now known. It was reported by the Minister for Government Enterprises today that the original plan for a groyne that will be visible for all to see has also been agreed to. Basically, two issues on which the Government and the Opposition agreed have now been changed, and that will affect the people at West Beach and those who use that area.

Last night I attended the Henley and Grange Residents Association annual general meeting. As a member of that organisation, I was pleased to be in attendance. However, I was concerned to hear from people in that area—mainly residents from the District of Colton—that they are concerned about the lack of representation in this House from their local member. This caused me great concern, because in the early stages of the debate on the West Beach boat launching facility people in that area felt very much supported by their local member.

At a later stage, when I became the member for Hanson, they felt they were also getting support from me, as well as from the member for Ross Smith. The concern that was raised at that meeting was basically that their local member did not seem to be interested in them any more because they disagreed regarding the West Beach boat launching facility. Now they even have trouble getting access to their local member. Even though I am not their local member, they asked me whether I would receive their deputations and pass on the information to the local member. I am glad he is in the House, because he will be able to hear first-hand of my concern and of how people do not believe they have access to him.

The local Messenger newspaper contained letters from two responsible members of the community who were complaining, saying that they took offence at their local member's comments regarding people who were opposed to the West Beach boating facility. A lot of people whom I have met—and I am not sure whom the local member has met in the past—who have contributed greatly and who have been awarded the Order of Australia and various other Australia Day and Queen's Birthday honours are on the picket line at 7 o'clock every morning. They find the situation quite offensive. They now have a different point of view about the issue of West Beach from that of their local member. I say that, because originally the member for Colton was to lie under the tractors with other people in the area: now, all of a sudden, he does not even want to accept deputations from them. So they feel very much abandoned by their local member and they are now coming to the new member for Hanson to get their constituent inquiries dealt with. I say this by way of notice to the member of Colton that, although he may be a good member in many areas, he still has a serious problem.

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

Mr LEWIS (Hammond): This afternoon I will note some of the things that have been occurring recently in this House and to draw attention to a serious problem we have as we seek to recruit business migrants. The first matter is that of the deep divisions I now see within the Labor Party. I am not sure what it was but, in my experience in this place, it is unprecedented to find that an honourable member who has been suspended, and where members of the same Party

believe that the naming of such an honourable member has been inappropriate, has been left stark motherless in the course of the ensuing debate, without the members of his Party calling for a division on the question. I was quite surprised at that. I noted the absence of the member for Spence from the Chamber, and it may well have been a consequence of the fact that the honourable member was—

The DEPUTY SPEAKER: Order! I point out to the member for Hammond that the House has already resolved this issue. It is out of order to continue to debate it.

Mr LEWIS: Thank you, Mr Deputy Speaker. It just astonishes me that the Labor Party does not support its own. In doing so, maybe it just does not know.

Mr Meier interjecting:

Mr LEWIS: Yes: as the member for Goyder says, maybe the headline was right after all. Let me refer to identical twin sisters, whose names for the purpose of this discussion shall be Leanne and Misty. They were not born in Australia and are not Australian citizens. However, they sought to migrate here during the recent past. In so doing, they nonetheless came here as overseas students to do their matriculation. That was in 1994. In the first instance, they did a language course to ensure that they had adequate English, and then in 1995—and we must remember they are twin sisters—they did their year 12. One of them went on to enrol in the University of South Australia as a full fee paying overseas student in physiotherapy. The other twin sister chose not simply to go into year 12 in 1995 but into year 11 and then year 12, as it was her aspiration to get sufficiently high results to enable her to enrol in medicine.

We must remember that her sister had enrolled at the University of South Australia in 1996, whilst she was doing year 12. During that time, their father had decided to progress the application to migrate, in consequence of which the application was processed and, without their knowing what had happened, they were granted permanent residence in Australia during 1996. They thought there was a probationary period of two years, and they both enrolled in their university courses as full fee paying overseas students.

However, when it was discovered that one of the sisters, who was in her second year in physiotherapy, was a permanent resident, the University of South Australia advised her of that fact and she was able to enrol as a HECS fee paying student. However, the other one, who had been enrolled at the University of Adelaide in the faculty of medicine, continued with her studies and, on realising the same problem, advised the university.

In due course—terror of terrors to her—she was told that, because she had misled the university at the time she paid her overseas student fees and was enrolled in medicine and did not tell the university that she was a permanent resident of Australia—and she did not believe she was at the time—they said, 'You are no longer enrolled.' She continued and finished very successfully, passing all her subject exams, and the results were posted at the Adelaide University. However, she was then told she had no results, she was not enrolled and she was not allowed to use the fact that she had successfully completed and passed the exams in first year medicine at any other university, let alone the University of Adelaide. They have chucked her out. That is terrible. It reflects upon our capacity for an immigration program.

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

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

A quorum having been formed:

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.A. INGERSON (Deputy Premier): 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.

The DEPUTY SPEAKER: Is leave granted?

Mr ATKINSON: No.

The Hon. G.A. INGERSON: The purpose of this Bill is to amend the law to clarify the operation of school zones. The Government has made a major and long-term commitment to improve road safety conditions for school children as part of an extensive campaign to reduce road deaths and injuries overall. New school zones were introduced at the beginning of 1997, not to change the law, but merely to better advise motorists of their responsibilities. Only the signs were changed, so that motorists would know the speed limit and the times that it must be obeyed. Generally this favoured motorists, as it reduced the times at which the speed limit applied, while also advising them of their obligations. It also appears (in conjunction with more diligent enforcement) to have favoured children, since the rate of death and injury among children as a result of road accidents in school hours was particularly low in 1997.

Since at least 1936, motorists have been required under the law to observe a speed limit of 25km/h (or 15 miles per hour) while passing schools, if children were proceeding to or from school. Originally there was not even a requirement that any signs be displayed to advise motorists when they were passing a school.

The 'school limits' that applied prior to 1997 consisted of a sign saying 'School' and a further sign saying 'End School Limit'. No information was given to motorists of the speed limit to be obeyed or the relevant times. The law required the special speed limit to be observed at any time children were proceeding to or from a school. This applied even at night or on a weekend, for example, if children proceeded to the school to attend a concert or participate in sporting fixtures.

This obligation was not understood by some motorists and resulted in an increasingly casual attitude amongst motorists to obeying the speed limit. Fatalities and serious injuries to children during school hours as a result of motor vehicle accidents were steadily increasing. In response to these concerns, in 1995 the Minister established the Pedestrian Facilities Review Group which included representation from the RAA, police, local government, school associations and the State Government. The group recommended many road safety initiatives, including the need for additional information for motorists. Specific recommendations included that the signs indicating 'School Zone' should be supplemented by signs indicating the relevant speed limit (25km/h), plus specific hours in which the speed limit applied.

Section 49 no longer applied as a result of the change in signs. Instead, the Government relied upon the Minister's power under Section 32 of the Act to fix a speed limit for a portion of a carriageway. Advice from the Crown Solicitor confirmed that the Minister had the power to fix such speed limits. The advice stated that the 'time of day' indicators probably had no effect on the lawfully erected and prescribed signs, but cautioned that the issue may be open to challenge. Legislation to allow the creation of part time speed zones was passed by the Parliament in Spring 1997.

On 30 January 1998 the Magistrates Court found that, in a specific matter, the Minister for Transport and Urban Planning did not have the power to establish a part-time speed zone. Following the ruling the Government has determined not to take this case through a costly and protracted appeal. Rather, the Government has opted to act urgently to overcome any uncertainty arising from the magistrate's decision, in order to restore community confidence that speed zones can be effectively enforced to ensure the safety of children.

Prior to the Magistrate's decision, in response to the community concerns over school zones the Minister reconvened the Pedestrian Facilities Review Group to consider a number of issues, including the varying hours in which school zones operated. The group made several recommendations but it was unable to reach a consensus on a new policy for school zones. The issue of the appropriate times at which school zones should operate involves balancing the interests of motorists and the interests of school children. Schools open and close at different times and on different days. The issue is complicated by the fact that kindergartens have in the past been viewed as schools, and school zones have been installed outside many of them. Kindergartens have two intakes a day, so that children are in the area in the middle of the day, as well as early in the morning and later in the afternoon.

The Government has sought to obtain community consensus on the times that the 25km/h speed limit should apply. Since no uniform fixed times are likely to be acceptable to both motorists and schools, the Government has determined that the school speed limit should apply at all times when children are present. This will be achieved by providing that the speed limit will apply at times when children are present in the school zone.

It is proposed to clarify the law to make it clear that school zones are applicable in the case of primary and secondary schools and kindergartens, which are the institutions that in practice currently enjoy the benefit of 25km/h speed limits. The issue of whether similar speed zones should be installed outside child care centres has also been raised in some quarters. The Government is investigating this question further. The Bill makes provision for broadening the application of school zones by means of a regulation, should the need to do so become apparent at some future time.

So as to maximise the certainty of the new law and the protection of children, the legislation provides that an allegation in the complaint to the effect that children were present in the school zone at the time of the offence is to be taken as sufficient proof of that fact in the absence of proof by the defendant to the contrary. The Crown Solicitor and Parliamentary Counsel have also raised the issue of the need to consider the provisions of the Act concerning the authority required to install these signs. Amendments will be made to the regulations that describe traffic control devices, reflecting the changed signs to be used. As a result of the changes to the law in this Bill, the legally effective sign will be a sign which conforms to the one prescribed. The law will be clear, simple to administer, and will be based upon traffic signs which are well recognised and readily understood and obeyed by motorists.

The Government is also keen to respond to concerns from motorists regarding the visibility of certain signs. Section 25 of the Road Traffic Act 1961 currently provides that every traffic control device must be erected or placed or marked so as to be clearly visible to approaching drivers. The Minister has directed Transport SA to work with councils to review the location and signage for all school zones. The Pedestrian Facilities Review Group has also recommended the use of appropriate warning devices, for example, zigzag lines painted on the road or 'School zone ahead' signs. These will be progressively installed where there are visibility problems.

The Minister has already publicly announced that the Government will install flashing lights or other forms of crossings near schools where appropriate, starting with main or arterial roads. Many motorists penalised in 1997 for speeding in a school zone have expressed disappointment that fines paid have not been refunded. The Government understands their sense of grievance when they see many motorists who did not pay their expiation fees get off scot-free. But they have not denied breaching a law which reflects a clear bipartisan policy that has existed in this State for over 60 years. This policy has existed to protect the safety of children, as the Minister has already said, and the system that applied in 1997 was more favourable to motorists than the one which previously applied.

It is proposed that an extensive public awareness campaign will be launched to advise road users of the changes, the cost of which will be met from existing Transport SA resources, as will the cost of new signs on roads that are the responsibility of the Commissioner of Highways. As community consensus on the school zone issue has not been possible, the measures now proposed draw on pre-1997 practices and build on the increases in child safety achieved since this time. I commend this Bill to honourable members as necessary to clarify school speed limits in the interests of the safety of school children. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This measure is to commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 5—Interpretation

This clause amends section 5 of the principal Act, an interpretation provision, to define 'school' and 'school zone'.

A 'school' is defined as a primary or secondary school or kindergarten, or an institution of a class prescribed by regulation.

A 'school zone' is defined as a portion of road (which can consist of a portion of road that continues across, or around a corner at, an intersection or junction) that is—

(a) adjacent to or near a school; and

(b) between traffic control devices prescribed by regulation to indicate the beginning and end of a school zone.

Clause 4: Amendment of s. 25—General provisions relating to traffic control devices

Section 25(2) and (3) of the principal Act create presumptions that—

(a) the installation of a traffic control device on or near a road was lawful and with authority; and

(b) that a light, signal, sign, line, device etc. substantially conforming to the requirements of the Act or regulations for a particular kind of traffic control device is such a traffic control device.

This clause amends these provisions to make it clear that the presumptions are conclusive presumptions.

Clause 5: Amendment of s. 49—Special speed limits

This clause amends section 49 of the principal Act, which sets out the speed limits to be observed in certain specified situations. This amendment provides that a speed limit of 25 kilometres an hour has to be observed in a school zone when a child is present in the school zone (whether on the carriageway or on a footpath or other part of the road). For this purpose 'child' means a person under the age of 18 years, and includes a student of any age who is in school uniform.

The Hon. G.A. INGERSON: I move:

That Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Motion carried.

Mr ATKINSON secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

The Legislative Council agreed to the Bill with the following amendment, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 1, line 21 (clause 2)—Leave out 'subject to this Act'.

PETROLEUM PRODUCTS REGULATION (LICENCE FEES AND SUBSIDIES) AMENDMENT BILL

The Legislative Council agreed to Bill with the following amendments, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1 Page 14, line 21 (clause 21)—Leave out 'following subsection' and insert 'following subsections'.

No. 2 Page 14 (clause 21)—After line 27 insert new subclause as follows:

(4) The Minister—

(a) must, as soon as practicable after the end of the period of 12 months from the commencement of subsection (3), have an inquiry and report made as to the costs to businesses during that period of 12 months of compliance with the requirements of that subsection; and

(b) must, within 12 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

I note the debate in the other place and the amendments put forward. I am advised by the Minister in the other place that the Government can live with these amendments and consequently agrees to them.

Mr FOLEY: The amendments moved by the Hon. Paul Holloway in another place were amendments worked through in consultation with the Independent member for Gordon, who I am sure will want to speak briefly on the amendments. That amendments are designed simply to take account of the point raised in debate by the member for Gordon, who felt that the reimbursement of petrol subsidies as detailed in the original legislation was somewhat over bureaucratic and that a more streamlined approach could be adopted if the redistribution of the subsidies was handled at the distributor level and not at the State Taxation Office level. The Opposition listened to the member for Gordon and put those amendments to the Upper House and they were agreed to by the Government.

The amendments simply require that we review the situation in six months time as to whether or not the fears of the member for Gordon have been realised and that it is overly bureaucratic. At that point of review, if need be, further changes could be made. As I pointed out earlier in this place, with the amount of State taxes being taken away from the State we must have the State Taxation Office doing something, and perhaps the novel approach of the Taxation Office giving back money is something it should continue to do, although I suspect it is not keen on so doing. Nonetheless, it is a role.

Much been said of the role of the Upper House in this Parliament and much has been said of the role of the Independents. This is but a small example of where the Labor Party and Independents have worked well together. Together we have brought the Government to the negotiating table and the Government has agreed to a position.

Mr Venning interjecting:

Mr FOLEY: Yes, I did. The member for Gordon should be congratulated on his constructive approach. The more independence the member for Gordon displays, the higher will be his standing in his own community. The member for Gordon should continue along this path of picking up issues that affect his electorate and of being prepared to consult with the Opposition and work through ways in which we can better improve the outcomes of legislation. The more I work with the member for Gordon on the Economic and Finance Committee and the more I see him operating in this Parliament, I think the city of Mount Gambier and the electorate of Gordon appear to be quite well served by the independent stance that he continually takes. Let us hope that he maintains his independence as we deal with other legislation. With those brief comments, the Opposition supports the amendments.

Mr McEWEN: I pause briefly to wipe a tear from my eye. I am delighted to hear that both the Government and the Opposition support these amendments, and I will speak to the motion briefly. The fact remains that we are simply loading up business with more red tape. I accept that the matter needs to be handled in this way, but 60 fuel distributors in South Australia will now have to keep a lot of records at their own expense that they have not previously had to keep. Based on the fact that we have now created bulk end users as part of this legislation, they will become distributors, and within six months we could see at least 120 new organisations needing to keep records.

This will be the cost. The point of these amendments is to assess that cost. This burden has been forced on small business by the Government. If it is found to be too large, we will need to review that matter once this review has been completed.

Motion carried.

SUPPLY BILL

The Legislative Council agreed to the Bill without any amendment.

IRRIGATION (DISSOLUTION OF TRUSTS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a Bill for an Act to amend the Irrigation Act 1994. Read a first time.

The Hon. M.H. ARMITAGE: 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.

Shortly after the conversion of the eight Government Irrigation Trusts under the *Irrigation Act* to effect self management, the new Trusts sought exemption from sales tax from the Australian Taxation Office. Existing Trusts have long enjoyed exemption from sales tax. The request from the new Trusts was examined by the Australian Taxation Office in the light of the new (1994) *Irrigation Act*. Exemption was granted, but on an interim basis only, subject to amending the *Irrigation Act* in regard to the distribution of property, rights and liabilities of a Trust upon its dissolution.

To gain sales tax exemption Irrigation Trusts must be public authorities. The Australian Taxation Office takes the view that an essential feature of 'public authorities' is that when they are dissolved assets, rights and liabilities pass to a similar body, or to the Crown. The *Irrigation Act* provides that assets and rights be distributed to the members of the Trust on dissolution. This is not acceptable to the Australian Taxation Office.

The proposed amendment provides Trusts with two options. The first option is the default (do nothing) option that provides that on dissolution, assets, rights and liabilities will pass to another Trust. If, however, there is no other appropriate Trust the assets, rights and liabilities will pass to the Crown. The second option provides that on dissolution, assets, etc., will be distributed to members of the Trust. This is the current provision. It is important to retain this option for Trusts that are prepared to sacrifice exemption from sales tax in order to have assets, etc., divided amongst members on a dissolution. A Trust that wishes to choose this option will have to declare that choice by notice to the Minister. Once a declaration is made, it cannot be revoked. Choosing this option will mean that the Australian Taxation Office will not grant a sales tax exemption.

The amendment will put South Australian Irrigation Trusts on the same footing as similar bodies interstate. I commend this Bill to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short Title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 13—Abolition of private irrigation district on landowner's application

Clause 4: Amendment of s. 14—Abolition of district on Minister's initiative

Clauses 3 and 4 make changes to sections 13 and 14 that are consequential on the enactment of new section 14A.

Clause 5: Insertion of s. 14A

Clause 5 inserts new section 14A. This section provides in subsections (1) and (2) that on dissolution of a private irrigation trust the assets and liabilities of the trust will vest in another private irrigation trust or, alternatively, in the Crown. However, subsections (3) and (4) allow individual trusts to elect to have the assets and liabilities distributed amongst the members of the trust on dissolution. The consequence of taking up this option will be that the trust will not be eligible for sales tax exemption.

Clause 6: Statute law revision amendments

Clause 6 makes statute law revision amendments by way of a schedule to the Bill. Most of these amendments are the replacement of the old scheme of divisional penalties with the new penalty structure. Section 79 is amended to ensure that the time limit for taking proceedings for an expiable offence is consistent with the provisions of section 52 of the *Summary Procedure Act 1921*.

Ms HURLEY secured the adjournment of the debate.

MFP DEVELOPMENT (WINDING-UP) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1 Page 2, lines 24 and 25 (clause 10)—Leave out the clause.

No. 2 Page 2, lines 26 to 28 (clause 11)—Leave out this clause and insert new clause as follows:

(ELLII) Repeal of s.13

11. Section 13 of the principal Act is repealed.

Consideration in Committee.

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendments be agreed to.

The EIS carried out in 1992 provides the framework for any development on the core site. There is no intention prior to the expiry of the Act to carry out work that is not covered within the framework. I confirm, as I have on a number of occasions, that it is the intention of the Government to finalise the affairs of the MFP as quickly as possible following the passage of the Bill. Section 12 of the principal Act is no longer required as it has served its purpose. That is why clause 10 to repeal it was originally proposed. Notwithstanding that, I am prepared to agree to the amendments so that the Bill can now pass.

Mr FOLEY: The Opposition supports the amendments. The Democrats in another place have approached us on this matter. They seem to have a fixation with this issue. I must say that I am at a loss to fully understand what they are trying to achieve given that we are winding up the MFP. However, to enable the quick passage of the Bill, we agreed with the Democrats.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Well, it wastes somebody's time. It is there, it is in the Bill, and it can go through so that the MFP can be wound up.

Motion carried.

BARLEY MARKETING (APPLICATION OF PARTS 4 AND 5) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

INDUSTRIAL AND EMPLOYEE RELATIONS (DISCLOSURE OF INFORMATION) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

ROAD TRAFFIC (VEHICLE IDENTIFIERS) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

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

A quorum having been formed:

STATUTES AMENDMENT (CONSUMER AFFAIRS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill corrects a technical difficulty with the *Statutes Amendment (Consumer Affairs) Bill 1997*. In addition to the substantive provisions of the *Statutes Amendment (Consumer Affairs) Bill 1997*, the Bill contained a Schedule of minor amendments. When an amendment substituting the Schedule of that Bill was passed, the last two and half clauses of the Schedule were inadvertently omitted. This measure rectifies the problem by substituting the full Schedule.

Explanation of Clauses

Clause 1: Short title

Clause 2: Amendment of s. 2—Commencement

This amendment ensures that the proclamation for commencement of the *Statutes Amendment (Consumer Affairs) Act 1998* will apply to that Act as amended by this measure.

Clause 3: Substitution of Schedule

This clause substitutes the Schedule of the *Statutes Amendment (Consumer Affairs) Act 1998* containing minor amendments in its entirety.

Mr ATKINSON secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (SELF MANAGED EMPLOYER SCHEME) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No.1 Page 3—After line 4 insert new clause as follows:

Insertion of s.107B

5B. The following section is inserted in the principal Act after section 107A:

Worker's right of access to claims file

107B (1) The corporation or a delegate of the corporation must, at the request of a worker—

(a) provide the worker, within 45 days after the date of the request, with copies of all documentary material in the possession of the corporation or the delegate relevant to a claim made by the worker; and

(b) make available for inspection by the worker (or a representative of the worker) all non-documentary material in the possession of the corporation or the delegate relevant to a claim made by the worker.

Maximum penalty: $2 000

(2) Non-documentary material is to be made available for inspection—

(a) at a reasonable time and place agreed between the corporation or the delegate and the worker, or

(b) in the absence of agreement—at a public office of the corporation or delegate nominated by the worker at a time (which must be at least 45 days, but not more than 60 days, after the request is made and during ordinary business hours) nominated by the worker.

(3) However, the corporation or delegate is not obliged to provide copies of material, or to make material available for inspection by the worker if—

(a) the material is relevant to the investigation of suspected dishonesty in relation to the claim; or

(b) the material protected by the legal professional privilege.

(4) In this section, a delegate of the corporation includes an exempt employer, a self-managed employer or the claims manager for a group of self-managed employers.

No.2 After line 16 insert new clause as follows:

Sunset provision

7. On the expiration of two years from the commencement of this Act, the amendments made by this Act are cancelled and the text of the Acts amended by this Act is restored to the form in which that statutory text would have existed if this Act had not been passed.

Consideration in Committee.

The Hon. M.H. ARMITAGE: I move:

That the amendments be disagreed to.

The purpose of this Bill is to establish the self-managed employer scheme as an ongoing feature of the WorkCover scheme for employers who wish to take on the management of claims of their workers and who meet certain criteria. The Opposition raised the issue of access to the freedom of information legislation for workers employed by SMEs, and the Government has been advised by WorkCover that workers' rights in relation to FOI will not be changed by this Bill. The SME is an agent of the WorkCover Corporation, and the SME contract specifically states that the files are the property of WorkCover. The FOI Act, therefore, is not affected by the Bill.

However, the Opposition has taken the opportunity in the Legislative Council to address the unrelated issue of access under FOI for workers employed by private sector exempt employers. Workers of Government exempt employers already have access via FOI. It is acknowledged that this is an issue for those workers, but it has existed since the commencement of the FOI Act in 1991. Exempt employers are not a new category. They have been a part of the scheme since WorkCover began in 1987 and under the previous legislation. This Bill does not change the right of those workers.

The first amendment made by the Legislative Council puts a provision in the Workers Rehabilitation and Compensation Act which is similar to the provisions of the FOI Act. This will add considerably to the administrative workload of administering the workers compensation scheme and, hence, to costs.

The second amendment, to insert new clause 7, puts a two-year sunset provision on the SME scheme. It is totally unnecessary. During the 1993 election, the Government stated its intention to introduce a category of self-managed employers. When the necessary amendments were made in 1994, in view of the concerns expressed at that time as to how it would operate, it was established as a pilot scheme only. That pilot scheme has operated successfully for over three years.

In line with the Government's 1997 policy document, legislation was introduced to establish the SME category as an ongoing feature of the scheme. The concerns expressed in the Legislative Council, which led to the proposal for a two-year sunset provision, are unfounded. The proposal was unanimously endorsed by the ministerial advisory committee on workers rehabilitation and compensation, and I draw the attention of the House to the fact that that committee includes three people nominated by the UTLC who clearly were part of the unanimous endorsement of this proposal.

I would contend that to have a two-year sunset clause will do nothing more than put the legislation back at the end of that sunset period into a trial period. We have already had the trial period, and it is time for some certainty for the employers involved. If unforeseen problems were to arise in the future—which is most unlikely, given the three-year pilot scheme—they could be addressed either administratively by WorkCover in its role of overseeing the operation of the SME scheme or, indeed, by bringing legislative amendments back to the House if it is unable to be fixed by any other means.

In relation to the two-year sunset provision, given that we have had a three-year trial period and that the proposal has had the unanimous support of the ministerial advisory committee on workers rehabilitation and compensation, I would contend that this amendment is unnecessary and, accordingly, the Government opposes it.

Mr HANNA: I wish to make some remarks, although the member for Hanson will be the Opposition's lead speaker on this matter. The Opposition will not be agreeing to what the Minister proposes for two good reasons. Like the Minister, I will deal with both of those issues at the same time. First, in relation to the worker's right of access to the worker's files, it is recognised that it is a just and proper thing for workers to get files directly from WorkCover through the freedom of information processes. The fact that workers have

not been able to do that in respect of exempt employers over the years does not make it right.

While we are setting up a new branch—a new subset of the WorkCover system—in respect of these smaller employers, we have an opportunity to make that right and get it off on the right footing so that workers are able to inspect their files to see what the claims managers and so on within the self-managed employers workers compensation section are doing with the claims, to ensure that justice is done, that nothing underhand is being done and that the workers have as much information about their own claim as does the employer. So, it is a matter of justice for the worker and an appropriate balancing of the rights of the worker *vis-a-vis* the employer. This House ought to congratulate the Legislative Council on its wisdom in inserting this provision.

Secondly, one cannot simply say that the need for the sunset provision is unfounded, given that exempt employers have been operating for a number of years. The fact is that those exempt employers undergo a careful selection process. Many of them have behaved appropriately, but many of them have behaved inappropriately, too. By opening up the field to a wide range of smaller employers, we create the danger of people inexperienced in workers compensation claims running riot with workers' claims and perpetrating injustices—not to mention clogging up the arbitration and dispute resolution system, should mistakes be made in the handling of claims.

So, it is entirely appropriate to assess whether this new range of employers is collectively capable of managing claims appropriately. One cannot say the exempt employer system has been an unqualified success, although I recognise the efforts of a number of those exempt employers in doing the right thing and maintaining a balance in the treatment of their workers' claims, but it is certainly not clear-cut that smaller employers with fewer resources to manage these claims properly will be able to handle claims to the same degree. That is why this House ought to agree to those amendments.

Mr WILLIAMS: I agree with much of what the member for Mitchell has just said. With regard to the first amendment, which inserts new clause 5B, I certainly agree, and I do not see why exempt employers should be treated differently from the worker's perspective. I do not see why the worker should be treated differently because he is working for an exempt employer; in my opinion that would be an infringement of natural justice. Given that we deem that an employee should have access to the files on his medical condition or to WorkCover files, I do not see that for whom he was working would make any difference in any way, shape or form. I assume that the reason why some employers choose to take advantage of the exempt provisions of the Act is that they see advantages to themselves, and I assume that those advantages do not include keeping this sort of information away from their employees. So, I have no trouble supporting the amendment. However, I think that the sunset provision is a nonsense and have no intention of supporting it.

Ms KEY: We have had discussions in the past with regard to the self-managed employers' scheme, and in dealing with this matter at that time the Opposition reluctantly supported the amendment moved by the Government. I have to put this in context and say that it is our belief that the workers' rehabilitation and compensation scheme has been gutted to the point where it does not in any way reflect the vision we had in the mid-1980s of how workers compensation and rehabilitation should operate. I think I have said at other times that we were prepared to facilitate self-managed employers having more control over their claims, hoping that that would help injured workers in those workplaces and noting the assurances of the Minister that stringent regulations and codes of practice would operate in those circumstances. In the meantime, we have had some further advice and certainly as shadow industrial affairs spokesperson I have had a number of complaints from constituents across South Australia, particularly in the country areas, where people have said that, despite the—

The CHAIRMAN: Order! The member for Hanson will resume her seat. There is far too much conversation in the Chamber at present and it is very difficult to hear the honourable member.

Ms KEY: Thank you, Mr Chairman. A number of workers, particularly in country areas, have made representations to me and also, I hope, to their local member with regard to access to information on their own claim. These workers have made a number of allegations about the way they have been treated and about their access to information. On the basis of that and, as I understand it, complaints and inquiries received by members in the other place, further investigation has led us to the Bill before us today.

As can be seen, we are seeking amendment in two main areas. First, we want to ensure that there is no misunderstanding about a worker's right of access to their claims file, and the second area is the matter of review. As has happened with the self-managed employers, we had a pilot scheme with nine employers followed by another 11 self-managed employers and, at the end of that pilot stage, some questions were still being asked by workers and their representatives—whether they be lawyers or trade unions—about the system as it stood. In the interests of making sure that workers were not disadvantaged or that the system was not held up, as I said earlier, the Opposition could see some advantages in claims being dealt with in-house or within a group of employers in a particular industry. Even so, I must raise some issues that the Opposition has considered with regard to self-managed employers.

We believe that the status of self-managed employer will preclude workers from accessing the Freedom of Information Act for the purpose of applying for their claim files. There is some debate in this regard, but I have received complaints about this from constituents, and it seems to be a grey area. So, what we are trying to do in this amendment is make sure we tighten that up. Section 4 of the Freedom of Information Act 1991 is the relevant section in terms of the relationship between WorkCover and the individual employee. A person can access only documents that are in the possession of an agency, which section 4 defines as including, for example, a Minister of the Crown, a person who holds an office established by an Act or a body corporate. Here we have a problem, because it would appear that a self-managed employer does not fit into the definition of 'agency' as set out in the Freedom of Information Act. It will not be a body corporate established by an Act if it is a private sector body administering a function that can be carried out only by a public body, notably the WorkCover Corporation.

As has been highlighted by the Ombudsman in his most recent annual report, private sector exempt employers are not agencies for the purpose of the Freedom of Information Act and obviously, if this interpretation is supported, this will raise a lot of issues for a number of agencies, not just self-managed employers, with regard to the proposals for

commercialisation and privatisation that the Government seems to be so hot on at the moment.

Another problem associated with the freedom of information issue is the legal argument on whether the corporation would have an immediate right of access to the relevant records, as prescribed under the Freedom of Information Act. If there is no immediate right of access—and there probably would not be, under the self-managed employers' scheme—the employee has no redress to his or her records. An immediate right of redress does not mean that the documents must physically be on the premises but, in this situation, WorkCover itself is not in effect handling the claim and so would not have a right of access.

The situation is fine where the exempt employer is a Government department, because the Government department is an agency under the Freedom of Information Act. So a person then does not have to go through WorkCover for a freedom of information application. As has also been highlighted by the Ombudsman in his most recent annual report, many claimants in the workers compensation system exercise their right of access to their claims file under the Freedom of Information Act and, quite understandably, those who are unable to do so simply by virtue of their employer being exempt under the Workers Rehabilitation and Compensation Act and in the private sector remain most aggrieved.

Also, I draw members' attention to the comments by the Ombudsman on these issues. I quote from page 189 of the South Australian Ombudsman's Annual Report 1996-97, as follows:

> I recommend the Government make note of this apparent discrimination and promote such measures as would enable through the corporation a clear legally enforceable right of access to the claims files held by the private exempt employers in order to address the problem.

The Opposition is seeking an amendment to the Bill so as to provide workers through the corporation with the right to request their claim file. We envisage that in all likelihood there would be a certain degree of information exchange between WorkCover and the self-managed employers, but this information may not relate to the claims of an employee. We would not want any worker to be worse off under the self-managed employers' system than they were under WorkCover. Likewise, this should also be applied to employees who find themselves working under an exempt employer. We do not want to be creating a situation where there are different rights for workers. We do not believe it is correct to have one group of employees able to access FOI and others not able to access files at all.

Through this amendment we are trying to correct an anomaly as we see it, as we believe that workers, as I said, should have that access regardless of the status of their employer. We have included a clause that provides that the corporation or a delegate of the corporation at the request of a worker must provide the worker, within 45 days after the date of that request, copies of all documentary material in the possession of the corporation or the delegate relevant to the claim made by the worker. So, we would be including legal advice or agents such as trade unions under that amendment.

Also, we are saying that there should be provision for inspection of these documents by the worker. In some cases workers are satisfied by just seeing the documents held on their claim. I know from my own experience as a WorkCover advocate that they do not necessarily have to have piles of photocopying done: they merely want to be satisfied that the information being held is correct. The amendment provides that a delegate will include an exempt employer, a self managed employer or the claims manager for a group of self managed employers. If the amendment is carried, we will be ensuring that workers have proper access to information about their own case.

The Committee divided on the question that the Legislative Council's amendment No. 1 be disagreed to:

AYES (18)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Lewis, I. P.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.

NOES (19)

Atkinson, M. J.	Breuer, L. R.
Ciccarello, V.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hurley, A. K.	Key, S. W. (teller)
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	White, P. L.
Williams, M. R.	

PAIRS

Brown, D. C.	Bedford, F. E.
Kotz, D. C.	Hill, J. D.
Hall, J. L.	Thompson, M. G. L.
Matthew, W. A.	Wright, M. J.

Majority of 1 for the Noes.

Question thus negatived; the Legislative Council's amendment No. 1 carried.

The Legislative Council's amendment No. 2 negatived.

DANGEROUS SUBSTANCES (TRANSPORT OF DANGEROUS GOODS) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 835.)

Mr ATKINSON (Spence): From 1974 and probably earlier, section 49(1)(c) and (d) served to limit the speed of vehicles passing schools. These provisions read:

> A person shall not drive a vehicle at a greater speed than—
> (c) 25km/h on a portion of road that is between signs bearing the word 'School' at a time when children proceeding to and from a school are on that portion of the road; and
> (d) 25km/h when approaching, and within 30 metres of, a pedestrian crossing at which flashing lights are for the time being in operation and at the approach to which there is erected a sign bearing the words 'School crossing ahead' or words to that effect.

For at least 24 years speed on roads near schools was satisfactorily regulated by this section. Then the Minister of Transport—

An honourable member interjecting:

Mr ATKINSON: No, the Minister of Transport (I emphasise 'of'), as it will always be, in my view. The Minister of Transport (Hon. Diana Laidlaw) decided she could do better. Being a limousine liberal, she resolved to put out of her mind the sound conservative saying, 'If it ain't broke, don't try to fix it.' The Government decided it could do better. It thought the old scheme was unsatisfactory, because it did not nominate on the road signs the speed limit or the times during which children could be expected to be in the vicinity.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: It wants to rationalise, says the Minister. By the way, Sir, could you help me? Is the Minister for Local Government in charge of this Bill? If not, why is he interjecting out of his seat?

The DEPUTY SPEAKER: Order! I wonder whether the honourable member might come back to the Bill. The Minister happens to be on front bench duties, and it is quite often the case that the Minister will take that seat under those circumstances. The member for Spence will now come back to the Bill.

Mr ATKINSON: I am a little surprised, because that Minister is not the Minister representing the Minister of Transport in this House. Again it seems, as yesterday, we have tag team legislating in this place, with all the pitfalls that go with it. We all know what has happened since the Minister tried to improve on the old scheme. For a start, the times on the new signs were so small that you just about had to stop your vehicle, get out of it, and have a look at the signs in order to see what the operating times were. That was one problem.

The second problem with these time limits was that different schools had different time limits. So, you might be driving from Port Adelaide into the city and go past signs like this three or four times, all with different times. It reminds me of a story the *Telegraph* journalist Colin Welch, who died last year, told about a trip to Accra with other journalists. They were shown to a hotel in Accra, into its courtyard where the beds were located. It was a hot, dry day. The roof of the courtyard verandah was in a state of disrepair. The progressively minded Kingsley Martin did not like the angle of his bed.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Deputy Speaker. I am sure some journalists' trip to Accra might be very interesting, but I doubt that it is relevant to the Bill.

The DEPUTY SPEAKER: Order! There is no point of order.

Mr ATKINSON: The progressively minded Kingsley Martin did not like the angle of his bed, so he shifted it. That night it rained, and Martin woke up soaking wet. Welch wrote, 'Moral for radicals: respect what seems irrational; it may serve some deep but hidden purpose.' That is what I would say about section 49(1) paragraphs (c) and (d) of the Road Traffic Act, which were sadly lost in a Bill before the House in December last year. I do not want to give the House the impression that I was entirely innocent in this fiasco. In December, in debate on the Road Traffic (Speed Zones) Amendment Bill, I said:

> I must agree with the Government that speeding fines issued this year under the new scheme are not vulnerable to challenge in the courts.

I was proved wrong pretty quickly, because, as the Minister said earlier on 30 January Magistrate Hayes ruled that such fines were invalid. She ruled that the fines under section 32 were not lawful. The Government did not appeal, so how wrong I was. But the Government was also wrong.

The Minister of Transport now refuses to refund the money paid by motorists to expiate these unlawful traffic infringement notices. The Minister says the motorists who have paid have accepted their guilt and their money will accordingly be kept by the Government. This is a violation of the principle of expiation notices. It is not an outcome any of us who debated the expiation of offences legislation over the years would have expected or intended. In my opinion, one cannot expiate, by payment of a fee, a traffic infringement notice based on an offence that does not exist.

It reminds me of an example I read at Law School. A man arrived at an international airport thinking he had stashed an unlawful narcotic in his luggage. Unbeknown to him, the narcotics were not in his luggage. He has the criminal intent. He is arrested at the airport. Is he guilty? Of course he is not guilty. The same principle applies to the motorists who thought they were violating a validly signposted school zone but in fact were not. The Government's keeping the expiation fees is just theft. These imposts do not have lawful authority. The Government might seek that authority by making this Bill retroactive, but if you read the Bill it has not done that.

We should keep in mind that, despite our legislative incompetence on these matters, the Government assures us that injuries owing to road accidents at or near schools are down in the past 12 months. That is a good thing. The important thing now is to draft the legislation correctly.

The Opposition proposes to quarrel with two aspects of the Government's policy on this matter. The first is its throwing onto local government the financial burden of erecting the new street signs. This seems to the Opposition to be cheeky. It was not local government that botched the policy on the Bill. The Minister says she needs the help of local government workers to place the new signs in the best spots: fair enough. If the State Government needs local government's help to rectify these signs, let the State Government pay for it.

The second clause of the Bill with which the Opposition quarrels is clause 6, which is now changed to read:

> In proceedings for an offence against this Act, an allegation in a complaint that a vehicle was driven in a school zone or that a child was present in that school zone when the vehicle was so driven is proof of the matters so alleged in the absence of proof to the contrary.

I know that the Government will give many examples of the evidentiary burden of proof being placed on the accused or the defendant in these kinds of proceedings. They are right: there are many examples, but each time we create a presumption against the defendant, each time we try to tinker with the ordinary legal burdens of proof, then we should stop and think whether it is right to do so, because here we are creating a presumption of what may be a fiction, and we should be most reluctant to do that.

As I said, section 49 of the Road Traffic Act worked well enough from 1974 until last year, when it was changed. First of all it was changed on the ground and then it was changed in law. Although section 49 was inserted in 1974, in effect it was probably in the Road Traffic Act from 1936, so it has been operating satisfactorily for a long time without this reversal of the burden of proof. So, I foreshadow that the Opposition will be voting against clause 6 in Committee because we do not think it is worth while. It is just an attempt by the Government to cover up its own incompetence.

This kind of clause is almost certainly not necessary in the Bill because, even if it did become law, all a defendant would have to do is go to court and say, 'Well, it's like this, Your Honour, I was driving along the road and I didn't see any children', and that probably would be sufficient to overcome this evidentiary burden. I know that in another place there has been talk, even by the Government, that somehow this creates a burden on the defendant to prove beyond reasonable doubt that there were no children present. It is clear to me from the way it is drafted that that is not so, that it is more an evidentiary burden whereby the defendant is expected to adduce evidence to support his defence. It seems to me that the defendant can simply do that by saying that he did not see any children and the burden in my view is back on the prosecution. So, it is not much of a burden anyway. I do not think it is particularly helpful to anyone.

We had a number of representations on the Bill. We had a helpful submission from the Society of Labor Lawyers, and its objection is to the requirement that children be present before the 25km/h limit comes in.

Mr Hamilton-Smith interjecting:

Mr ATKINSON: The member for Waite seems to be staggered by the idea that there is an organisation called Labor Lawyers. Could I ask why that is so? We do live in a free society in which we have freedom of association. Perhaps he is thinking in too military a manner at the moment. The Society of Labor Lawyers wrote this:

> The limit will snap back and forth in seconds between 25 and 60km/h depending on whether a child is somewhere, anywhere, in the zone. For example, the moment a child may walk into or out of a deli that is within the zone, the speed limit on the road will change. The moment a child walks past the point on the footpath that corresponds with the road sign or a measured distance from the crossing, the speed limit changes.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: It continues:

> With a number of children coming and going, the speed limit in the locality could change hundreds of times in a day, even hundreds of times an hour. A child on the footpath behind parked cars, trees or adults may be quite invisible from the road, yet that child will have caused the speed limit to change unknown to the poor motorist who cannot see the child.

The Deputy Premier interjects, objecting to what Labor Lawyers has had to say. He says it is typical of Labor Lawyers. Whether or not it is typical of Labor Lawyers, actually I tend to agree with the Deputy Premier on this example, because I was going to go on to say that I do not have any objection to that aspect of the Bill, and I think the Labor Lawyers' criticism, while strictly correct, is not really helpful because I think the same law in this area worked well enough from 1936 to 1974 and from 1974 to 1997.

The thing about old section 49 is that it had much the same provision in it about the requirement for children to be present. I will not read the old section 49 again, but it seemed to me to work reasonably well. I know that legally there may be difficulties with it—yes, it could be unjust to a particular motorist who is looking out for children, but I doubt whether many motorists will be anyway. I have read the Labor Lawyers' criticism into the record but, unlike some of my parliamentary colleagues, I do not see that as a valid criticism of the Bill. Indeed, I am happy to go along with that aspect of it.

But a more pertinent criticism of the Bill was made of clause 6 by the Law Society. I was unhappy about the reverse onus of proof. I think it has made out a case which it would be as well for the Government to answer. I do think that the Law Society exaggerated the extent of the burden being placed on the defendant but, even so, I really would like the Minister to address the Law Society's criticisms. With those remarks, the Opposition supports the second reading of the Bill but we will be seeking to amend one clause and we will be opposing clause 6.

Mr McEWEN (Gordon): I rise reluctantly to support the Road Traffic (School Zones) Amendment Bill. I have to confess to the House that I have been done over by the delectable Diana and that she has convinced me that my concern in relation to this being another cost imposed by State Government on local government, after the State Government has botched something, is not valid. In normal circumstances it should be three strikes and you are out. In this case I am convinced by the Minister that this will incur only minimal cost to local government in that the only cost it will need to bear is the replacement of the signs in the existing location.

I am convinced by the Minister that, for any zig-zag lines that need to be painted on any roads, be they State Government roads or roads under local government jurisdiction, or any other changes, the cost will be borne by the State Government. I am told that the only time this will incur a cost to local government is when a local council chooses at the same time to change the length of the zone or make some other change—

Mr Atkinson: But they are new signs. Who will put up the new signs?

Mr McEWEN: The point I am making is that the only cost borne by local government will be to unbolt the old sign—there are posts in place—and to bolt the new sign in the same location.

Mr Atkinson: But the Minister wants them changed.

Mr McEWEN: I am advised by the Minister—and I will be putting this in writing to both the Minister and the Local Government Association later today—that she has given a guarantee that the only cost to be borne by local government will be replacing the present signs with new signs on the same posts in the same location.

Mr Atkinson interjecting:

Mr McEWEN: She assured me of that some few minutes ago, and on that basis I will reluctantly support the Bill.

Mr CONLON (Elder): I will add a few brief comments to those of the member for Spence. First, in regard to the cost borne by local government, I certainly am not completely assured that local government will not have to bear further costs for the continual botch-up of the Minister for Transport in this regard, and therefore we will be suggesting an amendment. The reversal of the ordinary burden of proof does not come about for any good public policy reason at all. It comes about because the Minister for Transport and the Government have been unable to legislate intelligently for something that should be as straight forward as protecting children from motorists who drive too fast.

It is staggering that such a matter has now involved two or three attempts to amend it within the space of a year with continual botch-ups. What will happen if this Minister ever has to do something more difficult? What if she has to legislate for something that is complex? What does this Minister do? She throws her hands in the air and reverses the burden of proof on the motorist. What a cop out! It is no more than a clear statement to this Parliament that she is not able to legislate intelligently.

Mr Atkinson interjecting:

Mr CONLON: The member for Spence indicates that he believes it is merely an evidentiary burden. I will watch keenly if this gets through to see what happens in court. My simple point is this: why on earth should motorists carry the burden for the Government's incompetence in legislating?

The Hon. G.A. INGERSON (Deputy Premier): I thank members opposite for their involvement in the debate and thank the member for Gordon for his contribution. There is no question that this difficult issue is about only one thing: it is about children's safety and about making sure that we have in place legislation that recognises that speeding past areas where there are masses of children, past schools and kindergartens, is not allowed. We want everyone to slow down for the obvious road safety reasons. I have been informed that over the past 18 months or so there have been significantly fewer accidents in which children have been fatally injured, and I would have thought that in the end that is what any legislation is about. I thank members for their contributions and look forward to questions in Committee.

Bill read a second time.

In Committee.

Clause 1.

Ms HURLEY: When the media reacted to problems with the legislation, a number of people had received fines for speeding in school zones and had not paid them or had part paid fines for speeding in school zones. Several of my constituents came to me because they had gone either to the police or the court to ask what course of action they should take. The people who went to the court were often told to go to the police station for advice and, when they did that, they were told by the police to go back to the court. In the end they came to my office and asked me for advice on what to do.

When I contacted the Minister's office, I was told that people should not pay the fines and should query the court for advice on what to do if they had part paid the fines. However, when I contacted the court on behalf of my constituents I was told that they had received no advice from their authority or the Minister's office. So, my constituents are still in a state of much confusion about what they are supposed to do in respect of their fines. Are those constituents who have had permission to pay the fines by instalments required to pay that portion of the fine which they have not yet paid?

The Hon. G.A. INGERSON: First, the Government supplies free advice to constituents through the Legal Services Commission, and they have the opportunity to take up that advice. Secondly, once you pay your fine you give up the right to argue about whether or not you are guilty. That is basically the law. Once you have made payment you have no further argument.

Ms HURLEY: So, if my constituent refuses to pay what will be the third instalment of his fine, the courts will take action against that constituent even though it is an offence which never existed and, under the current legislation, still will not exist?

The Hon. G.A. INGERSON: I am advised that any part payment that is refused will not be chased up.

Mr ATKINSON: I am mystified by the principle that applies here. I have followed the legal theory of expiating offences for a long time, and I was the lead speaker for the Opposition on the Expiation of Offences Bill not so long ago.

The Hon. M.H. Armitage: And it was memorable.

Mr ATKINSON: Yes, memorable, and of course the Minister for Government Enterprises remembers it, as well he might, because he and prominent criminal lawyer Michael Abbott (and I mean that expression in the full sense of the words) were behind the closure of Barton Road at North Adelaide. Expiation notices were—

The Hon. M.H. ARMITAGE: I rise on a point of order, Mr Chairman. The member for Spence makes an untrue allegation. I have pointed out to him on approximately 11 000 occasions that I had nothing to do with the closure of Barton Road.

The CHAIRMAN: Order! There is no point of order.

The Hon. M.H. ARMITAGE: No, Sir, but I got it on the record.

Mr ATKINSON: The member for Adelaide was up to his armpits in the closure of Barton Road, North Adelaide.

The Hon. M.H. ARMITAGE: On a point of order, Mr Chairman, I ask that the member for Spence withdraw that untrue allegation.

The CHAIRMAN: Order! There is no point of order. I suggest that the honourable member stand by the comment that he has already made.

Mr ATKINSON: After that road was unlawfully closed, from about 1987 onwards, a number of motorists received traffic infringement notices for driving through that road, and when it was established by Gordon Howie and me that the closure was unlawful—just an example of certain North Adelaide residents putting themselves above the law—I wrote to the Government seeking to have the expiation fees—

Mr Hamilton-Smith: All North Adelaide residents?

Mr ATKINSON: No, only the ones who supported the closure—and I could name them. I wrote to the Government seeking to have the expiation fees returned, and that is what happened. So, if one of my constituents—or, indeed, anyone in South Australia—received a traffic infringement notice for driving through Barton Road, I could write to the traffic infringement section of the Police Department and arrange for their money to be refunded. And that is what happened. So, I wonder what has changed since that period 1990 to 1994?

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: As the member for Stuart says, quite properly their fees were refunded. What has changed between the refunding of unlawfully levied expiation fees for driving through Barton Road and the current situation where many more motorists have been fined without lawful authority for exceeding the speed limit in so-called school zones? What has changed since that time for the Government to withhold their money when it did not do so in the case of Barton Road?

The Hon. G.A. INGERSON: The decision in relation to Barton Road was an act of grace and a gift as far as the Government was concerned. In the case of the safety of children, the Government is not prepared to do the same thing.

Mr CONLON: Like the member for Spence, I am having difficulty seeing the principle involved. If those people who have paid two-thirds of their fine refuse to pay the remainder, they will not be chased for it. Are those people guilty of two-thirds of an offence, are they two-thirds guilty, or is it two-thirds important? What is the principle behind this?

The Hon. G.A. INGERSON: I am advised that the magistrate's decision applied to the existing case and future cases but not to past cases.

Mr HANNA: I ask the Minister to consider the hypothetical case of two people caught travelling over 25 km/h through a school zone on the same day and given an expiation notice. One of these is a conscientious citizen who says, 'I had better

pay this straight away, because I assume that, in its wisdom, the Government's law is correct and valid, and I must have done something wrong, which is why I have an expiation notice.' So, he pays the fine the next day. The rascal who was caught at the same time says, 'I don't care what the Government is on about. I will delay paying this fine as long as possible. I think it is a stupid law, and that it may be invalid. I won't pay this fine until the last possible moment.'

In the intervening period we had the decision of Magistrate Hayes and this stuff-up by the Government, which meant that the conscientious driver who paid the fine forthwith was penalised but the rascal who thumbed his or her nose at the Government was rewarded. Obviously, there is an injustice. Does the Minister agree that there is something morally wrong with that situation?

The Hon. G.A. INGERSON: The Minister has said that she is disappointed that she is not able to go after those who got off, but she is not prepared to go back on her decision. Her decision stands.

Mr WILLIAMS: I have some concern about the dollar amount involved. With these so-called offences—and I use that word advisedly—

An honourable member: Clayton's offences.

Mr WILLIAMS: Yes—do they attract demerit points?

The Hon. G.A. INGERSON: Yes.

Mr WILLIAMS: I thought that was the case. In my electorate, I have several so-called offenders who are much more concerned about their loss of demerit points in respect of their licence to drive than they are with the dollar amount that they have paid. Will the Minister explain what the situation will be if they suddenly reach the stage of losing a few more demerit points and stand to lose their driver's licence partly because of an offence which they never committed or for an offence which was never unlawful?

The Hon. G.A. INGERSON: Anyone who accepts an expiation notice has not denied the offence so, clearly, it is an offence. In relation to demerit points, everyone knows the rules: if you accumulate a certain number of demerit points you lose your licence. That is a pretty basic road safety program, and everyone knows that.

Mr HANNA: Does the Minister understand that payment of an expiation notice in those cases might acknowledge that the person drove over 25 km/h but that it does not necessarily follow that they admit committing an offence?

The Hon. G.A. INGERSON: Clearly, they are not admitting an offence, but neither are they challenging it.

Mr ATKINSON: So, the Deputy Premier is propagating the doctrine that you can expiate an offence that does not exist.

The Hon. G.A. INGERSON: I am advised that if you expiate an offence you waive your right to argue that it does not exist.

The CHAIRMAN: Order! The member for Spence has asked three questions on this clause.

Mr WILLIAMS: Again, I address the Minister on the question of demerit points. If I heard him correctly, he said that by paying the fine it is acknowledged that an offence was committed. If an offence is acknowledged, what are these amendments about? I thought that the amendments were drafted because the Government had acknowledged that no offence had ever existed. Have these people committed an offence or have they not? If they have not committed an offence, will the Government refund their money and adjust their demerit points?

The Hon. G.A. INGERSON: If a constituent did not believe that they had committed an offence, why did they pay the fine?

Mr CONLON: I want the Minister to think carefully about this. If a person who is apprised of this outrageous situation sues the Government for the return of payment made in respect of an expiation notice, will the Government defend that matter?

The Hon. G.A. INGERSON: The Government will take the advice of the Crown Solicitor when required.

Mr HANNA: My final comment regarding this clause relates to access to justice. Leaving aside the points that have been made by the Opposition and the excellent points by the member for MacKillop pointing out the injustice and lack of principle in this whole scenario, I bring to the Minister's attention the example of a person who is hit with a fine of about $100.

An honourable member interjecting:

Mr HANNA: Up to $289, depending on the speed. The fact is that even with a fine of that amount, it is not worth the ordinary person taking the matter to court. If you were Michael Abbott QC, it would be worth going along to have an argument for the hell of it. However, there are adverse consequences if you wish to stand up for your rights. Even if you read in the papers that no offence was committed at law, even if you understand from the parliamentary debates that at the time no offence was committed, and even if you believe that the police were wrong about children being present or otherwise, it is just not worth going to the Magistrates Court and running the risk of a trial. If you were unrepresented, you would still end up with extra court costs and prosecution witness costs, and if you were to engage a lawyer you could be up for $500, $1 000 or $1 500 in costs. It is obviously just not economical to challenge something which is obviously unjust, and that is one of the worst aspects of this whole rotten scenario.

Mr McEWEN: I, like many others, consider the Deputy Premier to be a very decent chap—a delightful gentleman. On more than occasion I have asked him, respectfully, to put his finger away but I still consider him to be a very decent chap.

Mr Foley interjecting:

Mr McEWEN: Like you, he tends to get out of control on some occasions. However, that is not why I enter the debate. If I pleaded guilty to murder and subsequently it was proved that I could not possibly have committed the murder, what would be done to me? It seems to me that people who are accepting that they were guilty of a non-offence are still being deemed to be guilty. As I say, the Deputy Premier is a decent chap and I think that any decent chap would say under these circumstances, 'We got it wrong; you can have your money back.'

The Hon. G.A. INGERSON: First of all, the member for Gordon would not get an expiation notice. You would go to court for murder: you would not have to worry about the process. The point needs to be made that in every instance the police have deemed that the offender has sped past a school and put children's lives, potentially, in danger. There is absolutely no question about that. The decision whether to pay the expiation fee or whether to go to court, as one of the members opposite said earlier, is an individual right. I might point out that Mr Greenhalgh in fact did that. To say that people are not prepared to do it because of the cost is just crazy because, in fact, someone did in this case.

Mr Hanna interjecting:

The Hon. G.A. INGERSON: Well, they did it in this case.

Mrs MAYWALD: I find this debate very interesting. It is about people who have been charged with an offence that is no longer an offence but who said they might have been guilty of that offence by the fact that they have paid a fine for that offence, when there was not an offence in the first place: it is a little confusing. I do appreciate that speeding past schools is not appropriate. It is most important that we remember that children's safety is what this is all about.

However, there was enormous confusion among the public when the signs went up. The writing on the signs was deemed to be too small and there were different times in different areas, some of them applying from 8 a.m. to 1 p.m. As you came around a corner and approached a sign, you were used to a road rule that you had been obeying since you were 16 that allowed you to drive into a 25 km/h zone and slow down when children were present. All of a sudden, a time zone applied, and I must admit that I do not read every single sign that I drive past. It would be impossible to do so. However, I know the road rules reasonably well. These people who have committed non-offences and been deemed guilty of these non-offences as a result of paying the expiation fee have been unjustly treated, I believe, and they should receive a refund.

The Hon. G.A. INGERSON: As I said earlier in the debate, the minute you make a decision to pay an expiation fee, you give up your rights in terms of any further defence. You are accepting and admitting that, in fact, you have sped past the school at more than 25 km/h when children were present; otherwise, you would not pay the expiation fee.

Ms RANKINE: Quite frankly, I am gobsmacked. How could you possibly be guilty of a non-offence? You accept that Governments have the knowledge to make adequate laws. Because they cannot make a sign that people understand, you do the right thing, you pay the fine and you lose demerit points because of an invalid law. To use my technical legal term, I am gobsmacked, and so is the rest of the community.

The Hon. G.M. GUNN: I have an absolute dislike for on-the-spot fines. I think they are dreadful things. I dislike them terribly, and I intend in the next few months to attempt to do something about the proliferation of these things. However, one important ingredient has not had a lot of discussion. We should not give any licence to anyone who drives in a manner which is liable to endanger school children at school crossings, particularly young children. All of us know that schools, and the police in particular, spend much of their time ensuring the safety of these children. This matter is not one of which we should feel very proud. In my view, those in charge have certainly distinguished themselves with how not to do things. However, at the end of the day people have exceeded the speed limit in a school crossing.

Mr Conlon: That is the point. They have not exceeded the speed limit.

The CHAIRMAN: Order! The member for Stuart has the floor.

The Hon. G.M. GUNN: The whole thing does not make me very happy to support it at all. However, there is a very strong case for protecting children at school crossings. Therefore, with some reluctance I intend to support the provision. I share the member for MacKillop's concern in relation to people losing demerit points in this case. That matter must be redressed, because in my view it has certainly focused on the whole exercise of issuing on-the-spot fines. The time is not far away when this Parliament will need to examine that concept carefully, and I intend to give it the opportunity to do so, because I intend to introduce legislation in relation to some of these matters.

Mr FOLEY: I would like to know the dollar value of fines collected during this process.

The Hon. G.A. INGERSON: I understand it is about $600 000.

Mr FOLEY: As my colleague the member for Elder said, no wonder you are reluctant to give it back. If you will not refund that money—and clearly my colleagues have expressed the view that you should—should not that money be put into the program of installing lights as provided under this Bill? The Minister has made a bold statement, as she tends to do, that she will put traffic lights at the most vulnerable points as quickly as possible. Will the Minister give a commitment today that that $600 000 paid by people found guilty under this faulty, shoddy law in this financial year will be appropriated directly into implementing traffic lights in front of all schools?

The Hon. G.A. INGERSON: I understand that the cost of the new system will be about $1 million, which will be funded out of the Department of Transport. As the would-be Treasurer would know, any moneys that go into general revenue are reappropriated through the whole system. Whilst I cannot give a direct guarantee, he knows full well that if we have to pay $1 million we could easily argue that $600 000 of that was the same sum.

Mr FOLEY: If you were questioning me in the budget process I would want to educate you a little more about it. You are saying that I should believe that, because the Department of Transport has to pay $1 million to put in place your policy of installing school crossing lights, somehow that $1 million will be reimbursed by the Treasurer. I suspect it is a nonsense to suggest that the Department of Transport will be given an extra $1 million to cover the shortfall. Clearly, that $1 million in the Department of Transport budget will come through savings in other areas of its expenditure; something will have to give within Minister Laidlaw's budget to pay for these lights. I am saying that you should appropriate this $600 000 to that program; at least put that money to some appropriate application if you are not going to give it back.

Mr LEWIS: No matter what, at the end of the day the provisions we are debating at present mean that we mock the law if we insist upon people being denied what was unlawfully taken from them when they seek to reclaim it. I do not know that I can make it any plainer. I cannot support that, in a democracy where there is supposed to be responsible government by authority delegated to all of us through the election process to make laws and to ensure that at the same time those laws so made are properly enforced. If something is unlawful, if something is wrong, if someone has made a mistake, the simplest way out of it is to say, 'I have made a mistake', and return to those people what has been taken from them unlawfully and certainly not leave them with penalties against their names for an offence they have not committed.

Mr Venning: These are the points.

Mr LEWIS: Yes indeed; these are the demerit points. I do not care for this sophistry about what they should or should not have done: what I care about is what is lawful, and that is what the courts are charged to uphold. If we cannot do that much, we are unworthy of the trust that has been placed in us.

The CHAIRMAN: The member for Spence has convinced me that the second question that he asked was interrupted. I treat that as a second question and I invite him to talk on this clause for the third time.

Mr ATKINSON: Section 16 of the Expiation of Offences Act provides that the issuing authority may withdraw an expiation notice with respect to all or any of the alleged offences to which the notice relates if the authority is of the opinion that the notice should not have been given with respect to the offence or offences. I put to the Government that the Expiation of Offences Act contemplates the circumstances in which we find ourselves. It gives the Government authority to do the right thing; indeed, I think the word 'may' in that section ought to be interpreted as 'should', as it often is.

An honourable member interjecting:

Mr ATKINSON: It has the highest authority of statutory interpretation. In those circumstances, given that the legislation under which these fines have been issued contemplates the Government's refunding the expiation fee, will the Government stop this travesty of justice whereby a proportion of the people who were fined under the provisions of the Road Traffic Act do not pay the fee and a proportion of them do? What does that do for the name of justice in South Australia?

The CHAIRMAN: I indicate to the Committee that I have shown a considerable amount of flexibility in dealing—

Members interjecting:

The CHAIRMAN: Order!—with clause 1. Clause 1 refers to the title. If there is a suggestion that a division might be called for, I suggest it not be called for on this clause but that it be called for on a further clause.

Clause passed.

Clauses 2 and 3 passed.

New clause 3a.

Mr WILLIAMS: I move:

Page 2, after line 3—Insert:
Amendment of s. 19—Cost of traffic control devices
3a. Section 19 of the principal Act is amended—
(a) by inserting in subsection (1) 'Subject to this section,' before 'The cost of installing';
(b) by inserting after subsection (1) the following subsection:
(2) Where the cost of installing, altering or removing a traffic control device related to a school zone would, but for this subsection, be borne by a council, that cost will instead be borne by the Minister.

Earlier in the second reading debate my colleague the member for Gordon spoke about the cost associated with replacing signs in all school zones in South Australia. I believe it is the Government's intention that a substantial part of the cost of physically replacing the signs is borne by local government. I cut my teeth in local government and was often overwhelmed by the way in which the State Government kept forcing costs down through the levels of government to local government and kept putting responsibilities on local government without funding those responsibilities.

Mr Brokenshire: That was the previous Labor Government.

Mr WILLIAMS: That policy was carried out by Governments of all persuasions. I have trouble accepting that this cost should be borne by local government. It was suggested that the cost to local government would be about $500 000 statewide, at a time when local government is suffering under the regime of rate capping and has trouble providing its normal services let alone changing school signs every 12 months at the whim of the Minister because the signs are not right. I have serious concerns about other aspects of this amendment but I do not accept that local government should bear the cost of this expensive mistake and I commend the amendment to the Committee.

Mrs MAYWALD: I concur with the thoughts of the member for MacKillop. We have seen sloppy legislation here and the Government appears not to be accepting the responsibility for the cost of rectifying this error. To force the cost onto local government and thereby onto ratepayers in each local council is grossly unfair. If the Government made the error, then the Government needs to take responsibility and pay for the replacement of the signs.

The Hon. G.A. INGERSON: A major issue for the Government was to make sure that it would pick up the manufacturing costs and any of the other costs of altering any control devices. I understand that has been agreed with the Local Government Association. In discussions with the Minister earlier this evening we looked at whether the Government should pick up the total cost of the alteration and placing the signs in the ground. It is normal for local government to do that and to pick up that cost. It is not normal for the Government to pay for the total cost of the signs, but in this case the Government has agreed to do that. I am advised that the Government is prepared to accept the amendment.

Mr HANNA: I support what the member for MacKillop has proposed. I confirm that the cost shifting to which he refers has been a characteristic of the State Government versus local government, certainly over the past four years. I was aware in my time on Marion council that, when the sums were done over the period of the last term of the Liberal Government, millions of dollars annually had been shifted from the State Government to local government. That really shows up the hypocrisy of the State Government when it complains about the Federal Government's cost shifting down to the State Government.

New clause inserted.

Clause 4.

Mr ATKINSON: I wonder why the Government finds it necessary to insert the word 'conclusively' before 'presumed' in section 25 of the parent Act, so that it would read 'every traffic control device on or near a road would be conclusively presumed. . . valid'. It is one thing for a statute to create a presumption that something is true. It may be a fiction, but the presumption is created and may be rebutted. What worries me is the creation of an infallible fiction by the words 'conclusively presumed', whereby the defence cannot even lead evidence. It may be that the defence wants to plead that the relevant traffic control devices were not in place at the relevant time. They may want to lead evidence on that, but now they cannot even lead evidence on what the true facts were, because section 25 of the principal Act will say that these control devices were conclusively presumed to be in place.

The Hon. G.A. INGERSON: I am advised that the Crown Solicitor said that this was necessary to make sure that it was as clear as possible.

Mr ATKINSON: It may be clear and necessary for the purposes of clarity but it may just not be right. For instance, if I ride my bicycle down Hill Street, North Adelaide, towards Barton Road, it may be that some vandal from the Spence electorate has sawn off and taken away the signs saying 'No entry'. There may be no signs there at all. If I ride my bicycle down that public road (and it still is a road reserve) and the signs are not there, is the Deputy Premier saying that section

25 conclusively presumes that they were there when in fact they were not there?

Mr CONLON: What is the legal effect of the term 'conclusively presumed'? What does it mean?

The Hon. G.A. INGERSON: I am advised that it has been incorporated just in case there is any question about the matter.

Mr HANNA: I do not know whether the Deputy Premier relies on the Crown Solicitor's advice. What was the ambiguity with the word 'presumed' by itself? Further, how can a citizen rebut that presumption if it is a conclusive presumption?

The Hon. G.A. INGERSON: We need to make absolutely clear that, if we put a sign on the road, we expect motorists to obey it.

Mr HANNA: With respect, the Minister has not answered the question. What is the ambiguity in the word 'presumed' that requires the Government to insist on this word 'conclusively'? My second question was: if a citizen believes that there is some fact controverted by the allegation made, how can it be proved, and how is that different from the present challenge a citizen might make?

The Hon. G.A. INGERSON: It puts beyond any doubt that the sign has been legally erected and, as a consequence, any breach of the law that resulted from disobeying the sign would stand.

Mr ATKINSON: If a person is defending in court a charge against the Road Traffic Act and he or she wants to plead that the relevant sign was not in place or obscured and wants to lead evidence to rebut this conclusive presumption, will that person be allowed to lead the evidence in rebuttal?

The Hon. G.A. INGERSON: The clause has nothing to do with the sign being obscured. Other sections of the Act provide that, if it is obscured, one can have a defence.

Mr HANNA: I am sorry that the Minister has not answered my previous questions. As far as I am aware this term 'conclusively presumed' has not been used anywhere else. It appears to be a unique term the Government has introduced for this purpose. Because it is a unique term, its meaning instantly becomes open to question. It may be that the Government will not achieve the clarification it seeks. I would welcome examples from the Minister of other legislation, here or anywhere in the common law world, where this conclusive presumption is used. In closing, I invite the Minister, again, to specify in what manner a citizen might rebut something called a conclusive presumption, should justice demand it.

The Hon. G.A. INGERSON: I am advised that it is with abundant caution that the word 'conclusively' has been used and is used in other legislation. In any case, it is up to this Parliament. The honourable member's argument is irrelevant. The Parliament either agrees with it or it does not.

The Committee divided on the clause:

AYES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hamilton-Smith, M. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Lewis, I. P.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

NOES (16)

Atkinson, M. J. (teller)	Breuer, L. R.
Ciccarello, V.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	White, P. L.

PAIRS

Brown, D. C.	Rann, M. D.
Hall, J. L.	Bedford, F. E.
Kotz, D. C.	Thompson, M. G.
Matthew, W. A.	Wright, M. J.

Majority of 5 for the Ayes.

Clause thus passed.

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

Mr FOLEY: What work was done by Government officers in respect of the alternatives to the law as we are looking at it now? Was any consideration given to a blanket speed limit around schools? Whilst I readily acknowledge that, in the Labor Party, I am very much in the minority, I would have thought having a general blanket speed of 25 km/h in a school zone 24 hours a day would not be unreasonable.

The Hon. G.A. INGERSON: The Pedestrian Facilities Group looked at a whole range of options. The RAA in particular argued that it did not want a whole spread of hours right across the day. The compromise was to put in 'when children are present', clearly recognising that that limits the number of hours in a day in which it is likely that a motorist will have to slow down for a 25 km/h speed zone.

Mr FOLEY: I am interested that the RAA now decides our policy when it comes to speed zones.

The Hon. G.A. Ingerson: I did not say that at all.

Mr FOLEY: I am just interpreting what the Minister said. If I have interpreted incorrectly, no doubt he will correct me. I recall the nonsense of the earlier law where we had all sorts of different times that drivers had to observe the 25 km/h speed limit. My colleague the Deputy Leader told me that in her electorate of Napier there were four schools on one road for which there were four different times, so drivers were confronted with 2.30 to 2.45; 3 to 3.45; 3.15 to 4 p.m. etc. I acknowledge that within the Labor Party I am in the minority, and in an even smaller minority in the Parliament, but I would have thought that, if you had a 25 km/h zone around schools 24 hours a day, that was not an unreasonable requirement for drivers.

It seems to me that, if it applies only when children are present, many schools have such physical structures that you will not know whether or not children are present. You would not know whether a child was present until he or she stepped through the school gate onto the footpath. If you are passing a school at 60 km/h and mother and child step onto the pavement, you are in breach of the law. That seems an unreasonable demand to put on drivers and a very unreasonable expectation to put on the parent or the child. Under this law, the parent or the child will expect a driver to be doing 25 km/h and, if the driver cannot see a child, he or she will think that there is no child—

An honourable member interjecting:

Mr FOLEY: Perhaps they should. I am now discovering, like many of my colleagues with young children, that there

are many different times in which children are present around schools. They are present early in the morning for before school care, late in the afternoons for after school care, in the evenings for basketball practice, well into the night if there are parent-teacher nights, and on weekends with football and cricket; and during the holidays some schools have periods in which children attend special classes. If my kids go to the local high school and kick a footy on a Saturday or Sunday afternoon or during school holidays—

Mr Conlon interjecting:

Mr FOLEY: Well, the point is that—

The CHAIRMAN: Order! Let us stick to the Bill if we can.

Mr FOLEY: I am. I have not gone off the Bill. If my son and his mates want to kick a footy on a Sunday afternoon, I might say, 'Son, I would rather that you don't do that on the road. Shoot up to Taperoo school'. Drivers passing that school would then be required to observe the 25 km/h speed limit. In fact, under this provision, whenever a driver approaches a school, he or she might be well advised to slow down to 25 km/h because the chances are that, at any given time, there will be a child present. Why not have a blanket speed zone of 25 km/h whenever you go near a school?

We do it in other areas. When a motorist approaches a country town, he or she must slow down to 80 km/h before they reach the 60 km/h zone. It just happens. It is not an unrealistic demand to put on drivers. I simply restate the point that, for simplicity and to take away any ambiguity, and to take away any argument between the police and the driver involved, we simply have a 25 km/h blanket speed zone around schools. I believe that is fairly reasonable.

Mr Meier: What is your policy?

Mr FOLEY: No, I am asking what work was done—

Mr Meier interjecting:

Mr FOLEY: So, because the RAA did not like the idea, we did not do it.

An honourable member interjecting:

Mr FOLEY: In other words, whatever the RAA wants, we do. To me that seemed to be a fairly good solution. As I said, that is not what we are debating here tonight. Was this issue considered by the high powered reference group that the RAA seemed to dominate?

The Hon. G.A. INGERSON: I understand that a whole range of options was considered, including a fixed 25 km/h limit 24 hours a day, right through to a fixed time zone. As the honourable member knows, we have come from a fixed time zone. Given everything that was considered, it was decided that this was the best balanced option.

The most important point of the argument relates to the question of when children are present, which basically picks up a 24 hour zone. If children are present within that zone under this new provision, it is a 24 hour zone. That is basically what it says. You cannot vary it one way or another. It is an attempt to say that this is all about children's safety. It is about making sure that the speed limit is 25 km/h, and a recognition by all of us—and I do not think there is any question about this—that road safety and children in close proximity to the road is a major issue for us.

At the end of the day, like all propositions that are not absolute, you have a compromise position, and the Government believes that this position will provide a much better outcome than obviously the criticised position we had previously. Clearly, the court made the decision that what we had before was invalid, so we have had to revisit it, and we believe that we now have the best possible option.

Mr FOLEY: I am not sure that it was a criticised position. I understand that the position was deemed illegal by the court. It is important that we tease through these issues. It is a complex issue, so it is not unreasonable for us to test various scenarios. Main North Road and Main South Road both have a heavy stream of pedestrians walking up and down the footpath, kids walking with their parents and so on. If there is a school, it becomes a 25 km/h zone.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: This is where it becomes a difficult law to police.

The Hon. G.A. Ingerson interjecting:

The CHAIRMAN: Order! Can we stop the chat across the Chamber. If the member for Hart will address the matters in question—

Mr Atkinson interjecting:

The CHAIRMAN: I am not blaming either side. I am asking both sides to cease having a gentle chat and for the member for Hart to ask his question so that the Deputy Premier can respond.

Mr FOLEY: I apologise, Sir. I am normally told off for interjecting, not for having a friendly chat across the Chamber. I thought that that was what we do in Committee. I apologise, Mr Chairman, if you are frustrated.

The CHAIRMAN: Order! The major problem is that we want an intelligible *Hansard* record, and it is very difficult for *Hansard* when members are chatting across the Chamber. If the member for Hart could ask his third question, the Deputy Premier will be able to respond.

Mr FOLEY: I am trying to explore some of the problems with this issue. I do not want to have to further refine the legislation in three months. It is important that we fix the law this time.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: The Deputy Premier keeps interjecting, Mr Chairman. Please call him to order.

The CHAIRMAN: Order!

Mr Foley: Him, not me.

The CHAIRMAN: I ask both sides of the Committee to come to order.

Mr FOLEY: We could be in a position in three or four months of having to fix the legislation again. I want to explore the options. Greater minds than I have been put to the test in terms of working out what is the best way to go, but I cannot help but feel that we will be forced to further refine this legislation in the near future. I suppose the Minister had this debate around the Cabinet table, and the Transport Minister no doubt would have explored all the options. When the original Bill was drafted, did Crown Law give advice on it or did Cabinet fly solo?

The Hon. G.A. INGERSON: Yes.

Ms WHITE: No doubt the Government feels that the situation with regard to the speeding fines that have been and will be issued to constituents such as mine is fairly clear, but in practice it really is not. In my electorate a number of constituents have been pinged for speeding in school zones. A number have paid their fine and a number have not. Those who have paid their fine feel aggrieved because, as we now know, the fines were not issued from a legal position. Those who have not paid the fine were led to believe by the media that they did not have to pay the fine, and that was the advice we got from the Minister's office by way of press release and verbal advice from the office of the Minister for Transport.

However, when it came to going through the system, that is not how the administrative arrangements were worked out,

and court staff told my constituents something different. Some of those who were pinged did community service, while others are about to do community service. In fact, a constituent who is to do community service on Saturday for one of these fines telephoned me today. For me, the situation has not been clarified.

Will the Minister explain the current position for those people who have paid their fines, for those people who have not paid their fines and for those people who are yet to do community service orders for fines that have been issued? This is happening at the moment. Some people have done community service and some people are about to do community service, and they are all getting conflicting advice from different agencies. What is the situation?

The Hon. G.A. INGERSON: If the honourable member refers to earlier pages of *Hansard*, she will find the answer.

Ms WHITE: I do not believe I will find those answers, particularly with reference to community service orders. It is not clear. The advice coming from the Minister's office is not what is being applied in the courts and through the agencies. It is not clear at all. Can you please tell me—

The CHAIRMAN: Will the member please address the Minister through the Chair?

Ms WHITE: Will the Minister clarify the issue of community service orders?

The Hon. G.A. INGERSON: I do not know what page of *Hansard* it was on, but I have said that free legal advice is available through the Legal Services Commission. I suggest that the honourable member refer any legal questions to that service.

Ms WHITE: It is clearly not good enough to say, 'Tough, people out there, we illegally pinged you for these speeding fines, but you will have to come up with some legal argument yourself or get some legal advice and take legal proceedings.' That is not good enough. The Government created this situation. My constituents daily—

The Hon. G.A. Ingerson: Parliament created it.

Ms WHITE: The Government created the situation. My constituents on a daily basis are having to make a decision, and you are not even able to give me—

The CHAIRMAN: Order! I ask the member for Taylor to address the Chair?

Ms WHITE: The Minister is not able to provide clear advice on what those constituents should do under the situation his Government has caused. The Minister can stand up and avoid the question as long as he likes, but that does not change the fact that these constituents are in this situation. Please clarify the situation for my constituents.

Mr ATKINSON: I express my indignation at an interjection from the Minister in response to the member for Taylor in which he accused the Parliament of mucking up this matter. It was not the Parliament but the Government, because it was the Government that installed the new signs without any legislative authority. So, from the beginning of the school year in February the Government, of which the Deputy Premier is a member, decided to install different signs. It soon ran into trouble with those signs on the ground out there, on the streets and on the roads. The highways and byways is where the Government got into trouble. In November last year, the Government came to Parliament with a proposal to fix the mess. The Opposition was party to facilitating the Government's remedial legislation.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: I thank the Minister for agreeing, because that is the truth, and that remedial legislation —

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: 'Oh really, Mr Ingerson'—

The CHAIRMAN: Order!

Mr ATKINSON: —to quote the *Advertiser*. The fact is that the mess-up was created by the Government through its administrative action. It did not come to Parliament until November, and in December the House of Assembly, with the agreement of the Opposition, passed remedial legislation, but this was not sufficient to remedy the problem. So, it is not the Parliament that made this mistake, although it failed to remedy the problem successfully: it is the Government, of which the Deputy Premier is a member, that made the mistake.

Mr CONLON: Following on the member for Taylor's question which I think was not adequately answered—in fact, it was not answered at all—the Minister may want to take note of what I am about to say, because I think he will find this question difficult to answer. Given that the Minister has already told us that those who refuse to pay the last instalment of a fine will not be pursued by the courts, what will happen to people who refuse to do the community service that flows from an expiation notice? Will they be prosecuted because they refuse to do their community service and, if not, why not put out a press release and say, 'It doesn't matter; you don't have to do it'?

This shows the farcical nature of the Government's position. If these people pay two-thirds of their fine, they do not have to pay the last one-third. If they have not paid their fine at all, they do not have to pay it at all. If they have paid all the fine, they do not get anything back. What happens to the people who have been given a community service order, like the member for Taylor's constituent, who is due to start? Do they have to do that community service? If they do not do it, what will the Government do to them? If the Government does do something to those people, why not pursue those who do not pay the rest of their fine? What is the situation?

The Hon. G.A. INGERSON: I have already answered two-thirds of the honourable member's question, and the reply to the last part of the question is exactly the same as I said before: the Government does not intend to pursue the matter as of that date. I made that statement before. Those members who listened will know that I made that statement.

An honourable member interjecting:

The CHAIRMAN: Order!

Mr CONLON: I want to make a point. The legal term used by the member for Wright was 'gobsmacked'. I have been somewhat gobsmacked by this whole process and the failure of the Government to legislate for something which seems to be fairly straightforward. I return to the point raised by the member for Hart regarding why the Government simply did not declare a 25 km/h zone around schools on all occasions. I raise this point in respect of clause 5, looking at the Bill as a whole, and certainly in regard to some comments made by the Minister for Transport in another place in looking at the Bill as a whole in defence of the reversal of the burden of proof provision under clause 6.

I will ask my question if the Minister ever gives us his attention again. As I understand it, one of the primary explanations of the Minister for Transport in the latest instalment in this dog's dinner for reversing the onus of proof is that it would require motorists to slow down to 25 km/h until they determine whether or not a student is on the road. That is why we have the reverse onus of proof so that those

conscientious motorists would slow down to 25 km/h and check whether a student was on the road. That is what the Minister said in another place. If that is the case, why did we not just make it a 25 km/h—

The CHAIRMAN: Order! I apologise to the member for Elder. I ask members to take a seat outside the Chamber rather than stand with their back to the Chair.

Mr CONLON: If a motorist has slowed down to 25 km/h, he will not be able to accelerate back to 60 km/h in any event. If that is the reasoning—and I suspect that it is not—why were not the zones made 25 km/h zones at all times which, according to the Minister for Transport in another place, will be the net effect of reversing the onus of proof?

The Hon. G.A. INGERSON: I have already answered the question.

Mr Conlon: Oh, Mr Chairman!

The CHAIRMAN: Order!

Mr SNELLING: I have also received inquiries from constituents who have been fined and who have done the right thing, as they have seen it, and paid the fine promptly and on time. They have contacted my office, completely bewildered by the fact that, because they have done the right thing and paid the fine promptly, they are not entitled to a refund, whereas others who have not paid their fine, for whatever reason, do not have to pay it. My constituents who find themselves in this dilemma have told me that they are very dissatisfied with what has happened. And they should be dissatisfied with the Government. As I have explained to my constituents, this is a mess-up by the Government, and the—

Mr Conlon interjecting:

Mr SNELLING: Yes, that's right: it is a dog's dinner of legislating. Unfortunately, it is those of my constituents who have done the right thing who are being made to pay for the mistakes of the Government. It is about time that the Government stopped throwing its mistakes onto other people and started accepting some responsibility.

Mr CONLON: A question flows from the first question that I asked in regard to community service orders. As I understand the Minister's answer so far, if you do not pay the remainder of your fine you will not be pursued, and if you refuse to do your community service the courts will take no action against you. Is the Minister seriously saying, in defending this Bill, that the member for Taylor is free to tell her constituent, who is due to commence community service next week, that they can refuse to do community service and the Government will not pursue them because it messed up its legislation?

I would actually like an answer this time: can we tell our constituents, who are due to do community service in regard to expiation notices, that they can refuse to do it and that they will not be prosecuted by the courts? If that is the case, why do we not issue a press release to all of them to tell them that they do not have to do it?

The Hon. G.A. INGERSON: A community service order is an order made by the court and the Government has no control over that. So, the answer that I gave earlier to the member for Taylor was in fact—

Mr Conlon interjecting:

The Hon. G.A. INGERSON: No, the Government does not pursue that. My advice to the member for Taylor earlier in relation to community service orders was incorrect because they are orders of the court. It is up to the Government to decide whether or not to chase up expiation notices.

Mr WRIGHT: The Minister referred earlier to safety, saying something along the lines of how important it is. If we are to be serious about safety, surely we must address this matter more carefully and take greater diligence. In my electorate, there are a number of primary schools and a high school, and I have had a series of complaints about the ongoing saga that has occurred. Like other members, I have had problems regarding people who have been fined and so forth. The safety aspect is the matter that I want to address first. Surely, we have a fundamental responsibility, as the member for Hammond said before the dinner adjournment, to get this correct. Surely, we will be looked upon—

Members interjecting:

The CHAIRMAN: Order! There is far too much discussion in the Chamber.

Mr WRIGHT: Surely, if we are to be taken seriously, we have a fundamental responsibility to get this correct. Already, mistakes have been made and, as legislators, we have been made to look foolish. Surely, we cannot afford to go down the same track again.

The member for Hart asked whether we want to be in this situation in a few months, and, of course, the answer is 'No.' Earlier the Minister referred to the importance of safety and that must be fundamental to what we are doing at this stage. I will just wait for the member for Elder, so that at least the Minister can hear my question.

The Hon. G.A. Ingerson interjecting:

Mr WRIGHT: You will not be able to answer it. You cannot answer when you hear the question: how can you answer when you do not hear it?

The Hon. G.A. Ingerson interjecting:

Mr WRIGHT: That is right; you are not taking it seriously. I will get the same answer, which is a demonstration that you as the Minister are not taking this matter seriously. You are not listening: how can you answer the question?

Mr ATKINSON: I rise on a point of order, Sir. Repeatedly through the Committee debate you have cautioned Opposition members about having conversations among themselves about tactics on our side. Yet, repeatedly in this debate, the Deputy Premier has not listened to questions asked in Committee. He has engaged in conversation with Government members and, as a result, the job of legislating is not being done. Will you apply the Standing Orders consistently to the Government and the Opposition?

The CHAIRMAN: Order! With due respect to the honourable member, I have failed to convince either side to consider the Committee appropriately.

Mr WRIGHT: Thank you, Sir. If the Minister is serious about what he said in regard to safety, and if we are to be treated seriously in the public domain as legislators—if we are not to be taken as a joke—would it not be the case that, if safety was of paramount concern, it would be far more sensible, far more practical and far easier for motorists, pedestrians, parents, cyclists, students, children, disadvantaged people—whoever it might be—to have application over a 24-hour period rather than the current wording? I ask that in respect of the ultimate safety to which you referred earlier.

The Hon. G.A. INGERSON: I am disappointed in the honourable member because, if he had read the Bill, he would know it applies over 24 hours.

Mr KOUTSANTONIS: I wish to bring to the attention of the Minister a case involving one of my constituents. He is a hardworking citizen in South Australia, a taxi driver, one of the unsung heroes of South Australia who is providing a

wonderful service to the community of South Australia for a meagre salary. My constituent was caught by a radar gun in one of these zones, apparently exceeding the normal speed limit by 5 km/h: that is, he was doing 65 km/h. Because the Government's policy has resulted in uncertainty in relation to school zones, this poor taxi driver is faced with losing his licence because he exceeded the speed limit by nearly 40 km/h. This infringement involves up to six demerit points, plus a substantial fine.

The taxi driver has been harshly dealt with by the Government given the uncertainty that it has brought into the debate because of the lack of direction and leadership in this issue. All professional drivers provide an excellent service and they need some certainty, and I refer to couriers, ambulance drivers, firefighters and police—whoever it might. They need to know that there is certainty in the road laws, that the legislators know what they are doing and that it is not an *ad hoc* last-minute change in legislation because they stuffed it up the first time.

I would like to hear what the Minister thinks about the fact that a person, whose only income is through professional driving, must now lose his licence simply because of the Government's inaction and uncertainty.

Mr Snelling: Throwing his family on the street.

Mr KOUTSANTONIS: Yes. This taxi driver has a young family, a young baby girl recently brought into this world.

An honourable member interjecting:

Mr KOUTSANTONIS: This is a completely true story; I have the correspondence in my office.

Mr Snelling: Name him.

Mr KOUTSANTONIS: I am not going to name the individual; he is a private citizen who does not need his name bandied around the Parliament for use in cheap political point scoring—in which, of course, I take no part whatsoever. As I said, this person's livelihood is at stake. This person is finding it difficult to earn an income because of high unemployment in this State as a result of this Government's mismanagement over the past four years. I would say that the Deputy Premier and this Government are reigning over uncertainty among drivers in South Australia and it is about time the Government introduced some certainty into the debate.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (CONSUMER AFFAIRS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 837.)

Mr ATKINSON (Spence): I spoke on this Bill of many clauses this week, and probably at unnecessary length at the time. Alas, part of the schedule to the Bill was not included in the version of the Bill which was tabled in another place. Part of the schedule was not circulated to members and therefore it is necessary to incorporate about 1½ pages of the schedule back into the Bill so that it can be whole again. The Opposition supports this manoeuvre.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the Opposition for its support thus offered by the member for Spence. As the honourable member has identified, this is a technical matter, where an amended schedule filed in the Legislative Council did not contain the last two pages. This legislation will see the intention of the Parliament enacted. I thank the Opposition for its support.

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

NATIONAL WINE CENTRE (LAND OF CENTRE) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

LOCAL GOVERNMENT (MEMORIAL DRIVE TENNIS CENTRE) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

[Sitting suspended from 8.14 to 11.50 p.m.]

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond midnight.

Motion carried.

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 850.)

Clause 5 passed.

Clause 6.

The Hon. G.A. INGERSON: I move:

Page 2—Leave out this clause and insert—

6. Section 175 of the principal Act is amended—

(a) by inserting after paragraph (c) of subsection (1) the following paragraph.

(ca) That a vehicle was driven in a school zone; or

(b) by inserting after subsection (2) the following subsection:

(2a) In proceedings for an offence against this Act, if it is proved that a person was present in a school zone when a specified vehicle was driven in the school zone and evidence is given that the person appeared to the witness to be a child (within the meaning of section 49), it will be presumed in the absence of proof to the contrary that the person was a child (within the meaning of section 49).

Mr ATKINSON: Can the Deputy Premier explain to the Committee what the amendment means?

The Hon. G.A. INGERSON: The effect of the proposal is that a police officer must give evidence that there were persons present in the school zone at the relevant time and that those persons appeared to the police officer to be children. Police must in every case prove beyond reasonable doubt that such persons were present in the zone at the relevant time. However, once the evidence has been given that such persons appeared to be children, this will be sufficient proof of the fact, unless the accused proves to the contrary on the balance of probabilities.

Mr CONLON: Can the Minister explain again what the amendment means?

The Hon. G.A. INGERSON: It means, first, that the vehicle has to be within the zone, and the police officer has to be convinced that the vehicle has exceeded the speed limit in the zone. Secondly, the police officer, if requested, has to prove before the court, in essence, that there were people and that they were children in the zone at the time. The motorist has the opportunity, if he or she can do so, to prove beyond

reasonable probability that children were not in the zone and can then succeed in his or her defence. Otherwise the police officer has established, in essence, that the fine and expiation should apply.

Mr ATKINSON: Does the Deputy Premier predict that the police will obtain any convictions under this section?

Mr CONLON: We are being a bit frivolous, but we should remember that it is a law of the State. If I understand this correctly, if it is proved that a person was in the school zone and evidence is given that the person appeared to the witness to be a child, it would be presumed, in the absence of proof to the contrary, that the person was a child. I would have thought that the evidence given that the person was a child would negate the need for a presumption that the person was a child. It is nonsense.

The Hon. G.A. INGERSON: I am advised that, unless this provision is included, the officer would have to prove beyond any doubt that the person was under the age of 18 years. It is included to make sure that the officer is required to at least state that he believed the child was younger than 18.

Mr FOLEY: As my colleague the member for Elder said, this is a serious matter, and the Government will have to have a close look at it. In the past four or five hours what discussions have there been with the Police Minister, the Commissioner of Police or the police themselves? On a quick reading of this amendment, as my colleague the shadow Attorney said, it would seem that this will be a difficult process for the police involved. What discussions have occurred with the police in the past three or four hours about the implementation of this clause?

The Hon. G.A. INGERSON: The Government has taken legal advice on this matter in the past four to five hours.

Mr FOLEY: With all due respect, the Government took legal advice when it framed the first Bill and Crown Law got it terribly wrong. The question was: what advice have you had from the Police Commissioner as to the practical implications of what you are proposing? With all due respect to Crown Law officers, the application of this provision will be handled by police officers on the beat or in a police car. I would have thought that the advice of the Police Minister or the Police Commissioner on this compromise position would be not just important but almost paramount. What discussions have occurred with the Police Commissioner?

The Hon. G.A. INGERSON: I answered the question by saying that the Government has taken legal advice.

Mr FOLEY: The Deputy Premier is avoiding the question.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: Well, I can say that your Transport Minister in another place completely botched this up. With all due respect, you are struggling with rearing that problem—

The CHAIRMAN: Order! The member for Hart will address the Chair.

Mr FOLEY: The Transport Minister in another place has botched this. The Deputy Premier is having some difficulty with getting it right—and I appreciate that this is not his portfolio, so he is somewhat at a disadvantage in trying to resolve the matter. We are talking about a law that every police officer will have to implement within a matter of a few months after it is proclaimed. We have the Police Minister sitting with us in the Chamber. What discussions did the Deputy Premier have with the Police Minister and the Police Commissioner tonight? With all due respect, this is not just a matter for a couple of Crown law officers who got it wrong the first time, and perhaps not the individuals concerned—

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Chairman. I understand that it is a longstanding tradition in this place that the Minister responsible for the Bill takes responsibility for it. It is not generally the custom that officers of the Parliament or servants of the Government are criticised as they are being tonight.

The CHAIRMAN: Order! I do not uphold the point of order. When people are criticised in their official capacity, that is appropriate.

Mr FOLEY: This is not about criticising specific officers but about Crown law in total getting it wrong the first time. With all due respect, you are a junior Minister. You are just at the beginning of your ministerial career—

The CHAIRMAN: Order! The member for Hart will address the Chair.

Mr FOLEY: I would hope that, when it comes to the junior Minister for wasps—the little pay off the member for Unley received in terms of his loyal support for the current Premier—deciding what is right or wrong in terms of his legislation, that he does put a critical eye over the advice given to him by Crown Law. The point I am simply making is that Crown Law—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I am happy to criticise Crown Law. They got it wrong. We are not here tonight because Crown Law got it right. We are here because Crown Law got it wrong. If I have offended the Crown Solicitor, bad luck! The point is that we do not have the Police Commissioner, the Police Minister and senior police officers giving us practical advice. I will not stand here tonight and vote on something that has been cobbled together in the past three or four hours because the Minister in another House was incompetent. We are trying to resolve a matter here and now because of her incompetence and, by adding to it with further incompetence, we will come up with a nonsense solution. What do the police think about this? The Committee deserves an answer from the Deputy Premier before we vote. What does the Police Commissioner think? It is the third time I have asked the question. I do not want to know what Crown Law thinks. I have already seen what Crown Law thinks. What do the police think?

The Hon. G.A. INGERSON: First, it is a pity that we are seeing the usual grandstanding from the member for Hart. For at least two hours there was grandstanding and filibustering on this Bill so the Opposition could put in place an amendment which in my view is quite obnoxious and stupid in relation to the law.

Mr Foley interjecting:

The Hon. G.A. INGERSON: If you just give me five seconds, I will give you the answer.

Members interjecting:

The CHAIRMAN: Order! The Deputy Premier has the floor.

The Hon. G.A. INGERSON: The Government has taken advice over a long period from the Police Commissioner. I am advised that the Police Commissioner has said that he is supportive of any change to the law.

Members interjecting:

The Hon. G.A. INGERSON: Just listen to what I am saying. The Commissioner is quite happy for any change in the law. In this instance, there has been no discussion with the Police Commissioner in respect of this change. I would have thought that it is quite normal for the Minister responsible for transport, the Attorney-General and the Minister in this

House responsible for this issue to have discussions and to, in essence, bring it before this place for further debate. If members in this place decide that the amendment is not satisfactory, they will make that decision, and the member for Hart knows that only too well. The matter has been put before us so that it can be discussed and sorted out this evening.

Mr CONLON: I will attempt to ask this question as clearly as possible, given the lack of clarity in the provision before us.

The Hon. R.G. Kerin interjecting:

Mr CONLON: This is a joke, but my question is not. If you listen carefully, even though you are the Minister for farmers, you will quite possibly understand, because I will go slowly. The amendment provides that, if evidence is given that a person appeared to be a child, they will be presumed to be a child in the absence of proof to the contrary. For those among us who know something about legal cases, I would have thought that, if evidence was given that a person appeared to be a child and there was no proof to the contrary, why do we need a presumption?

The Hon. G.A. INGERSON: The reason for presumption being included is that any evidence put before the court needs to show beyond any doubt that the person is in fact a child. If we go back further in clause 5, there is a specific definition of 'child', and that is why the presumption needs to be there.

Mr HANNA: It needs to be recognised that we are sitting here after midnight so that the Government could try to bring the non-Government and non-Labor members of the House onto its side in respect of these contentious clauses. The first thing I point out in relation to this clause is that it is completely unnecessary if one looks at the practice of the prosecution of these cases over past decades. I defy the Deputy Premier to cite one example of a case where a prosecutor in a school zone speeding case has said, 'That was a child', and that assertion was not accepted by the court. That is what happens week in and week out in every one of these cases where it must be proved that children were present at the time of the speeding. That is why this amendment as framed is foolish, silly and unnecessary.

The member for Elder was perfectly correct when he said that, where there is evidence—and it will come typically from a police officer—that a child was present on a street in the vicinity as a car was speeding through, unless there is some proof to the contrary—that is, unless the motorist says, 'No, that was an old woman with a walking stick', or unless some independent witness says that sort of thing in court—the police officer's assertion that the person was a child will be accepted.

The Minister's reply is that we have to make sure that the evidence proves the matter beyond reasonable doubt. That is certainly the case. The issue is that children were present for this offence—and, despite the changes in wording, there has been an offence of this nature for decades. There is no necessity for the amendment whatsoever, but it is perfectly proper for the police to be required in every case to show that there was a child or children present, and all they have to do is go to court and say, 'I am constable so and so. I saw this person in this car travelling at a certain speed past a school. They were travelling between two signs that had 'school zone' or whatever marked upon them, and in that vicinity there were children.' The prosecutor will ask the police witness, 'How did you know they were children? Why do you say they were children?' The reply will be, 'They were in school uniform. They appeared to be about 1.3 metres high and were carrying school bags. They appeared to be children.' That will be sufficient evidence that they were children. You do not need this scrap of paper at all to prove that fact. There has never been a requirement to prove that children were present in the thousands of cases stretching back over decades. That is what is silly about this amendment.

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. G.A. INGERSON: In the majority of cases, the honourable member's statement is true. However, if a person appears to be aged 16 but the police have to concede that there is a reasonable possibility that that person is actually aged 18, in that case the motorist would be acquitted if there was no presumption. So, there needs to be a presumption. If there is a presumption, the police evidence will be sufficient unless the motorist proves on the balance of probabilities that that person was aged 18 or over. So, it is necessary to have this presumption in a number of cases. It is not necessary in the majority of cases, but in a number of cases it is. And since our concern is primarily about children and the effect of speed in a school zone, it is necessary to ensure that you can get it up to the highest possible percentage of cases. The advice I am given is that this amendment will bring it close to 100 per cent of cases.

Mr HANNA: The Minister recognises in the very scenario that he has painted that for there to be a suggestion that the young person concerned was not a child but an adult there must be some proof to the contrary. In other words, the motorist or someone gives evidence that the apparent child was not a child. In that case, this presumption would not even apply. That is why it is a nonsense.

Members interjecting:

The CHAIRMAN: Order!

The Hon. G.A. INGERSON: The advice I am given is that that is incorrect. It could come up in cross-examination of a police officer, who could say that that was possible. If this presumption was included, there would be no question about it.

Mr HANNA: The other comment that I want to make on this clause is—

The Hon. M.K. BRINDAL: On a point of order, Mr Chairman, I believe that members are allowed to speak three times on each clause.

The CHAIRMAN: I assure the Minister that I am keeping a record. This is the third time that the honourable member has spoken on this clause.

Mr HANNA: My final comment in relation to this clause is that it is put forward by the Minister, because clause 6 as it came from the Legislative Council was so repugnant, as it reversed the ordinary onus of proof, that the Minister had to come up with an alternative which he thought would be palatable to the Independent and Country Party members of this Chamber. What he has come up with is a nonsense. It has been quickly drafted and poorly thought out without regard to the practical implications. Not only is it useless but it will be cumbersome because, unfortunately, the prosecutors and defendants in these cases will strive to make it mean something when, in fact, it will have no practical value.

The only consolation that I can draw from this amendment is that the Minister will tie himself to hypocrisy if he launches an attack on the amendment that I will move after this by saying that it was hastily drafted, which I acknowledge is true. This amendment has been hastily drafted, we know why, and it does not do the work of the Minister or of anyone.

Mr ATKINSON: The Opposition intended to oppose the original clause 6 because it was felt that it reversed the burden of proof in an unacceptable way. So, the Opposition is pleased that that clause has been removed. The Committee has been detained for almost five hours, on the face of it because of this clause, which is quite extraordinary.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: Well, it has been a very long time, and that this amendment is the product of all that deliberation is quite surprising. The way I read this amendment, I do not think it makes any difference one way or another to the trial of a school zones case. If anything, it may have some traps for the police, I would have thought. It may make things rather more difficult for the police, if it changes anything. Otherwise, it is just the ordinary evidential arrangements and the ordinary burden of proof, and we could have achieved this simply by deleting clause 6 more than three hours ago. I think this is a good lesson to the Government, and particularly those people in the Government departments who draft these clauses in these kinds of Bill, that they ought not to interfere with the evidential burden and they ought not to interfere with the burden of proof. We are better served by the letting the evidence speak for itself in a court of law.

Amendment carried; clause as amended passed.

New clause 7.

Mr HANNA: I move:

Page 2, after clause 6—Insert new clause as follows:

Refund of certain expiation fees and extinguishment of certain demerit points.

7. (1) This section applies to an expiation notice given in respect of an alleged offence involving a contravention of section 50 of the Road Traffic Act 1961 where it was alleged that a person exceeded 25 kilometres an hour speed limit purportedly established before the commencement of the Road Traffic (Speed Zones) Amendment Act 1997 under section 32 of the Road Traffic Act 1961 to apply to a speed zone at or near a school for part only of a day.

(2) The Minister must, on application, if satisfied that the applicant paid an amount as the expiation fee under an expiation notice to which this section applies, refund that amount to the applicant.

(3) If the Minister determines that a person is entitled to a refund under subsection (2), any demerit point incurred by that person under Part 3B of the Motor Vehicles Act 1959 in respect of the alleged offence to which the expiation notice related will be taken not to have been so incurred.

Fortunately, because we have had three hours since the issue was raised earlier in debate, everyone has had an opportunity to consider their position in relation to the issue of the refund of expiation fees and the extinguishment of demerit points which accrued to people who were travelling in a school zone exceeding 25km/h at a time when the signs were not properly set up.

I refer any subsequent readers of *Hansard* to the debate we had on clause 1 of this Bill, when various members of the Chamber exhorted the Deputy Premier to justify the position that arose; namely, those people who were issued expiation notices and promptly paid them have lost their money yet those people who deferred payment for whatever reason have ended up getting away scot-free. That is the Government's current position and it is unacceptable. We asked the Government to justify and explain the principle behind it, and the Deputy Premier was totally unable to provide any justification or even a remotely adequate explanation. That has prompted the Opposition to put forward this amendment.

I think the Minister for Transport can only be grateful to the Deputy Premier for the inspiration behind this amendment. It is something that we want to remedy, and it is quite clear in the drafting of this amendment that, if those people who were caught—and new subclause (1) specifies exactly whom we are talking about—apply and prove that they have paid the expiation fee, they will have it refunded by the Minister. Thirdly, if that is the case then that person is entitled to have any demerit points extinguished. So, it is quite simple, and it follows from the questions and debate that we had in relation to clause 1 of the Bill. I trust that all the non-Government members in the Chamber will support this morally acceptable amendment.

The Hon. M.K. BRINDAL: Can the Deputy Premier assure the Committee that the member for Mitchell has consulted the Police Commissioner or Police Minister on this matter?

Mr ATKINSON: I rise on a point of order, Sir: is it appropriate that a Government Minister answers questions about an amendment moved by the Opposition?

The CHAIRMAN: The Minister has exercised his right as a member of this Committee to ask a question.

Mr ATKINSON: My point of order was whether it was appropriate that the Minister, who did not move the amendment, is answering the question.

The CHAIRMAN: Order! The Minister who has resumed his seat asked a question, as is his right.

The Hon. G.A. INGERSON: I am fascinated by the way this has been cobbled together, because it is no more than a political stunt. Those members who were in the Chamber when we went through clause 1 will know that that is exactly what it is. The Government does not accept this amendment, and those members who wish to read *Hansard* will see the reasons in my answers to questions on clause 1.

The Committee divided on the new clause:

AYES (16)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K. (teller)	Key, S. W.
Koutsantonis, T.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hamilton-Smith, M. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIRS

Hill, J. D.	Brown, D. C.
Hurley, A. K.	Hall, J. L.
Rankine, J. M.	Kotz, D. C.
Rann, M. D.	Olsen, J. W.

Majority of 5 for the Noes.

New clause thus negatived.

Title passed.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): It has been my job to be in charge of the Bill for the Opposition today. When I came into the House this afternoon to debate the Bill, the question of returning fines unlawfully levied on motorists under the school zones provision was not one of the things I intended to do. My focus was going to be on the burden of proof issue and giving the Minister a caning for ignoring the good old maxim 'If it ain't broken, don't try to fix it.' But emerging from a series of questions, oddly enough on clause 1, a consensus emerged that it was immoral for the Government to retain expiation fees paid in respect of offences that had been established by the Magistrates Court not to have been offences; indeed, never to have been offences.

Although I have a beautiful friendship with the two Independent Liberals in this place, I am at a loss at this time of the morning to understand what they have been doing in the past three hours because, on that line of questioning on clause 1, the member for Gordon and the member for MacKillop were leading the pack in this place to get those fines restored to motorists on whom they had been unjustly levied. In particular, the member for MacKillop was adamant that demerit points, which had been unlawfully levied on motorists, should be removed from their record.

It was at the instigation of those two Independents that the Opposition went through the laborious task of agreeing to a position on this issue and getting an amendment drafted that would restore the money to the motorists and rid them of the unjustly levied demerit points.

An honourable member interjecting:

Mr ATKINSON: Well, I spoke on this matter for 15 minutes on the Bob Francis program earlier tonight, and may I say that the support we have from South Australians on this issue is overwhelming. We know we are with public opinion on this issue, because our position is just. It is simply not right that the Government can accept $600 000—

Mr Foley: It's $720 000.

Mr ATKINSON: The member for Hart interjects that the figure is $720 000 in expiation fees paid in respect of an offence that did not exist. It is a gross abuse of the expiation of offences law, and it is something we will have to look at, perhaps by way of a private members' Bill on the Expiation of Offences Act. This must not occur again or the whole system of expiation of offences with fall into disrepute. Having drafted a complicated amendment at the instigation of the members for Gordon and MacKillop, we find ourselves at the altar alone.

We are disappointed, but those motorists in South Australia who are most unhappy are those who have paid an expiation fee in respect of an offence that did not exist, those motorists who have lost their licence because of demerit points that should not lawfully have been levied and those motorists who have conscientiously paid their expiation fee on time and have been slugged and who know that others have been tardy in paying their expiation fee and have either not paid it at all or paid it only in part and therefore have triumphed because they will be able to keep their money. Those motorists who have seen this injustice will know that the people who have perpetrated this injustice are Liberal Party members of the House of Assembly and the members for MacKillop and Gordon.

Mr WILLIAMS (MacKillop): The passage of this Bill through the House has been long and drawn out. The member for Spence absolutely amazes me. He said he came in here today to try to alter one clause of this Bill, that is, the evidentiary provision. Through the work of this House this afternoon and this evening, those provisions have largely been changed and we now have a much better Bill than was originally presented to the House.

I feel very proud that I have been able to represent my electorate and have some small input into those changes. In the future, I will know that the work that the member for Gordon, the member for Chaffey and I have done this evening has resulted in the legislation being much better. With respect to the amendment proposed by the member for Mitchell—

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

Mr WILLIAMS: I agree with the member for Spence that some members of the public of South Australia have been outraged about what has happened with regard to school speed zones over the past 12 months.

Members interjecting:

The SPEAKER: Order! The member for MacKillop has the floor.

Mr WILLIAMS: When I debated this matter earlier this evening, at no stage did I say I wanted the fines to be refunded.

Mr Atkinson: You were a demerit man.

Mr WILLIAMS: I was a demerit man.

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

Mr WILLIAMS: All my remarks were to do with the fact that some motorists were losing demerit points on what was not a breach of the law in a technical sense. It has been brought to my notice that, under the previous law, motorists exceeding the limit of 25 km/h by up to 15 km/h lost one demerit point; motorists exceeding the limit by between 15 and 30 km/h lost three demerit points—that puts them at 55 km/h; motorists exceeding the limit by between 30 and 45 km/h lost four demerit points; and motorists exceeding the limit by 45 km/h lost six demerit points—that puts them at 70 km/h, which would have been well over the 60 km/h speed zone that applies around virtually all schools.

Members interjecting:

The SPEAKER: Order! The member for MacKillop has the floor.

Mr WILLIAMS: Looking at the evidence, I have decided that the loss of demerit points for this non-breach of the law is not quite as bad as I had first assumed. Unless people were exceeding the speed limit by a substantial amount, they did not lose a substantial number of demerit points. We must also take into account cases of hardship.

An honourable member interjecting:

Mr WILLIAMS: I am doing that right now. If a driver subsequently lost his or her licence, and if they were suffering hardship because of that, they could apply to a magistrate to have at least one of their demerit points restored. That is the reason for the way I voted on this Bill. I remind members opposite that we now have a much better Bill than we had earlier this afternoon.

Mr CONLON (Elder): There has been little that has been instructive, intelligent, reasonable or rational about this Bill, but one of the advantages we have got from it is that we have cleared up a few illusions and myths about the Independent

members for MacKillop and Gordon at least. They would have it that they are Independents because they are much too pure for the naughty things that we in the Party do.

Mr MEIER: On a point of order, Sir, the honourable member is straying into a second reading debate rather than a third reading debate where one can only—

Members interjecting:

Mr MEIER: Why don't you listen? One can only refer to the Bill as it comes out of Committee with changes. What the honourable member has touched on so far has nothing to do with these changes.

The SPEAKER: The honourable member has made his point. The Chair has been considerably lenient in this matter, because the contributions of both the member for MacKillop and the member for Elder have been made by members who have not be in this House for very long. This is a third reading debate and members do not have the opportunity, as they do in the second reading stage, to canvass a broad breadth of the subject. It is a constrained debate and new material should not be introduced. It is a debate for the purposes of summing up the Bill. I ask members, as the point has been made, to constrain themselves to the summing up of the Bill.

Mr CONLON: I shall be happy to sum up this unhappy Bill and some of the twists, turns and changes that took place in the making of it. One of the things we saw was that the fiercely Independent members for MacKillop and Gordon commit a few political sins, too. They do not mind the odd political sin, do they? They said, 'Move this amendment and we will vote for you because it is right, just and fair', but somewhere in between that approach and now the member for MacKillop found that there was a section in the Act where you could appeal against demerit points. I am absolutely convinced by him. He was not committing a sin: he had found a new reason. I can tell him that he has joined us all in the bear pit tonight. He has joined us sinners in the political process tonight. He has shown his true colours.

I refer to the amendment to clause 6 of the Bill that was secured in the undoubtedly ugly haggling process that went on somewhere behind closed doors, since we were last in here, between the Government and the fiercely independent members. They secured new clause 6, and is it not a treat, is it not a sight? I will refresh members' memories and tell them what it provides, as follows:

> (2a) In proceedings for an offence against this Act, if it is proved that a person was present in a school zone when a specified vehicle was driven in the school zone and evidence is given that the person appeared to the witness to be a child (within the meaning of section 49), it will be presumed in the absence of proof to the contrary that the person was a child (within the meaning of section 49).

One could be forgiven for thinking that this is a complete pile of gibberish, because that is exactly what it is.

The SPEAKER: The honourable member is now back in Committee. He has to confine himself to summing up the proposal before us.

Mr ATKINSON: Mr Speaker, I am verging on dissent from your ruling.

Members interjecting:

The SPEAKER: Order! I cannot hear the point of order.

Mr ATKINSON: Clause 6 is an entirely new clause, so the Bill is different from the Bill that went into Committee, and I would have thought that it was of the essence of a third reading debate that one would talk about precisely that clause.

The SPEAKER: The Chair made the point that the contribution of the member was of the type one would make in Committee. I have not ruled him out of order, but I am cautioning members not to develop this debate into a second reading debate.

Mr CONLON: The point I make about this entirely new and very different amendment—as different a piece of law as I have ever seen—is that basically for once tonight the Independents got what they wanted: they achieved the removal of the reversal of the onus of proof. But the Government and the Independents were not honest enough simply to say that: instead they gave us a cloud of gibberish words that achieved exactly the same thing.

I see the Minister smiling, because he knows that that is exactly what it means. He would not give in to the good sense and the reasoned arguments of the Opposition. What he did give in to was the sectional interests of the fiercely Independent members. This will be a testament to the failure of the Government. It will be read by lawyers in years to come who will say, 'What on earth were they doing?' or, more to the point, 'What were they drinking?'

Members interjecting:

Mr CONLON: I do.

Members interjecting:

The SPEAKER: Order!

Mr CONLON: I withdraw that remark. This sin has no excuse. It does not have even the excuse of intoxication. This sin was committed by completely sober and opportunistic individuals.

In conclusion, I turn to the rejection of the very sensible amendment proposed by the Opposition. It was said by the member for Spence that when we came into this place we had no idea that we would suggest that expiation fees paid under the former regime be returned. Two things caused us to ask for that. The first was the incredible responses that were given to our questions by the Minister handling this Bill. Innocent and trusting as we are, we believed that the Government had a good reason for this measure, but after a series of questions we realised that there was absolutely no good reason for it other than to protect Consolidated Revenue—and that is a fact.

The other reason for changing our view was that we actually listened to the debates of the fiercely Independent members on the other side, and they made a great deal of sense. They got up one after the other and said, 'This is completely unfair.' I thought, 'These people make sense—this is unfair, we should do something about it. What can we do?' The member for Gordon said, 'You can move an amendment to give it back to them', and we said, 'That's a very reasonable idea.' So, that is what we did, and here we are holding the baby. Thank you, Rory. I will leave my comments there, because I am sure—

Members interjecting:

Mr CONLON: It is presumed to be a baby unless there is evidence to the contrary.

Mr Foley: In a school zone.

Mr CONLON: In a school zone, and in a uniform, and subtracting the first number you thought of, and carrying a school bag. I will leave it there, because I have vented my spleen against the fiercely Independent members for Gordon and MacKillop and I would like to give the member for Hart a chance to do so.

Mr McEWEN (Gordon): The member for Spence feigns disappointment in what can only be described as a pathetic

performance. As for Patrick the Pitiful, the fact remains that the fundamental issue—

Mr CONLON: On a point of order, Mr Speaker, throughout my contribution I referred to the member for Gordon by his electorate. I would be grateful if he would refer to me as the member for Elder.

Members interjecting:

The SPEAKER: Order! I know that it is getting late. The honourable member is correct in his request that he be referred to by his electorate.

Mr McEWEN: Thank you, Mr Speaker: he was honest and so was I. The fact remains that the principal issue here tonight was one of reversing the onus of proof. That has been delivered in this Chamber. That was the thing we came here to debate and the collective wisdom of this Chamber tonight has delivered that. The minor matter for which this Government will stand condemned for all time is that they have taken away money from people and they should not have.

Mr Foley interjecting:

Mr McEWEN: It serves them right, and we will not stand here tonight—

Members interjecting:

The SPEAKER: Order!

Mr McEWEN: It is not our responsibility tonight to judge them on that: it is the electorate and the electorate will.

Mr FOLEY (Hart): You are right, it is late at night. It is 12.50 a.m. and I think we started this debate well before dinner. We have probably been going for seven or eight hours. But do not blame the Opposition: it was the incompetent Minister for Transport—the bumbling, silly, incompetent Minister for Transport. But, when you have an incompetent Minister who has made a number of errors, whom do you send in to fix it? You send in the Deputy Premier to correct an incompetent piece of law framed by an incompetent Minister.

We have been here for eight or nine hours tonight, due not to the actions of the Labor Party but to the actions of the Government—due to the actions of its incompetent Minister for Transport. There are 4 000 people in this State who have been fined, courtesy of an incompetent Minister. Do not blame the Labor Party for the late hour: blame your own law making, the way you prepare your own legislation and how you deal with making policy in this Government.

We spent hours debating clause 1, but the fiercely Independent member for Gordon is telling us that the main game was clause 6. I do not know where everyone was for the three or four hours in question, but we were talking about clause 1. The three members on opposite benches, which are not part of the Government formally, told us that it was a terrible thing that all these people had been fined. How many members opposite were telling us that in the corridors? How many members opposite were telling us to move an amendment to pay the money back? How many members opposite were doing it? It was not just the Independents: it was many of them.

I suspect quietly that there are many members opposite who would like to see the Minister for Transport roasted on this issue, because it is not the first time the Minister's incompetence has been dealt with in this Chamber in a fairly machiavellian way. I recall a few instances over the past three or four years when her mistakes have been dressed up as part of internal factional feuding. And I must say that a few members opposite have quite liked the way in which the Deputy Premier has fumbled this one for the past seven or eight hours. We have seen the smiles and the way they have dealt with it. At the end of the day, the issue has been the onus of proof and how it is dealt with. For six or seven hours there were discussions with Government officers and, under questioning, the Deputy Premier has admitted that he did not telephone the Police Commissioner or someone senior in the Police Department to ask how they felt about the redrafted clause. Of course, the Minister for Police will not tell us, but I suspect that he was not even consulted.

It has been law making on the run. It has been incompetent Government, only further complicated by incompetent decision making. You can all shake your head and do whatever you like but I tell you this: if you make bad law you will be picked up on it. You cannot tell us one thing in the corridors and do another thing in here.

Members interjecting:

Mr FOLEY: You were all out there: I listened to the Deputy Premier firing off there. We have been here for seven or eight hours—

Members interjecting:

The SPEAKER: Order! There is too much audible conversation.

Mr FOLEY: Thank you, Mr Speaker. They all get a bit tetchy but, at the end of the day, the three Independents can live with their decision tonight to speak with such—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson is not in his seat.

Mr FOLEY: At the end of the day, the Independents in this House rose to argue a point, and when it came down to it they were stood over by the Minister for Transport. How anyone could be intimidated by the Minister for Transport defies understanding. At the end of the day, the Independents will have to live with their decision. It has been a pretty shoddy process, and we all know what members opposite think about it. On this side of the House we say that if you make bad law we will pick you up on it.

Bill read a third time and passed.

WORKERS REHABILITATION AND COMPENSATION (SELF MANAGED EMPLOYER SCHEME) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 3—After line 16 insert new clause as follows:

Sunset provision

7. On the expiration of 4 years from the commencement of this Act—

(a) the amendments made by this Act (other than by section 5B) are cancelled and the text of the Acts amended by this Act is restored to the form in which that statutory text would have existed if this Act had not been passed; and

(b) section 107B of the Workers Rehabilitation and Compensation Act 1986 (as inserted by section 5B of this Act) is amended by striking out from subsection (4) ', a self-managed employer or the claims manager for a group of self-managed employers'.

Consideration in Committee.

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendment be agreed to.

This amendment deals with the matter of the so-called sunset clause for the Self-Managed Employer Scheme. As I indicated in debate in the House before, there has been a pilot

scheme for three years which in fact has received the unanimous support of the Workers Rehabilitation and Compensation Advisory Committee. Hence, the Government's view is that the scheme, if you like, could be said to have had a putative sunset provision already and that it has passed muster. However, we are committed to ensuring that the Self-Managed Employers' Scheme continues to provide an avenue for employers to take responsibility for the ongoing occupational health and safety of their work force in a way which minimises the administrative burden on them. As I indicated, the pilot has been highly successful and it has received the unanimous endorsement of the Workers Rehabilitation and Compensation Advisory Committee, which I ask members again to note includes representatives of employer associations and, importantly, employee associations.

To ensure that the scheme continues to achieve high standards, the Government with the support of other Parties and other members of Parliament proposes a two-pronged strategy to review performance. The WorkCover Corporation will report on the performance of self-managed employers in its annual report tabled in Parliament and the Government will undertake a review of the Self-Managed Employers' Scheme within four years of the commencement of this Act—presuming this Bill becomes an Act. The review will be conducted by a group including employee and employer representatives and the Minister. The Government fully expects that the Self-Managed Employers' Scheme will continue to maintain the confidence of employees, employers and the Parliament. We fully expect that this scheme which has been performing with such a high degree of success has a long and positive future ahead of it.

Ms KEY: I support the sunset provision set out before us, but with the clarification that, first, when the Minister talks of employee representation he is actually talking about trade unions and that, secondly, when we look at a review of the scheme before the four year expiry date the employee organisation we would be referring to is the United Trades and Labor Council of South Australia. With those two points, with which I am sure the Minister agrees, the Opposition is prepared to support the amendment.

Motion carried.

[Sitting suspended from 1.1 to 1.32 a.m.]

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

ADJOURNMENT

At 1.33 a.m. the House adjourned until Tuesday 26 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 24 March 1998

QUESTIONS ON NOTICE

DUBLIN AND INKERMAN DUMP SITES

61. **Mr HILL:**

1. Does the Minister support the view of the Environment, Resources and Development Committee that the Environment Protection Authority should make the final decision regarding landfill disposal if there is a dispute?

2. Has the Minister been advised of the objections to the Dublin and Inkerman landfill applications by the Mallala Council, the Wakefield Regional Council, the South Australian fishing industry, the South Australian Farmers Federation, the South Australian Livestock Exporters Association, the Australian Lot Feeders Association, local residents and members of the Cabinet?

3. Does the Minister regard these objections as constituting a dispute and, if so, will the Minister ask the Environment Protection Authority to investigate alternative locations before licensing the Dublin dump?

The Hon. D.C. KOTZ:

1. The EPA already has a major input into the approval of landfill proposals through both the *Development Act, 1993* and the *Environment Protection Act, 1993.* The current arrangements provide an opportunity for a balanced assessment of all factors that warrant consideration in determining whether or not a landfill proposal should be approved.

2. Experience in South Australia and elsewhere shows that landfill proposals such as those put forward for Dublin and Inkerman do meet with opposition. I am aware of objections from a number of the parties listed.

3. Under section 47(2)(a)(iii) of the Environment Protection Act, 1993, the Environment Protection Authority may not refuse to grant a licence to the proponents of the landfill as development authorisation has been granted. It is of course worth noting, that an extremely rigorous scientific assessment has been conducted through the preparation of an Environment Impact Statement (EIS).

HERITAGE AGREEMENT AREAS

68. **Mr HILL:**

1. Does the Minister's Department have a program to monitor Heritage Agreement Areas to ensure that maintenance and pest control are carried out?

2. Is a database maintained to keep track of Heritage Agreements and their current status?

3. What powers does the department have to ensure that recalcitrant owners honour their agreements and have the powers been exercised and, if so, when and in what circumstances?

The Hon. D.C. KOTZ:

1. From 1985 to 1991 most Heritage Agreements were entered into with financial assistance given for not being able to clear the land. Since 1991 most agreements are voluntary with the landowners seeking to conserve the native vegetationon their properties in perpetuity. Some agreements have been put in place as a condition for allowing some clearance for intensive agriculture. Since 1994 over 100 properties have registered interest in Heritage Agreements. The current government supports the concept of Heritage Agreements and has put in place a number of programs to monitor and help manage these areas. The programs include:

- Basing 4 personnel in rural SA to help Heritage Agreement owners;
  (1) with information on how to look after their vegetation.
  (2) apply for assistance from State and Commonwealth sources.
- In the last three years all Heritage Agreement owners on Eyre, South East, Mallee and Adelaide Hills have been canvassed about their Heritage Agreement concerns.
- The Native Vegetation Council had developed the Heritage Agreement Grant scheme which is specifically designed to help landowners maintain and manage these areas.
- Regional target weed management programs have been developed. These include land under Heritage Agreements and other areas of remnant vegetation. (eg bridal creeper control on Kangaroo Island).
- Trees for Life in conjunction with the Native Vegetation Council and the Department have implemented a project called 'Volunteers working in Heritage Agreements.' This is based on the successful Trees for Life roadside bushcare program. The project links Heritage Agreement owners and volunteers together. This gives the landowner help in managing the Heritage Agreement and provides a rural experience for the volunteers.
- A self monitoring program is being trialled on Heritage Agreements. Next year this will be expanded to over 50 Heritage Agreements.

3. A number of linked databases exist to assist in the management of Heritage Agreements, including;

- A biological database for 1 000 of the 1 070 Heritage Agreements. The rest will be completed this year. This program prioritises the biological values of the Heritage Agreements. It also has information about weeds. In conjunction with the National Heritage Trust (NHT) the information is being used to target and promote the benefits of the scheme to land owners who have vegetation associations which are not well conserved in Heritage Agreements.
- A Geographical Information System database displays all Heritage Agreements and has links to the land tenure and biological databases. This is being used by the community to help in determining regional Bushcare priorities for the NHT.
- A fencing database for all Heritage Agreements is being completed.

3. There are a number of options for ensuring the management of Heritage Agreements in line with the spirit of the agreements. The powers are outlined in the Native Vegetation Act, and in the terms of the contract signed by the Minister and the landowner.

- The preferred course of action is to work with landowners to enable them to manage these areas for the community, rather than use the 'big stick' approach.
- Most new Heritage Agreements now are voluntary agreements (10-15 per year) and these landowners have a commitment to conservation.
- Where a serious breach of the Heritage Agreement occurs the landowner is taken through the legal process as applicable to the offence and the relevant Act.