

HOUSE OF ASSEMBLY

Thursday 19 November 1998

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

HEROIN TRIAL

Mr HAMILTON-SMITH (Waite): I seek leave to amend my proposed motion as follows:

By inserting the words 'as part of a program of rehabilitation' after the words 'injectable heroin'.

Leave granted; proposed motion amended.

Mr HAMILTON-SMITH: I move:

That this House establish a select committee to investigate whether the Government should conduct a scientific, medical trial to determine if the provision of injectable heroin as part of a program of rehabilitation improves the community's ability to attract and retain into abstinence treatment drug misusers who are committing crimes, at risk of transmitting HIV or at risk of death or serious injury as a consequence of their abuse.

During the course of this short address a number of South Australians will fall victim to drugs. Some will be robbed in their homes; some will have their cars stolen or their bag snatched; some will be assaulted, perhaps by a stranger, perhaps by someone dear to them. Some will be sick—sick with malnutrition, sick with infection or sick with hepatitis C or the HIV-AIDS virus; and some will lie in the gutter.

I rise to lead the debate on this motion because, like so many of our fellow South Australians, I have seen enough. It must stop. All of us must do more to fight the war on drugs. It is a time for action. This motion asks every member of this House to talk to their constituents and to search their hearts to ask what it is we can do, to ask what it is we must do. For decades now we have been fighting drug abuse and trafficking. Our main weapon—at times our only weapon—has been prohibition and police action. In more recent times we have recognised the need for alternative, complementary treatments. We have found methadone and other synthetic drug treatments which substitute for hard-core drugs of addiction. We have indeed become world leaders in the use of some of these treatments, but the problem is still with us.

I put to the House that we must continue to wage this war on drugs. We must continue to provide the resources to our police, our schools and our community groups who are at the front line. Our laws must remain tough. The message must be that drugs are not 'cool', that substance abuse is a fast road to nowhere. It does not matter if it is alcohol, soft drugs or hard drugs—only losers abuse.

Of course, preventative measures aim primarily to confine the supply of drugs and partly to contain demand. But it is within this latter domain that we must do more. We must find a way to get more of those who are dependent into rehabilitation that is designed to get them off drugs of dependence and into abstinence. We need to give them their lives back, and we need to give the broader community what it needs: a future with less crime, a safer future with less disease, and a future where people can have some confidence that their children and their grandchildren will not be sucked into the drugs vortex.

While only a small percentage of the population currently use heroin in Australia, the problems associated with its use are substantial. There is broad consensus to suggest that prohibition alone is not effective, that changes in drug policy

are urgently needed to prevent the spread of HIV and other disease and that changes are needed to reduce crime associated with illegal drugs. A mass of evidence puts beyond argument the proposition that heroin use is linked to property crime and the spread of diseases such as HIV and hepatitis C. Most agree that between 50 and 70 per cent of street crime is drug related. Heroin-related deaths in Australia have steadily increased over the past 10 years. In 1998, 351 people died from heroin overdose. In 1996 this had increased to 557. Between 1979 and 1995, heroin-related deaths increased from 10.7 per million of population to 67 per million of population.

It has been estimated that there are between 60 000 and 120 000 dependent heroin users in Australia. These people are 13 times more likely to die than people of the same age and gender in the general population. Lord mayors in all capital cities, church primates, police commanders, community leaders and others are echoing the message: do more on drugs. We must hear it; we must listen; we must act.

In 1997 a ministerial council on drug strategy to which South Australia was party proposed a prescription-based heroin trial that would involve 40 participants from the ACT in an initial trial. These participants were to be provided with heroin three times a day for six months. The heroin was to be administered on premises under the supervision of trial staff. If successful, this was to be followed by a second, expanded trial which would involve 250 participants for a further six months and then a third stage involving 1 000 participants from several States over two years. The proposal was the result of six years' research conducted by the National Centre for Epidemiology and Population Health (NCEPH) to determine whether a policy of controlled heroin provision could ameliorate the burden which illegal heroin currently imposes on Australian society.

It was their recommendation that a trial take place, arguing that, on balance, the potential benefits of a trial outweighed the potential hazards and that a trial should go ahead. The trial was carefully designed to avoid an influx of interstate addicts, termed the 'honey pot' effect, by limiting participation to long-term residents of the ACT. In my view, the 1997 proposal was perceived as 'soft on drugs'. The case should have been more forcefully argued within the umbrella of a 'tough on drugs' framework. Despite the support of Health Ministers in Australia and the support of all Police Commissioners, Federal Cabinet refused to cooperate with the trial as it was concerned that the Government would have to pass special legislation permitting the importation of heroin and that such a step would send the wrong message.

If we South Australians were to pick up this issue and conduct this trial, I believe that we could do it better. We in South Australia have always taken the lead on social reform. We can and must do so again. South Australia has an estimated 20 000 heroin users, 5 000 of whom are dependent heroin users. Only 1 800 are involved in treatment programs such as methadone maintenance and naltrexone. In 1997 there were 34 heroin-related deaths in South Australia, compared to 32 deaths in 1996 and 38 in 1995. Heroin overdose remains accountable for the great majority of drug-related deaths in this State. For example, in 1996 32 heroin-related deaths were recorded, compared to just six deaths for all other drugs. While South Australia's overdose rates for 1996 per million of population were below the national average (37.9 deaths and 52.2 deaths respectively), since 1988 opioid use in South Australia has increased more markedly than in New South Wales, Victoria or Queensland.

It has been estimated that illicit drug use in South Australia costs this State around \$140 million per year in policing and enforcement, while the total cost to the State has been estimated at more than \$1 billion. The latter figure includes the costs of law enforcement, prosecution, gaoling of drug offenders, health care and medical and social consequences of illicit drug use in South Australia. For every dollar we spend on a heroin treatment program we may save \$10, or more, in terms of police and health budgets. It is difficult to obtain figures that explain the economic impact of narcotic use in South Australia. However, it has been ascertained that dependent heroin users spend on average \$238 a day on heroin—most find this money through criminal activity.

It is essential in considering the viability of a prescription based trial to examine the experience of other countries that have employed such a scheme. Last month during the break in parliamentary sessions, I visited Switzerland and England to observe their heroin treatment programs. In the case of Switzerland I found that the impact upon trial participants has been most encouraging. Six months into the program 82 per cent of the 1 146 participants were still involved in the trial and 73 per cent after 12 months.

This compared favourably to 50 per cent for methadone maintenance treatments. Significantly, it was found that heroin was more appropriate for treating patients than methadone or other drugs because of its fewer side effects. Criminal activity amongst participants was reduced, with participants reporting much less involvement in the drug scene and improved wellbeing and social functioning. While being prescribed, heroin patients' housing situations rapidly improved, fitness for work improved, family relationships improved and consumption of other illicit drugs declined markedly. Addicts became better parents, husbands, wives and children.

The number of criminal offences decreased by 60 per cent in the first month of the trial and court convictions decreased significantly. Importantly, it was found that the mortality rates for participants was 1 per cent. The mortality of dependent heroin users is markedly higher. The deaths that did occur were the result of pre-existing disease and unrelated accidental deaths. No deaths were recorded from overdose over the three year period, only three new HIV infections, four new hepatitis B infections and five new hepatitis C infections. Both the trials in Switzerland and studies conducted in Britain, upon which time does not permit a report in this address today, indicate that a maintenance based heroin trial can benefit both heroin dependent users and the wider community.

Both experiences show that heroin treatment can stabilise patients' lives and reduce overdose death rates. It reduces participants' involvement in crime and the drug scene in general. Benefits to the wider community stem from this through reduced demands on health facilities and fewer victims of crime. Retention rates in these programs are surprisingly high. However, questions remain as to the applicability of these studies for Australia. Can we attract more drug abusers into rehabilitation by adding heroin to our range of treatments? The only way we will know for ourselves will be to try it here in South Australia. That is why we must have a select committee, and soon.

A bipartisan select committee of five members will be able to examine the efficacy of a heroin trial. Will it work in South Australia? Will the money we spend be compensated for by money we save as a consequence of reducing crime

and health abuse? Can the legal obstacles, both Commonwealth and State, be overcome? Will the law at present allow us to go it alone with our own trial without recourse to Canberra? What residency requirements do we put in place to ensure that a trial is available only to long-term residents of South Australia? How do we go about representing the case to the Commonwealth Government?

The select committee is the way to answer these questions, and it will need to report to this Parliament with firm recommendations which will need to be debated and decided upon by this House. Any subsequent action would be a matter for the House and the Government to determine as they see fit. For that reason, I urge members not to draw out the debate at this early stage but to agree to a select committee so that the matter can be examined. In due course the select committee will report all the necessary facts and arguments to the House for consideration, thorough analysis and debate. It is at this later stage, once armed with all the requisite information, that a more vigorous and enabling deliberation can be made by us all.

Members, this motion is a 'tough-on-drugs' measure. There are children in our constituencies today who are destined for the scrap heap of drug addiction. We will not be able to save all of them. We may be able to save some of them. I feel certain that the people seek our leadership and our counsel on this vital issue. I commend this motion to form a select committee to each of you on your conscience and I ask you to pass it in the affirmative.

Mr CONLON (Elder): I will not delay the House; I do not have a prepared speech. I wish to congratulate the member for Waite and support his motion, for truly this is an issue for which its time has come. I ask the House to accept, for so often irrationality and prejudice overcome reason on this issue, that if there is a single truth on the matter of drug laws, and in particular heroin laws, it is that they have been an abject failure for the past 50 years. I take the opportunity to say at the outset that if the prohibition of heroin, if being tough on heroin addicts, if any of those tough-on-drugs measures had the effect of reducing by even one the number of addicts in Australia and the world I would support them because heroin addiction is a terrible affliction; but they do not and never have done.

Some terrible hypocrisies run loose in this debate. First, I point out—and it is not something some of the establishment families in Adelaide like to hear—that if one travels around this city, particularly down North Terrace, one will see some very fine buildings that were built from the money derived from the opiate trade into China in the nineteenth century. As I say, there is a great deal of hypocrisy in dealing with this issue. It was the greed, selfishness and self-interest of British interests pushing opium into China in the nineteenth century that gave us the heritage we have today.

What has occurred since then in terms of the public policies we have used to combat heroin? It was, in fact, the crack down on opium and opium smoking by the British Government in Hong Kong—the change in policy from making their filthy profits from it to abolishing it—that led to the production of heroin, a drug far more dangerous and addictive than the original opium smoking from which it was derived. It has been since that time and following successive crackdowns on it that we have seen absolutely no success in conventional law approaches.

I have a great deal of sympathy for drug users and heroin addicts. I have even more sympathy for their families who

endure a living hell with heroin addicts, but they are not the prime reason I support this motion. The primary reason I support this motion is for the unknown and unseen victims of heroin addiction: the ordinary members of the community who are frightened in their homes. It has been estimated by the Director of Public Prosecutions that approximately two-thirds of house breaks and home invasions are related to drugs, and principally heroin.

The people who pay the price for the failure of our drug laws are ordinary and often elderly South Australians in their own homes, living in fear for their homes and property. That price might be worth paying if the conventional legal treatment of heroin had one single success on the board, reduced the inflow of heroin into this country or prevented one Australian becoming an addict, but there is no evidence to support that. There is abundant evidence to the contrary: that it has done absolutely nothing to reduce the incidence of heroin addiction in this country. I therefore support the member for Waite on this issue.

An honourable member interjecting:

Mr CONLON: I do recall that. I congratulate him on his courage. Given that, thanks to the kindness of the recent redistribution I am now sitting on a 1.8 per cent margin in my elderly and mostly conservative electorate, I realise that this may not be an issue that I should raise. But I would ask that we accept this test of the maturity of this House and support the member for Waite's motion to establish a select committee and that we do not use this issue, which is so crucially important for the health of this nation and for the safety of people and their property in their homes, as a partisan political issue to bring each other down. I give an undertaking that I certainly will not do that in the comfortable margin that the member for Waite holds, and I simply hope that in speaking out on this issue it will not be used against me subsequently.

If this House does not face up to the failure of the current approach to drug laws in this country, it will be a matter of cowardice. We will be failing those people who suffer from addictions, who do not have my first sympathies—although they have some—we will be failing those people who have heroin addicts in their family and who suffer a living hell, but most of all we will be failing those ordinary Australians in their home who suffer from high rates of house invasion and home break-ins by people who need to feed their heroin habit. I therefore support the motion.

The Hon. G.A. INGERSON (Bragg): I believe that this is probably one of the most important social issues that we as a Parliament should be discussing. I spent some time on Tuesday discussing this motion with the member for Waite, and I note as well the very serious point that was made by the previous member in relation to partisanship. The House should accept this motion for the genuineness with which it has been put forward, and all of us should work together on what I believe is probably the most important young people's social issue in this State. If we as a Parliament can do something to not only reduce the level of drug addiction in society but also help those who have it to get a more sane future we ought to be doing it.

I congratulate the member for Waite on putting forward this motion, and I hope the Parliament will genuinely look at this as an attempt to do something which I believe we do not do anywhere near enough in this place, that is, sit down and look jointly as a Parliament at social issues and what we can do to make them better for those concerned. So, I throw my

weight behind support for a select committee. I have not yet been asked whether I want to be on it, but if I am asked I will willingly serve on it. It is a major issue for our community. I thank the honourable member for emphasising to the House the absolute necessity for a bipartisan relationship. I hope that, in a very quick time and without going into all the history of this whole area, we can get down to developing a very practical outcome for the young people in our State.

The Hon. W.A. MATTHEW (Minister for Year 2000 Compliance): I too stand in the first instance to commend the member for Waite on having the political courage (some may say) to bring up a motion such as this in the House. This is a vexed issue for many South Australians and our community. It is an issue of growing concern which quite clearly no Government around Australia is grappling with in a successful way. I will never forget the first time when as Minister for Correctional Services I walked through the gates of Yatala Labour Prison and looked at the people around me in the prison yard. The waste of youth in that place is just appalling. To see so many people under 30 imprisoned in the State's most serious prison is an experience I will never forget. Then, to reflect on how many of those people are in that place due to the tyranny of drugs starts to bring home the message that, if we are to seriously combat theft, armed robbery, break and enter, intimidation and violence against elderly people in our community to a level that the community can be comfortable with, we absolutely must combat the drug problem.

Many people will have difficulty with the concept of providing heroin users with heroin. Mentally that is a concept that I have difficulty in coming to grips with, too, but I have seen what it can do on the other side. I have seen the people who finish up in the prison system and the absolute waste of life. I have spoken to people who work in service stations and banks who have been victims of armed hold-up, and indeed one of my own relatives working in a bank was such a victim. I know the effect that the experience those victims go through has on their lives, and again they are the victims in another sector of the drug problem in our community. What the member for Waite is proposing is the establishment of a select committee to examine what are in my view some very sensible alternatives. The establishment of this committee sets in train the process that provides a forum for constructive, sensible debate for people in our community to come forward with expert opinions and for views to be canvassed so that we can apply some alternative methods.

I applaud the member for Elder for his contribution. As members in this House would be well aware, it is not every day that I agree with the member for Elder, but his words are well targeted. This is not an issue which should be political or for which any member of Parliament should be castigated for putting forward a point of view: this is a community problem which must be tackled sensibly and constructively if we are to overcome it. None of us here could claim to have all the answers, and I would defy anyone in this or any other Parliament in the land to demonstrate that the measures that are in place at this time are working, because quite clearly they are not. So, I am pleased to stand in this place and support the member for Waite's motion and put to other members that they ought to throw their full weight behind this very important initiative.

Mr HANNA (Mitchell): I wish to speak briefly, indicating my personal support for the motion that has been put

forward, for the reasons that have been given. I make clear that I am not speaking in a partisan way. This has not been discussed amongst my Labor Party colleagues in recent times, so I make clear that it is a personal view that I put forward. The particular point I want to raise today is why members feel the need to talk about political will; why it is seen as an act of political courage to move a motion such as this.

As the member for Waite indicated, Health Ministers and Police Commissioners around the country and many experts working in the field of drug rehabilitation have thrown their weight behind the concept of what is called, in brief, a 'heroin trial'. To me, it is a lack of knowledge in the community about the true issues of addiction and how those issues of addiction can best be managed that leads to public anxiety about the thought of the State supplying or facilitating heroin or related drugs to those who are addicted. There is that public anxiety, but the Government has an important public education role to overcome the ignorance that exists.

At the heart of it all is a genuine anxiety for those who are addicted, and nobody in this place or in the community wants to promote addiction. This is the essential point of the motion: this is the reason why it will gather substantial support—because, in the end, it is about overcoming addiction. That is the key point and that is why I indicate today my personal support for it. I might say that I do that in the political context as the holder of the most marginal seat in South Australia.

Ms STEVENS secured the adjournment of the debate.

RETAIL AND COMMERCIAL LEASES (TERMS OF LEASE AND RENEWAL) AMENDMENT BILL

Mr McEWEN (Gordon): I move:

That the Retail and Commercial Leases (Terms of Lease and Renewal) Amendment Bill be restored to the Notice Paper as a lapsed Bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

WATER CATCHMENTS

Adjourned debate on motion of Mr Hill:

That this House establish a select committee to inquire into and report on the following matters in relation to South Australia's water catchments—

- (a) the roles, operations and revenue and expenditure of South Australia's water catchment boards;
- (b) the role and responsibilities of the Minister for Environment in relation to the water catchment boards;
- (c) issues relating to the availability and allocation of water resources in the South-East, the Willunga Basin, the northern Adelaide Plains and other areas; and
- (d) other relevant matters.

(Continued from 5 November. Page 212.)

Mr McEWEN (Gordon): I wish to speak in favour of the general notion but foreshadow that I will be moving an amendment to focus more specifically on the issues in relation to the South-East.

Mr Hill: It's about the South-East.

Mr McEWEN: Just wait for it: we will get there.

The SPEAKER: Order! Interjections are out of order.

Mr McEWEN: Thank you for protecting me, Mr Speaker. We know that water is the gold of the twenty-first century, a term used often. We also know that wealth generation will underpin the economic growth of the South-East, in particular, and the State at large. It is from wealth generation that we

will create jobs and opportunities for our young people. Water is so important to everything we wish to do: it is important not only to people who want to use it for economic growth and wealth generation but also to urban dwellers and to industry, and industry in turn is important to our region, because unless we can add wealth through value adding to our primary products we will not move forward and create those opportunities we want for ourselves and our children and, of course, the environment.

Water is a key to the environment and we must ensure that, in any strategy that allocates water, environmental flows are protected. This motion to establish a select committee is about building a foundation from which we can move forward, not the quicksand that it has been implied we stand on at the moment. In that spirit of moving forward, I move:

That all words after 'That this House establish a select committee to' be deleted, and in lieu thereof insert the following:

1. discover all water allocations granted in the South-East and the reasons why they were granted;
2. determine if there were any applications for a water allocation made between the time when the Lacepede Kongorong Proclaimed Wells area was de-proclaimed and the re-proclamation;
3. investigate the process used to establish and modify the water allocation plans as part of the interim policy adopted on 1 July 1997;
4. develop a clear set of guidelines consistent with COAG water policy as it applies to limited unconfined ground water aquifers; and
5. support the South-East Catchment Water Management Board develop as a matter of urgency, and consistent with the Water Resources Act, a water management plan and water allocation plans.

That this committee consist of two members of the Government, two members of the Opposition and the member for MacKillop.

That this committee report to Parliament on points 1 to 4 above by the end of February 1999.

My amendment will ensure that the select committee focuses more clearly on those matters raised by the member for MacKillop when he addressed this House recently. I am not saying that these are the only matters we need to address, and I am not saying that there is no merit in some of the broader terms of reference that were part of the original motion. However, I believe that that may be biting off more than we can chew initially, and there is urgency in resolving the matters in the South-East. The other matters more generally to do with catchment boards can be addressed at a later date in terms of broader terms of reference, or perhaps they can be addressed as part of the responsibility that the Economic and Finance Committee now has on an annual basis to review the annual reports and financial statements of each of the catchment boards.

I believe that we have a vehicle with which we may be able to address some of the broader issues raised in the original motion, and my amendment in no way says that these water issues are not issues or that they should not be looked at. All I am trying to do at this time is be more focused on those issues in the South-East that were raised by the member for MacKillop because, in the absence of building a solid foundation and redressing some of the claimed wrongs, we cannot move forward with integrity. My amendment simply aims to do a number of things. First, in discovering the allocations that were granted, we will establish once and for all whether or not there was any roting and whether some of the anecdotal evidence around the South-East is true. We need to put that to rest one way or the other. Some of the claims made inside and outside this House need to be put to bed.

If there has been some roting, obviously those allocations that are not valid must be removed. Those people who have gained a right through false pretences ought no longer to be able to hold that right. Some people see this whole water issue as a short-term windfall gain for them, and that is the one thing we must eliminate. Water is too important for people to exploit in the short term. If people have chosen to misrepresent the situation and in so doing have the opportunity to exploit it and gain a windfall, that is out. The second matter is limited. It simply asks the question: did anyone gain from a little window of opportunity that was created after an amazing move by the Minister to de-proclaim the Lacepede Kongorong Proclaimed Wells area and then immediately reproclaim it?

There was a window of opportunity there that some people may have chosen to use in a de-proclaimed environment to put in claims for water. The issue is not whether their claim was successful but whether they put in a claim. That might point to another issue: why did that amazing event occur? Did someone see that there may be some benefit from that? We also need to look briefly at the events leading up to the radical change in the water allocation plan that occurred on 1 July. I do not subscribe to some of the claims made about that. I had the privilege to chair independently the meeting of 29 June at which all the stakeholders had an opportunity to put their position. I understand that that was the day on which modifications were made to the water policy. But if other things were occurring or if claims about other things occurring need to be investigated, we need to make sure that there was some integrity in that process at that time, that there was genuine consultation and that the interim water allocation plans, in particular, were the outcome of genuine consultation and not manipulation.

The fourth point is particularly important in that we need to establish what are the requirements under the COAG water policy. We have believed for some time that the Minister's interpretation has been at least far too limited and could possibly have been quite ill conceived. I understand that even one of the authors of the water allocation policy has said that the South Australian interpretation is far too limited. They are not operating within the broader opportunities that exist under that policy. All these threats about competition payments not being provided to the State are just a lot of nonsense.

We need to go back and have a clear look at what it means to have a set of water policies for unconfined ground water aquifers. This involves not surface water or rivers but quite clearly limited, unconfined ground water aquifers. Working back through that, we see that a lot of the present policy needs to be revisited but, if the underpinnings are wrong, the policy will be wrong. Let us go back to the underpinnings. Once we have done that, we have vehicles under the Act, such as catchment water management boards around the State, that can quickly progress what we need, namely, water management and water allocation plans. If we achieve that we will have achieved a great deal of what the original mover has set out to do but acknowledging that the amendment does lead to some of the broader issues that can be canvassed at a later date.

Ms WHITE secured the adjournment of the debate.

NATIVE VEGETATION

Adjourned debate on motion of Mr Hill:

That the regulations under the Native Vegetation Act 1991 relating to exemptions, gazetted on 21 August 1998 and laid on the table of this House on 15 November 1997, be disallowed.

(Continued from 5 November. Page 214.)

The Hon. G.M. GUNN (Stuart): I oppose the motion. It is a great pity that the honourable member did not bring himself up to date with the real world instead of engaging himself as an agent for radical members of the Conservation Council.

Mr Clarke interjecting:

The Hon. G.M. GUNN: I was referring to radical elements of the conservation movement. These regulations are well thought out. They are in the interests of the people of South Australia, and the honourable member has acted in a highly irresponsible manner. If successful, he would have to carry the responsibility for preventing people from carrying out adequate bushfire control. He has acted in a highly irresponsible manner and, for someone who aspires to the leadership of his Party to engage in this sort of behaviour, he is obviously ill-equipped for that position.

Mrs Geraghty interjecting:

The Hon. G.M. GUNN: Go back and see Peter Duncan and get some more instructions before we take him on. The honourable member—

Mr Clarke interjecting:

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

Mrs GERAGHTY: On a point of order, Sir, I ask that the honourable member withdraw the remark he made, because I do not take instructions from anyone.

The SPEAKER: There is no point of order. The member for Stuart.

The Hon. G.M. GUNN: Let us examine what these regulations are all about.

Mr Clarke interjecting:

The Hon. G.M. GUNN: I will deal with that directly. The regulations provide increased scope for landholders to deal with specific native plants which, because of their invasive nature, are causing difficulties in the management of agricultural lands and, in some cases, of native bushland. I thought the honourable member would have been in favour of that. They are to provide a simpler and more effective mechanism for dealing with fire protection in both rural and urban areas and a practical and more effective approach to animal and pest plant control in areas of native vegetation. These regulations are very important in the northern parts of the State. I hope that the honourable member takes note. In parts of the northern agricultural region of the State, three native species create management problems by their tendency to spread into cropping and grazing areas. They include forms of acacia and various other plants.

Mr Hill: You don't know how to say them?

The Hon. G.M. GUNN: I will not try. I know exactly what they are. In the South-East of the State there is the intrusion of coastal wattle into bushland and along roadsides, which is creating problems. In many areas there are infestations of mistletoe, which is killing native vegetation.

Mrs Geraghty interjecting:

The Hon. G.M. GUNN: I do not know whether the honourable member knows anything about the north. The Hon. Peter Duncan occasionally visited us up there. I suggest that the honourable member get a briefing from Mr Duncan and she may get an idea. Mistletoe is having a detrimental

effect on the native vegetation, particularly between Port Augusta and Quorn. Many years ago I took a deputation—

Mr Clarke interjecting:

The SPEAKER: Order! The House will come to order and the honourable member will direct his remarks through the Chair.

The Hon. G.M. GUNN: I certainly will. My attention has been diverted by the bad behaviour of members across the Chamber. These plants are causing problems in drains and established boat ramps.

In relation to fire control, under the Native Vegetation Act there have always been exemptions, but they have not gone far enough. I understand that there is a need to protect dwellings and other buildings in areas of high bushfire risk, and that is what these regulations do. There is another important aspect: although the Animal and Plant Control Commission and its boards have developed methods to minimise disturbance of native vegetation during pest control programs, there are situations where damage to native vegetation is unavoidable. This situation was not addressed at all in the original regulations under the Native Vegetation Act and, therefore, there is a need to deal with that.

Where people are dealing with weeds such as horehound or others, or with rabbits, they have to go in. There is only one effective way to control rabbits and that is to rip the burrows. You have to push out some of the bushes. I do not know whether the honourable member knows anything about the control of rabbits, but a really consistent effort was made many years ago and farmers got decent tractors, bulldozers and rippers.

Mr Hill interjecting:

The Hon. G.M. GUNN: I do not know whether the honourable member knows anything about native vegetation: obviously, he has no knowledge, because he is opposed to controlled burning off. If burning off had a detrimental effect on native vegetation, there would be none left in South Australia. Before European settlement, the Aborigines burnt the native vegetation.

Mr Atkinson: They did; extensively.

The Hon. G.M. GUNN: Yes, and for a very good purpose—so that it could regenerate. Farmers have done the same thing, and there is nothing wrong with it. I have had experience in this myself.

Mr Clarke: I bet you have.

The Hon. G.M. GUNN: Yes, I have been a great man with a box of matches. I have done a lot of good.

Mr Clarke: How many feral goats have you got?

The Hon. G.M. GUNN: They are in another part of the State. For my sins, some years ago I was a member of a select committee, much to the annoyance of Susan Lenehan. I was on the committee with the member for Hammond and now Senator Quirke. I do not think Susan Lenehan wanted Senator Quirke, Mr Lewis or me on the select committee. However, she got us and, much to our credit, it was one of our finest efforts. When we had a draft report put in front of us, we rewrote it. It provided great benefits for the people. Senator Quirke had had experience with bushfires in the Adelaide Hills, so he was all in favour of decent firebreaks, which is what these regulations will allow.

The honourable member ought to talk to the Farmers Federation and to some of my constituents and the councils who have been ringing up. This is nothing more than a stunt to try to appease a few radicals who have no regard for commonsense and no appreciation for the need to be practical in the real world. I am surprised that he does not have himself

up to date, because the Minister has put out excellent explanations as to why this is necessary.

An honourable member interjecting:

The Hon. G.M. GUNN: Because these regulations were agreed to after extensive consultation. I am surprised that the Conservation Council wants to be included and then rushes around the back door to see the Hon. Mike Elliott, the know-all who knows everything about everything but really nothing about anything.

Mr Clarke: He's one step ahead of you.

The Hon. G.M. GUNN: He's not keen on me, I understand. I am just a simple country lad. I do not know why, but he is not keen on me. Nevertheless, these are good regulations; they are in the interests of South Australia. I ask the House to reject the nonsense put forward by the honourable member, because he had the indecency to tell this House that he had spoken only to the Conservation Council. He had not bothered to get himself informed or up to date. If he had taken a little trouble and done a little research, he would be aware that what the Minister has done is in the long-term interests. If a bushfire gets going in the Adelaide Hills this year, he will have to accept some of the responsibility for the damage, because the Country Fire Service is most concerned at his attitude.

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

Mrs GERAGHTY secured the adjournment of the debate.

JET SKIS

Mr HILL (Kaurna): I move:

That this House calls on the Minister for Transport and Urban Planning to prepare regulations for submission to the Governor in Executive Council under the Harbors and Navigation Act 1993—

- (a) that provide for the regulation, restriction or prohibition of motorised jet skis in specified waters within 1 kilometre of the seashore adjacent to metropolitan Adelaide and other coastal cities and towns in the State;
- (b) that take into account the views of local government councils that have areas adjoining those waters to ensure that appropriate regulations, restrictions or prohibitions are in place to protect public safety and to allow the public to enjoy the beaches without unreasonable disruption or disturbance; and
- (c) that provide appropriate exemptions for jet skis used by surf life saving clubs.

For some time now there has been considerable concern in South Australia about the use of jet skis on our beaches. For the last year or so there has been plenty of debate in the press about this issue, and on various occasions the Minister has said that she would deal with it and that some sort of control measures would be in place by this summer. Summer is just about to start and, as far as I am aware, no control measures have been put in place. So, yet again, we will go through another summer with jet skis being used on our beaches in a relatively uncontrolled way.

My motion is a simple way for the Government to deal with the issue of jet skis. I would like to elaborate on that in the time available to me. First, I make the point that there are 850 licensed jet skis in South Australia, and that is an increase of about 150 over last year. While it is a relatively small problem, it is clear from those statistics that it is a sport that is growing rapidly and, unless some controls are put in place, we will have a major problem on our hands. Jet skis do not have a minimal impact on the environment or people on beaches: they have a major impact. As I understand it, some of the more powerful jet skis can travel at 120 km/h, and that

is a very fast vehicle to put on the waterways and to be sharing beach space with other users, particularly swimmers.

As I understand it, the current regulations or laws allow jet skis to operate on any of our beaches as long as they are not exclusively zoned for swimming. The only limitation is that, if a jet ski rider is within 30 metres of a swimmer, he or she has to slow down the jet ski to about 4 km/h. This is a real problem that is affecting people on our beaches. The two main objections to jet skis are as follows. First, there is a safety issue. People are worried that their children in particular may be injured by a jet ski the user of which does not have proper control over the vehicle: it may damage somebody on the beach.

An honourable member: Or the river.

Mr HILL: My motion is specifically to do with beaches, but I would happily accept an amendment to cover rivers as well. The other issue—and this is the one that causes most grief—is the amount of noise that jet skis make. As they are high revving, they operate at a high level of decibels. When in operation, they can be heard throughout the neighbourhood. Just one jet ski can affect the enjoyment and pleasure of everyone on the beach, because it can be heard up and down the beach. It seems that jet ski riders—and I have never tried it—enjoy bumping on the waves, creating a certain kind of noise which is presumably pleasurable to them but not to the thousands of others who may be using the beach.

I move this motion today on behalf of the overwhelming number of my electors and the community I represent, which includes a considerable number of beaches along 35 kilometres. I understand, too, that in other communities up and down metropolitan Adelaide there is general concern about the use of jet skis, and I am sure that similar concerns would be put by beach users to other members who represent beach side electorates.

Unfortunately, the Minister for Transport does not really want to deal with this issue. She has had a number of opportunities to deal with it but she really just wants it to go away, and I suspect that is why no action has been taken to have this matter regulated before the summer season this year. I will briefly outline some of the objections that people in the community elsewhere have about jet skis, and I will start with Mr Nadilo, the Mayor of Holdfast Bay. He was reported on 3 January this year in the *Advertiser* as saying he would lobby seaside councils to ban jet skis 'before someone dies'. He said:

Holdfast Bay council—
of which he is the Mayor—
would put a submission to the Government for—

Mr Clarke: He'd like to be the member, too.

Mr HILL: I am sure the Speaker has no intention of giving over to him. I am sure that the Mayor of Holdfast Bay would see this as a very good issue to campaign on in any election campaign if the Government did not adequately address the issue of jet skis, and I am also sure that the good residents of the Glenelg and Holdfast Bay council area generally would be angry at any Government that failed to regulate and deal with the issue of jet skis. Mr Nadilo said that he would put a submission to the Government for a complete metropolitan ban. He said:

They are just too dangerous and too noisy for metropolitan waters.

I certainly agree with him on that issue. According to the same article, the Port Adelaide Mayor, Ms Johanna McLuskey, said that special areas should be established for

jet skis. Obviously, she does not believe in a complete ban. The Mayor of Charles Sturt council, Mr John Dyer, said that it was a bit draconian to ban them altogether. At that time, a spokesman for the Transport Minister said that the Government would work with local councils. That was back in January, we are now in November, a couple of weeks away from summer, and still no control measures have been put in place.

On 10 January, the Charles Sturt council was reported as saying that it was being swamped with letters and telephone calls objecting to its suggestion late last month for a jet ski zone off Fort Glanville. Responses were dominated by worries about swimmers' safety, noise, pollution, interruption of beach users and the lack of resources to enforce regulations. The Adelaide Beachfront Tourist Park owner, Michael Valentine, whose caravan park overlooks the zone, also lodged a 141 signature petition with the council. So, right up and down the coast there is objection to these jet skis having unregulated use of our coastline.

In the Marino area, the Marino Residents Association said that jet ski noise and safety issues must be addressed before this summer. The association President, Glenys Brokenshire (I do not know if she is a relation to the member for Mawson) said:

Residents on the Esplanade are worried about both noise and safety issues.

She also said:

Although jet skis cannot be launched in the area due to its inaccessibility. . . jet skis have been known to buzz swimmers and fishermen close to the old boat ramp at Marino Rocks.

She also said that the association was also concerned with the seemingly increasing numbers of unregistered jet ski operators. So, right up and down our coastline there is concern about jet skis.

The Premier of Victoria, who is never slow to jump on board a good idea, was reported in the *Weekend Australian* in September this year as saying that he personally would either ban them (that is, jet skis) entirely or restrict them to isolated areas—and that is after the death of a person who was involved in a jet ski accident in Victoria. So, there is considerable community concern.

In my electorate some months ago, a meeting of 250 residents at the Moana Progress Hall voted overwhelmingly in favour of a ban on jet skis in their community. They had that meeting because the local council had initiated a process of consultation to work out how jet skis could be regulated in the community. The local council's recommendation was for a number of zones up and down the coast in which jet skis would be allowed to operate in a relatively unfettered way and with a general blanket cover so that jet skis could operate at only 4 km/h an hour within a 200 metre area up and down the coast, unless a more specific zone was created for them.

To a person, the residents of Moana at that meeting were opposed to this suggestion. They wanted the right for council to ban jet skis completely from their beaches. They felt that the 200 metre zone was inadequate because the noise would still affect other users of the beach—and I am sure that is correct. They were also concerned with the policing operations: who would measure 200 metres; who would say, 'That is only 150 metres,' or 'That is 250 metres'; who would say that the 4 km/h zone was being obeyed; and whether it was lower or higher? There is general concern in my community about that.

A number of processes have been put in place and a variety of bodies have been set up to examine this issue. In February, the Metropolitan Seaside Councils Committee, under the Chair of Mr John Mathwin, said that they would be looking at jet skis. Mr Mathwin said that he hoped the committee could help the State Government introduce legislation to control jet skiers. The Transport Minister (Hon. Diana Laidlaw) at that time is reported as saying that last year (I guess that is 1997) that the Government would not consider banning jet skis from local beaches, because it was up to local councils to regulate their use. In fact, local councils cannot regulate their use: they can only regulate the launching of jet skis. They do not have power over the water.

Mr Mathwin also said that he hoped the legislation would be introduced as soon as possible but that a realistic expectation was for later this year. Unfortunately, the time for legislation has really passed unless the motion I have before the House is accepted.

In about March this year, in one of the Messenger newspapers, the Transport Minister finally seemed to be getting the message. She is reported as saying that the Government was talking to individual councils and would initiate talks with the Metropolitan Seaside Councils Committee in a bid to find the best solution to the jet ski problem. So, by March she recognised that there was a problem.

In April, the Onkaparinga council established a jet ski review group, which made a number of recommendations which were rejected by the meeting that I described. Then, in May the Minister said that the marine safety section of Transport SA had set up a consultative process to tackle jet ski issues. She further said that when the consultative process is completed:

... I will consider your request for legislation covering the matter before next summer.

So, the Minister finally got on board with the request of the community to have this matter considered by next summer but, as I say, we are still waiting. That is where we are at: we are waiting for the Minister to come in.

The proposal that I think the Minister will come up with is the usual blanket of 4 km/h plus 200 metres as suggested by some of the officers of the metropolitan seaside councils. I believe that is not sufficient. I had a discussion with Parliamentary Counsel about the best way to regulate and to get the balance right between those communities which wanted jet skis banned completely from their beaches and those communities which were happy to have jet skis in designated zones.

The simplest way of achieving that is by the regulations suggested in the motion. There are three parts to that. First, regulations under the Harbors and Navigation Act should be created to allow for the regulation, restriction or prohibition of jet skis in specific waters within one kilometre of the coast—and that would apply in any built-up area. Secondly, the bodies under the Harbors and Navigation Act should take into account the views of local councils. This seems to be a sensible balance. Some councils want them banned altogether; other local councils, as the Mayor of Charles Sturt (Mr John Dyer) said, felt that a total ban would be draconian. So, in that area it would be possible for the council under the regulation proposals to allow jet skis to be used in particular sections of a beach but not in other sections thereof. The third part to the regulations would be to allow for exemptions to be created for jet skis used by surf lifesaving clubs, because it is important that any emergency service provision should

be allowed for. If a lifesaving club wanted to use jet skis to rescue people, they should not be subject to any bans.

This is a relatively simple way of resolving the issue. It creates the right balance; it allows the local community to have a say; and it allows proper regulation, including complete banning of the use of jet skis on beaches. I know that my community, in particular the community of Moana, is very much in favour of this—and I suspect that if we asked people in all the communities along the coastline they would have a similar opinion. I therefore strongly urge the House to support this motion.

Mr CLARKE (Ross Smith): I support the motion moved by the member for Kaurua. Whilst my electorate is not on the coast—

Mr Atkinson: It's landlocked.

Mr CLARKE: —it is landlocked, as the member for Spence points out—many of my constituents, including myself, go and happily enjoy metropolitan beaches during the summer months with family and the like, and the most recent irritant of a good, lazy, family day out at the beach is the jet ski with its high-pitched whining noise. Even if they are some metres off the beach, they pose a danger to young children and ordinary swimmers on the beach. I should say that not all jet skiers are inconsiderate, but some are very cavalier with respect to their attitude to the safety of other water users because they go far too close to other water users, whether they be on a surfboard or a bodyboard or whether they are just an ordinary swimmer.

This is not a new issue, because it has been plaguing the users of the beaches and the River Murray for some considerable time. Every summer since jet skis were introduced, like a pestilence, there has been rising concern regarding their presence and the annoyance that they pose to beach users, and the danger in health and safety terms that they also pose. Yet nothing has been done by this Government and this Minister. We are about to enter into another summer, and it would appear that, unless the member for Kaurua's motion is carried, again we will have to endure these moronic jet skiers who want to use their playthings. I often think it is a phallic symbol for many of these jet skiers, because a number of them are young men (I wish I were a young man myself), and they have absolute disregard for the comfort and wellbeing of other beach users. I realise that a number of jet skiers are responsible users and do not want to impose their annoying contraptions on other beach users, but unfortunately a good number of unthinking people rage about on their jet skis to the detriment of other beach users.

Like the member for Kaurua, I read with interest comments made by the Mayor of Holdfast Bay (Brian Nadilo), and I support his views on the matter. I think he probably would make a very good member for Morphett, depending on what political Party he joins, if he is not already a member. Of course, that would be when the present member for Morphett in his own good time chooses no longer to contest that seat. Mayor Nadilo would have to go a long way before he could better the present member for Morphett.

Mr Atkinson: What about Stewart Leggett? He was a pretty good member.

Mr CLARKE: Stewart Leggett, the late, lamented member for Hanson, did toy with the idea of becoming the member for Morphett, and it is my understanding that he put the suggestion to the Electoral Boundaries Commission that the name be changed to Holdfast Bay so that he might re-enter this Chamber. I digress.

Mr Atkinson interjecting:

The SPEAKER: Order! The honourable member should come back to the motion.

Mr CLARKE: The member for Spence tempts me to stray from the subject matter. I concur with the views of the member for Kaurna on this matter. If the Minister comes back with a suggestion, as has been touted, of a 4 km/h speed limit 200 metres from the beach, that will not be acceptable. As the member for Kaurna has already alluded to, who will judge whether or not a jet ski is travelling at only 4 km/h an hour and whether it is within the 200 metres exclusion zone? There are too few beach inspectors now. Councils do not get around to inspect every shop as regularly as they should with respect to ensuring that the Food Act is being enforced, so I cannot see councils being able to enforce this matter. They have difficulty enforcing by-laws with respect to dogs that leave their waste on the beaches, unless they have a particularly zealous local constituent who will do it for them.

That type of compromise would be unacceptable because it would not be enforced. Those jet ski users who already flout what I would regard as normal courtesy to other beach users, as soon as they realised that such a regulation would not be enforced, would go on their merry way creating havoc without any regard for other beach users. I therefore commend the member for Kaurna's motion and hope that it has a speedy passage so that we can force the Minister for Transport to take some action so that we can enjoy our summer holidays at the beach without the annoyance of jet skis and, in particular, the dangers that they pose to young children.

Mr VENNING (Schubert): I support this motion, and I declare my interest because I have owned a jet ski. I was quite a competent rider.

An honourable member interjecting:

Mr VENNING: You would like to see that? I did not have quite the ballast that I have now. We sold this machine for all the reasons that have been highlighted in this debate: excessive noise and danger. A jet ski rider must stand up to control and steer the vehicle. The few seconds between one's standing up on the vehicle and being able to steer it is when the rider is in trouble, particularly on the river. We sold the jet ski because of that and we bought a similar vehicle called a wave runner. The Premier knows about that, because he has ridden on it. It is a lot better vehicle because it has a steering wheel and one sits, rather than stands, on it. I hope that in the regulations the difference between the two will be stipulated. A jet ski is a marine vehicle that the rider stands up on like an aquatic scooter, and it makes a high pitched noise that sounds like a bee. If three or four of these skis are going along, the noise is grossly offensive.

Mr Hill: What does a wave runner do?

Mr VENNING: It has an ordinary muffler and it is subject to much tighter noise restrictions and, indeed, it is much safer to ride. The American law stipulates the difference between the two. The wave runner was produced to counter the problems being experienced with jet skis. We have since sold the wave runner, too, because we were not using it, and it was a rather expensive toy. I heard, I think, the member for Chaffey query by way of interjection whether the river should be included in these provisions, and I would say that it should apply even more in the river because there is no room there for jet skis. When three or four of them go along the river at full speed, the water flies around, it is noisy and it is highly dangerous. It is very difficult to see someone

swimming in the river, and there have been accidents. I would be happy to support an amendment to include the river.

As a former user of a jet ski, I have no hesitation in supporting this motion, because I dislike having to tolerate the excessive noise that they make. I go to the river to relax, and these things are offensive and they destroy the peace and the lovely ambience of the Riverland. It is a very timely motion, and I have no trouble in supporting it.

Mr De LAINE secured the adjournment of the debate.

PARLIAMENTARY LIBRARY

The Hon. G.M. GUNN (Stuart): I move:

That this House calls on the Parliamentary Librarian to—

(a) immediately renew the subscription to the London *Times* and the weekend *Times*; and

(b) prepare and circulate to all members the costs of each subscription to all newspapers, magazines and periodicals received in the Library.

Some weeks ago I visited the Parliamentary Library, as I do on a regular basis when this House is in session, to bring myself up to date with what is taking place in the world, and to my amazement the London *Times* was not there. In my usual manner, I made some inquiries of the staff, who courteously advised me that the subscription had not been renewed. I then made some further inquiries, because I was not particularly pleased when that was brought to my attention. I discovered that this was a cost-cutting measure resulting from the enterprise agreement that was entered into. I had something to do with that.

Mr Atkinson: How much does it save?

The Hon. G.M. GUNN: I am told between \$4 000 and \$6 000, and I will come to that later. I had something to do with the enterprise agreement, but I knew nothing about moves to restrict decent periodicals and newspapers in the Library. Let me say that normally I am not a great fan of the Murdoch newspapers.

Ms Breuer: Ever read the *Transcontinental*?

The Hon. G.M. GUNN: I don't know whether the honourable member has a problem. I have the latest edition on my desk. I could let her have it, if she wants it.

Mr Atkinson: I saw you reading it in the House yesterday.

The Hon. G.M. GUNN: That's right. I am a regular reader of many periodicals, magazines and newspapers that circulate in my district, and I give it my highest attention. I have been somewhat diverted. In my view, this newspaper in question is one of the best newspapers that you can read anywhere in the world. It gives members a window into the world and they can be better informed. If members are interested in what is taking place in the Government of the United Kingdom, the process of establishing the regional assemblies in Scotland and Wales, and things which are relevant to this State and this House, we should be able to read that newspaper. I have always been of the view—

Mr Atkinson: Advertisements for the Dorchester?

The Hon. G.M. GUNN: I don't read the advertisement section; that is not particularly interesting to me.

Mr Atkinson: What about what's on sale at Harrods?

The SPEAKER: Order! Interjections are out of order.

The Hon. G.M. GUNN: I am not particularly interested in going to Harrods. I was dragged along once, and after a very short time I became thoroughly sick of the place. Eventually I found a chair to sit on but was promptly told I was not allowed to do that. I said I was there under great

sufferance and I wished to leave. That is my experience of Harrods.

I understand that this newspaper has been available in the library for a long time. There are a number of other magazines and periodicals in the library which I think are of limited value and which would be rarely read. I want to know what they cost. Another regular reader of this newspaper is the Leader of the Opposition. I understand that he also is not pleased about this.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: I don't think that's the case. I am one of those people who believes that all members should keep themselves abreast of what is taking place around the world. Therefore, this penny pinching exercise is rather mean and miserable in my view.

Mr Clarke: What about the Internet?

The Hon. G.M. GUNN: The honourable member can use the Internet if he so desires. I am somewhat of a traditional person and would far sooner read the newspaper. When I am in Adelaide, I like to get up early and read the newspaper. I believe that this is a retrograde, unnecessary and unwise step.

In my view, there are a number of other areas where cutbacks could be inflicted. I do not believe this is one of them, I do not believe this is necessary, and I believe it is ill-conceived. I do not know whether the Librarian is trying to make a point by discontinuing the best newspaper to teach the Administration or the Treasury a lesson about cutting back the budget. He has hit a raw nerve in my case and in respect of a number of other members. It has been suggested to me that members did not read this newspaper. I do not accept that at all. If this sort of process is to continue, I will get a list of all the newspapers and go through them one by one and determine their value.

You can read the *Canine Journal* and the *Bowling Journal*. I do not know what is their value. My colleague from the Barossa Valley seems to be interested in bowling. I have been told that in respect of some of them there is no cost to the taxpayer, but they are cluttering up the shelves of the library. We get copies of *Hansard* from around Australia. I wonder how many people read those. I have always been of the view that if you read too much *Hansard* you are a glutton for punishment. You can always tell a new member because they read their speeches in *Hansard*, whereas those who have been here for a while do not bother.

Mr Atkinson: That's because your speeches in *Hansard* bear no resemblance to what you say—they've been fixed up.

The Hon. G.M. GUNN: The honourable member is talking about himself. He is different from most members—he is rather eccentric—so we will place no credence on his views at all. We know that he is different and at times rather odd.

Mr Clarke: You're pretty unique yourself.

The Hon. G.M. GUNN: I've been elected 10 times, and that is something that you won't achieve.

Ms Breuer interjecting:

The Hon. G.M. GUNN: Whether you like me or whether you don't—and I understand that a number of people are not that keen on me, but that's all right because I have enjoyed myself here—

Mr Atkinson: How come Barry Wakelin and does better in some booths?

The Hon. G.M. GUNN: He's had the help and assistance of the member for Stuart.

Mr Atkinson interjecting:

The SPEAKER: Order! Members will come back to the

motion before the Chair.

The Hon. G.M. GUNN: This is an important motion, and I am directing my comments in some degree to the Joint Parliamentary Service Committee which has the ultimate responsibility for the provision of these funds. I urge this committee to change its decision forthwith so that members can be properly informed. I would like to know when the *London Times* was first put in the library. There are many publications in the Parliamentary Library. About 15 or 16 years ago I went down to the dungeons and saw rows of Commonwealth reports which I do not think are read or ever likely to be read. They are obviously taking up a great deal of space at a lot of cost.

Ms Breuer: When's your next trip to London?

The Hon. G.M. GUNN: If you want to talk about—

The SPEAKER: Order! The honourable member will not respond to interjections, which are out of order.

Mr Atkinson: Staying at the Dorchester.

The Hon. G.M. GUNN: If members want to talk about travel, I have a good memory about certain members.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: All right. We'll talk about that in the next grievance debate. If you want to talk about members' travel, I am happy to do so.

Mr Atkinson: Go ahead; make my day!

The Hon. G.M. GUNN: In that case I might not do it. I urge you, Mr Speaker, and the Joint Parliamentary Service Committee to reverse this ill-conceived, naive and short-sighted decision which is uncalled for. There was no consultation with members and no proper thought was given to it. In my view it is a mean penny-pinching exercise that is uncalled for an unnecessary. I intend to pursue this matter with a number of others until it is reversed so that common-sense can apply.

It has been said that I will be able to look at this newspaper on the Internet. I am not particularly interested in reading it on screen; like most people of my age, I like to pick up a newspaper and read it. Those members who want to become involved with that sort of technology can, but that is not my style, nor is it the style of more senior members of this place because we have grown up with newspapers. I commend the motion to the House and look forward to the support of members.

Mr ATKINSON (Spence): I will speak with some caution, because this matter has not been before the Parliamentary Labor Party. I am every bit as much an Anglophile as the member for Stuart. I read the British press every week. I religiously read the *Weekly Telegraph*, which is a weekly compilation of London's *Daily Telegraph* published in Australia, and I read the *Spectator*. I think the *Telegraph* is the best of the English newspapers, much superior to the *Times* because it really gives the flavour of England and, in particular, the flavour of the counties' news and also excellent crime reporting. Some of the best crimes committed in the world are committed in England and tried in the English courts. They are certainly worth reading about and I commend them to members.

An honourable member interjecting:

Mr ATKINSON: No, the *Telegraph* is certainly not a tabloid; it is a broadsheet, but it is published in tabloid format in Australia as a weekly compilation. I cannot agree with the member for Stuart's motion because I do not regard the *Times* as the best newspaper coming from Britain. It is a Murdoch newspaper; it is part of Rupert Murdoch's international

empire. I think the *Times* has lost the flavour of being English in the same way as the *Guardian* has lost the flavour of being English. They are international newspapers run by an international business on an international format. So, if one wants to learn about current events in England, I commend the weekly *Telegraph* as being a specifically English newspaper.

It was odd to hear a member of the Government saying, 'It is a mean penny pinching exercise.' It is very odd to hear a member of this Government condemn a mean, penny pinching exercise because, I would have thought that is what it is about in most of its portfolios. I think, if economies are to be made by our State Government, that they should be made in Parliament just as they are made elsewhere. It is a colossal amount of money to spend (between \$4 000 and \$6 000) just to bring one foreign newspaper into our library. The member for Stuart complained about enterprise bargaining leading to economies or productivity measures such as this one.

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: The member for Stuart cited enterprise bargaining as being the proximate cause of the *Times* being cut by the library. Enterprise bargaining is a process supported by the current Government of which he is a member. The removal of the *Times* from the Parliamentary Library is a logical consequence of the Government's policies and I do not think the member for Stuart should be complaining about them since he is a supporter of the principle. This is the logical consequence of the principles he supports.

I think that the motion is tongue-in-cheek. The member for Stuart does not really expect the support of the Parliament. If members of Parliament wish to apprise themselves of news in England, I am quite happy to share with them my copies of the weekly *Telegraph* and the *Spectator* that arrive weekly in my box from the former member for Giles (Hon. Frank Blevins). I am grateful to receive them; I am happy to share them with members at no cost.

Mr LEWIS (Hammond): Notwithstanding the encouragement which the Leader of the Opposition may have given to the member for Stuart to pursue the matter in the fashion which he has, I urge him to do as I am sure he urged his father in metaphorical terms—or it may have been his grandfather—that is, to give up using horses on the farm and go for tractors. It is now possible for the member for Stuart, and indeed all of us, to read the *Times* on the Internet. I see no difference in the information you will obtain, whether it comes by information technology on a computer screen or whether it comes by trees having been felled, processed and turned into paper and then freighted around the world to our library from the other side of the world at great expense. The cost of providing the *Times* on the Internet for the benefit of the member for Stuart and the Leader of the Opposition would be minuscule by comparison with the cost of freighting the bits of paper across the globe.

I do not disparage the honourable member's desire to read the *Times* at all. I have no quarrel with that, and I have no quarrel with the generous offer made by the member for Spence to share with other members the other newspapers he gets from Britain, courtesy of Frank Blevins. I think that is very generous. However, we need to be practical. It would not be possible to farm these days if one attempted to rely upon horses as the power source to move our farming implements around our paddocks. We would be so uncompetitive we would go broke. Therefore, that is the reason we

use tractors. It is more efficient then, I am saying, to use information technology in this instance and to get precisely the same information.

An honourable member interjecting:

Mr LEWIS: The member for Stuart is an absolutely delightful character, quarrelsome and, as it were in my judgment, very much a parliamentarian because of his willingness to test the views of any and all of us on so many measures.

An honourable member interjecting:

Mr LEWIS: Most of which I agree with, but some of which I do not agree with. I cannot support paragraph (a) of the honourable member's motion, namely, 'immediately renew the subscription to the London *Times* and the weekend *Times*. However, I support him most strongly in his proposition (b), namely, 'prepare and circulate to members the costs of each subscription to all newspapers, magazines and periodicals received in the library'. In fact, it ought to be part of the annual report so that we know what we are spending on each of those magazines.

I want to go even further than that and address some of the matters relevant to the underlying cause of the proposition the honourable member brings here before I move an amendment to delete (a), such that the motion would then simply read: 'that this House calls on the Parliamentary librarian to prepare and circulate to members the costs of each subscription to all newspapers, magazines and periodicals received in the library.'

The other matters are these: in the first instance, all locally produced newspapers, magazines and periodicals, such publications as are published in South Australia, must be provided to the library free of cost as a matter of law. I hope that we find that no local newspapers, magazines or periodicals published in South Australia are being paid for. Indeed, one copy of books published by any publisher in South Australia must be provided to the Parliamentary Library free of cost.

An honourable member interjecting:

Mr LEWIS: Yes, for the State Library's collection. I do not see that as onerous, nor do I see it as inappropriate. It ensures that both members of Parliament and the general public have access to everything that is published in South Australia. The next thing I wish to draw to the attention of members of the House is that, indeed, it is a consequence of enterprise bargaining that was undertaken through the framework of the Public Service model. I think that it is absolutely inane and bloody stupid to have used that approach. It should have been done by arrangement between the committee itself and the employees in this place. We are not subject to the directives of the Public Service, nor should we allow ourselves to be so.

Let me also make it plain that we should, through the Joint Parliamentary Service Committee, now in this Parliament (since it is unlikely to happen again for maybe two or three decades) change the way in which we appropriate revenue for the purpose and the function of the Parliament and remove it from the State's general budget. It is not a part of Executive Government. No Minister should have control over those funds. They ought to be appropriated by the Parliament for the purposes of the Parliament before it is, in constitutional law, possible to introduce the budget for the rest of the appropriations to run the State as a separate measure.

Let me underline that point. As a constitutional proposition, we should amend the Constitution and entrench that amendment in the Constitution, such that the money needed

for Parliament and for members of Parliament and their purposes is part of a separate budget that properly draws attention, in a transparent way, to the amount that it costs to run the Parliament and to pay the members and their support staff independently and separately from what Executive Government requires. We spend something like \$5 billion or \$6 billion in this State, and running the Parliament and paying the members of Parliament and their support staff would not amount to anything like half of 1 per cent of that. Therefore, the sooner we do that, in my judgment, the more respect we will get.

In the first instance, there may be an outcry that the institution costs as much as it does. However, when people realise that law itself depends on the existence of the institution and that it is the safety valve for society, to ensure that issues causing concern are ventilated properly, they will see that it is a much less expensive way of dealing with these matters than to have riots and violence in the streets, such as other societies experience with no such Parliament and no such capacity to ask Executive Government Ministers questions about the way in which they administer their portfolios and the way in which they have conducted themselves in their public affairs—and I am not talking about Bill Clinton in that respect: I am talking about the affairs of polity, policy and administration.

An honourable member: Public policy.

Mr LEWIS: Public, indeed. That is a vital part of what keeps our society peaceful, law abiding and respectful of the institution of Parliament. To ensure that this kind of thing does not happen again, another important aspect in the process is to restore subcommittees of the Joint Parliamentary Service Committee to have oversight of the Library, to have oversight of the way in which we publish the proceedings of Parliament in *Hansard* and to have oversight of the Joint Parliamentary Catering Division. They should meet regularly—at least six times a year—and be convened and chaired by a member of the Joint Parliamentary Service Committee to ensure that all members of the Parliament make a contribution to the administrative policy decisions taken in the Parliament. They do not belong to the servants of the Parliament, the paid staff. The Parliament as an institution is here for the sake of society and to provide the functional and physical forum for the members so elected to it to do their duty according to the intent of the Constitution. It is not to provide jobs for any one or more of the people who work here, and who serve it very well.

The SPEAKER: Order! As the honourable member has one minute left, I remind him that he foreshadowed an amendment to the motion.

Mr LEWIS: Yes.

The SPEAKER: The honourable member needs to formally move that amendment.

Mr LEWIS: I move:

Delete paragraph (a).

Mr De LAINE secured the adjournment of the debate.

YOUNG MEDIA AUSTRALIA

Adjourned debate on motion of Mr Hanna:

That this House congratulates Young Media Australia, a national organisation based in Adelaide, for its continuous campaigning against media depiction of excessive violence and obscenity, with the aim of minimising undesirable influences on young people in our society, and recommends that the Government considers ongoing

funding support for this organisation.

(Continued from 5 November. Page 217.)

Ms KEY (Hanson): I am very pleased to support the motion of the member for Mitchell with regard to Young Media Australia. I have had the fortunate experience of being very involved with Young Media Australia through my work as shadow spokesperson on youth affairs, and I know that a number of young people, as well as parents, teachers and students from different areas, have had the opportunity to use the services of Young Media Australia. The member for Hartley and I attended a recent launch for Young Media Australia, and we were both very impressed with the professionalism of the staff and the fact that this organisation, with very few resources, manages to provide an excellent service—a service of quality.

Young Media Australia is located in Adelaide, and I know that it is very much used by the student community—in both the secondary and the post secondary school areas—with regard to resources on a number of issues. As I mentioned, Young Media Australia also provides very good services for parents, in particular, and a couple of very accessible publications have been released by Young Media Australia which contain tips for parents on how to supervise children when watching television and how to talk to their children (especially young children) about some of the programs that they may want to watch, when the classification on the particular program makes it obvious that that program is not appropriate for a young child. It also provides assistance for parents who (probably like the member for Hammond) have not caught up with the technological revolution involving computers and the Internet.

An honourable member: The member for Stuart.

Ms KEY: I am sorry, the member for Stuart. My apologies to the member for Hammond. Young Media Australia provides guidance to parents on how to supervise children with respect to technology that quite often they may not understand themselves, and identifies some of the access points available (particularly through the Internet), which some of us who may not be as computer literate as the younger generation need to know about, to make sure that children are accessing appropriate information from the Internet that is within their comprehension and appropriate for their level of maturity.

Young Media Australia also runs seminars for the community and, having attended a couple of these, I commend this service to members of the House. I ask members to look very seriously at ongoing funding support for this organisation and I hope that we receive an answer as soon as possible from the Government concerning the future of this very important organisation. I commend the motion to the House, and I urge members on both sides to support it.

Mr HAMILTON-SMITH secured the adjournment of the debate.

[Sitting suspended from 12.19 to 2 p.m.]

POKER MACHINES

A petition signed by 178 residents of South Australia requesting that the House urge the Government to introduce legislation on poker machines that supports measures to give local residents the power to object to their installation, bans

their advertising and have them phased out was presented by Ms Bedford.

Petition received.

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

PINES COMMUNITY CHILD CARE CENTRE

In reply to Ms WHITE (Taylor) 28 October.

The Hon. M.R. BUCKBY: Following the decision of the Pines Community Child Care Centre Management Committee to close the centre, the management committee approached the Department of Education, Training and Employment on 26 October 1998 inquiring about a restructuring grant. The restructuring grant for child care centres was announced by the Premier in June 1998 to assist centres to maintain their ongoing viability.

The management committee then submitted an application to department officers at a meeting on 28 October 1998.

I am pleased to advise that on 30 October 1998 I approved a sum of \$12 000 to assist the management committee to implement changes that will enhance the ongoing viability of the centre. The Pines Community Child Care Centre will continue to operate, thus ensuring that a valuable service will remain in that community.

QUESTION TIME

SOUTH-EAST WATER

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given the Premier's answer on the role that Dale Baker played in the 1997 decision to change the South-East water policy, and that Cabinet and not individual Ministers made all such policy decisions, did Cabinet meet last night to approve another policy brokered by the Deputy Premier yesterday and announced in this morning's media? Under the headline 'Backflip on South-East water policy', today's country edition of the *Advertiser* states:

A last minute deal was brokered last night by the Deputy Premier, Mr Kerin, to appease Independent MP, Mitch Williams, who had threatened to side with the Opposition and force an inquiry.

Yesterday the Premier twice told the House that any policy change of this nature would be made by Cabinet.

The Hon. R.G. KERIN: I am pleased to correct the record on this matter. It is very much a matter of the *Advertiser* not making a policy, either.

Members interjecting:

The Hon. R.G. KERIN: One of the interesting things about the article which the ALP took great joy in faxing to various people this morning to let them know what was going on in the State is that it appeared in the country edition but not in the city edition. I have no hesitation in saying that the meetings in which I was involved last night finished after 11 o'clock and, being a rural person myself, I know that this edition of the *Advertiser* is probably well and truly on a truck and on its way by then, yet the report confirms the outcome of a meeting that was held.

Mr Foley interjecting:

The Hon. R.G. KERIN: I think that someone was guessing, Kevin. As is stated in the report, the member for MacKillop, with whom I talk about many of these issues, myself and certain officers (and I met with the Environment Minister—this is all very open) met and I was surprised to see in the newspaper that we had come to a decision on a new policy, because that was never the likely impact of the meeting last night, where we talked through the practicalities

and issues involving resources in the South-East. They were the correct people to be there.

Members interjecting:

The Hon. R.G. KERIN: There was no secret that a meeting was being held. The surprising part—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will come to order.

The Hon. R.G. KERIN: The part you are talking about being reported in the media is that the *Advertiser* has confirmed that 'a last minute deal was brokered by the Deputy Premier, Mr Kerin'. That is pure guesswork.

Members interjecting:

The Hon. R.G. KERIN: No, they did not get it right. When the meeting finished, this paper had been printed and was well on the way. As to the other issues raised, the Environment Minister has been involved in all the talks that have taken place. My role in this matter not only involves a whole-of-Government one but I am basically the major stakeholder, bearing in mind that water is an absolutely vital issue in connection with primary industries and regional development.

In relation to water, this is about saying that we are trying to avoid a select committee. As far as I am concerned, I will work hard to avoid a select committee, because ground water in this State is a very important resource. What we are seeing at the moment around the State is something we never saw under Labor. I suggest that members opposite visit Lameroo, Pinnaroo, Bordertown, Keith, Naracoorte, Padthaway and Penola where jobs are being created to the extent that the biggest problems in those areas are lack of labour and lack of housing. That is something that we have not experienced in the past. I know that members opposite might not like that, but to call for a select committee to try to slow things down is a good tactic only in terms of putting the economy on the back foot. The other matter that this newspaper article fails to recognise is that at the moment the policy is determined by the catchment board in the South-East. That point is not made clear in the article.

Members interjecting:

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

The Hon. R.G. KERIN: I did not catch all the supplementary questions but, in conclusion, I indicate that I do want to avoid a select committee. I want to see that development continue, and I do not want to see a political stunt which pulls back that development and which tries to stop it. I will continue to talk to the members for MacKillop and Gordon and to anyone else who wants to talk about regional development based on the use of the water resource. The Minister for the Environment and I have ongoing discussions on virtually a daily basis in terms of how we can best create that development and also provide some equity for land holders.

JOBS WORKSHOPS

Mr SCALZI (Hartley): My question is directed to the Minister for Employment. How is the State Government working with the Commonwealth to improve the effectiveness of the new Commonwealth Job Network arrangements?

The Hon. M.K. BRINDAL: Members of the House will be interested to know that I returned from Port Pirie this morning where a number of unemployed were interested in this question—even if some members opposite are not. The

State Government is working closely with the Commonwealth Government on its Commonwealth employment program. Anyone who has served in this House more than this term will know that our electors have all had experiences with the old CES, and some of those experiences were very patchy. Nobody in this House could deny that reform of the old system was well overdue. Considering that billions of dollars were poured into it by the previous Keating Government, it was ineffective and failed to produce a result.

The Commonwealth Job Network is a \$1.76 billion initiative which commenced on 1 May 1998. Employment and training services were outsourced to a network of more than 300 private, community and Government providers. The Job Network offers three distinct services: job matching, job search assistance and intensive assistance.

Members interjecting:

The Hon. M.K. BRINDAL: Members opposite prate and bray, as they normally do. First, I suggest that members opposite visit regional South Australia and talk to some of the people there where the results of the new initiatives differ from the results in the city. Secondly, there are teething problems with the new system—problems that were highlighted by the Premier of South Australia in concert with every other State leader less than a week ago. On the Premier's initiative, I am sure that those problems will be addressed. At the Premiers' conference last Friday the Premier won the support of every other State and Territory to push the Federal Government to review the Commonwealth's new job program, Job Network.

As a result of the Premier's initiative, the Federal Minister for Employment (Hon. Tony Abbott) has agreed to convene a ministerial meeting of all State and Territory employment Ministers early next year. Instead of sitting here grizzling and carrying on, the Premier is doing something, and that might be a lesson for members opposite. On Tuesday this week the Hon. Tony Abbott visited Adelaide, and I had a long luncheon with him.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: It was long because it was productive, and that is the important thing. It was also long because I was able to raise a number of very important issues that have arisen in the context of the Job Network—another initiative undertaken by this Government which, whether or not members opposite like it, happens to be working. This Government—

Members interjecting:

The SPEAKER: Order! I think the Opposition has had a pretty fair go in the response to this question. I ask that the Minister be heard in silence.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for interjecting after the House has been brought to order.

Mr Foley interjecting:

The SPEAKER: Order! I warn the honourable member a second time.

The Hon. M.K. BRINDAL: This Government is committed to working on unemployment—on jobs for South Australians—as its number one priority. It is committed to not using this issue as a political football but to working constructively with the Commonwealth Government and local government to achieve jobs for South Australia.

Mr Koutsantonis interjecting:

The SPEAKER: Order! I warn the member for Peake. I remind him of what he said to the House during his address

in reply where he impressed us all by telling us how he respected the standards of the House and wanted to see fewer interjections.

The Hon. M.K. BRINDAL: Finally, I heard a question from the Opposition, 'Who paid?' I can tell members opposite one thing: this Government will not make the unemployed pay. This Government is here to help the unemployed, and the Opposition should take a leaf out of the pro-active stance of the Government and cooperate rather than obstruct.

SOUTH-EAST WATER

Mr HILL (Kaurna): I address my question to the Deputy Premier. Why was the member for Gordon not included in negotiations last night between the Deputy Premier and the new member for MacKillop on policy changes in respect of South-East water allocations? Will the new policy comply with COAG requirements, and will the new policy retain the controversial 'first in, first served' arrangements brokered by the former member for MacKillop? A report in today's media under the heading 'Backflip on South-East water policy' stated that under the deal producers upgrading developments will no longer be able to purchase future water rights. No mention is made in the report of the 'first in, first served' arrangements reported in the *Border Watch* of 1 July 1997 as being 'considered dangerous by many water experts'.

An honourable member interjecting:

The Hon. R.G. KERIN: I do not know; the member for Gordon might have been where you were when I answered the first question, because we have covered most of this ground. The member for Gordon and I have discussed this. The explanation last night was that the member for MacKillop had some ideas which he wanted to run past some officers, which is exactly what we did. The member for Gordon is always welcome in my office; he knows that. I think the last thing the member for Gordon needs is the help of the honourable member.

PRIVATE HEALTH INSURANCE

Mr CONDOUS (Colton): Will the Minister for Human Services advise the House of the latest private health insurance membership figures and the implications for the public health system?

The Hon. DEAN BROWN: The latest figures are out today for private health insurance. They show a further drop, which equates to more than a 1 per cent drop over a 12 month period. The figure for South Australia is now down to only 461 000 people in private insurance, and that is 31 per cent of the population. I highlight to the honourable member what the figure was back in 1991. Instead of 461 000, it was 689 000: 42.8 per cent of the population had private health insurance here in South Australia. In that short period of seven years, it has dropped from almost 43 per cent down to 31 per cent. In that period about 220 000 extra South Australians have come to rely on the public hospital system.

That is also now being reflected in the latest figures in terms of the use of public hospitals. I will give a broad summary of the change that has occurred here in terms of demand on the public hospital system. In 1991-92 there were 271 000 total admissions in South Australia. That has increased to 326 000 admissions in the period up to last year. The number of admissions per 1 000 head of population has risen from 187 to 220. The biggest increase has been in

casualty, which has gone from 361 000 to 455 000 admissions to our public hospitals. This highlights again the need for an increase in private health insurance in Australia. The public hospital system is full and demand at capacity in most of our hospitals. We cannot have a continual drop in private health insurance and expect the public hospital system to pick it up.

The Federal Government has just introduced into the Federal Parliament legislation for a 30 per cent rebate on all private health insurance in Australia. That means a straight rebate to the average family of about \$750 a year. We learn from statements made in Canberra that the Labor Party senators and the Australian Democrats senators from South Australia will reject this legislation. My plea to them is to let the legislation as proposed by the Federal Government go through. The last thing that people in this State who rely on the public hospital system want is to see the rebate legislation rejected by the Senate. The Australian people have voted on the issue and have re-elected the Coalition. They want the legislation because they want the benefit of the 30 per cent rebate.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I invite the member for Elizabeth to pick up the phone and speak to her Federal colleagues. Never again can she complain about people not being able to get into public hospitals when she is prepared to go along with her Labor colleagues in the Senate and see the rebate rejected. It is against the health care interests of Australia. This nation needs more people under private insurance, and incentives by the Federal Government that achieve that will be a significant benefit to the health care of all. A lot of people in the community cannot afford private insurance and we need to ensure that the public hospital system is available for those people when they need care, but those who can afford private insurance should be given the incentive and encouragement to take it up.

Ms Stevens interjecting:

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

The Hon. DEAN BROWN: Anyone who was honest with themselves would realise that it is far more effective for people to take out private health insurance, if they can afford it, even with an incentive from the Federal Government to do so. Importantly, it is the only way to take the pressure off the ever-increasing burden on our public hospital system and the only way we can ensure that those who cannot afford private insurance can get care in the public hospital system when they need it.

HAMMOND, DR L.

Mr FOLEY (Hart): Did the Premier tell his Government Enterprises Minister, Dr Michael Armitage, the truth—

Mr Atkinson: Where is he? Is he unwell or is he door-knocking at Ovingham?

The SPEAKER: Order! The member for Hart has the call.

Mr FOLEY: —when he advised that the former head of the MFP, Dr Laurie Hammond, received only \$198 500 as his taxpayer funded pay-out with the winding up of the MFP?

An honourable member interjecting:

The SPEAKER: Order!

Mr FOLEY: The explanation is important. On 9 December 1997, the Minister for Government Enterprises told the House, in response to questions from the Opposition,

that Dr Hammond had received a pay-out of \$198 500. The Minister stated:

I was checking with the Premier as to whether it was \$198 000 or \$198 500. I am informed that \$198 500 is the total package.

Yesterday, the Minister told Parliament that investigations were now occurring into other additional payments to Dr Hammond not previously revealed. Today's media reports that these payments could be as much as another \$200 000. This is in addition to a further \$200 000 taxpayer funded consultancy at the University of Adelaide given to Dr Hammond and also not revealed by this Government to the Parliament.

Members interjecting:

The SPEAKER: Order!

Mr Foley: The buck stops with you, Premier.

The SPEAKER: Order!

The Hon. R.G. KERIN: As the Minister representing the Minister for Government Enterprises—

Mr FOLEY: I rise on a point of order, Mr Speaker. This was a specific question to this Premier about information that this Premier gave to the Minister for Government Enterprises.

The SPEAKER: Order! There is no point of order. The member will resume his seat.

Mr Foley: The buck stops with the Premier.

The SPEAKER: Order! There is no point of order. The Chair cannot control the particular Minister from rising. The Deputy Premier is responding. It is out of my control.

The Hon. R.G. KERIN: Thank you very much, Mr Speaker. Yesterday—

Mr FOLEY: I rise on a point of order, Mr Speaker. This was a specific question to the Premier. The buck stops with the Premier.

The SPEAKER: Order! The member will resume his seat. There is no point of order.

The Hon. R.G. KERIN: Thank you, Mr Speaker. Perhaps it will be third time lucky. I do not know whether the member for Hart was in the Chamber yesterday when the Minister for Government Enterprises made a short statement on this during questioning on the Auditor-General's Report and the Minister for Government Enterprises undertook to bring back further information to the House. He has only just become aware of certain circumstances. He has called for an investigation, which is exactly what you would want him to do—or would you rather he did not? He has called for an investigation. He has undertaken to bring back the information to the House. Please be a little patient and the Minister will do so.

NATIVE VEGETATION

Mr MEIER (Goyder): Will the Minister for Environment and Heritage—

Mr Foley interjecting:

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

Mr MEIER: —provide an accurate assessment on the level of vegetation clearance approved by the Native Vegetation Council?

The Hon. D.C. KOTZ: The honourable member rightly suggests that there is a need for a balanced picture to be given in relation to the decisions of the Native Vegetation Council. We seem to be beset today by misleading and uninformed comments reported in the media, in this instance concerning the decisions of the Native Vegetation Council. Let me state quite categorically that the Native Vegetation Council has remained responsible in its assessment of each application for

clearance, using principles that are clearly set out in the Native Vegetation Act 1991.

Since its establishment, the council has been mindful of the need, on the one hand, to support economic development, where appropriate, and since the early 1990s—as I am sure all members would recognise—there has been an increase in the number of applications for clearance as the demand for vineyard development has grown. I reject any suggestion that this Government has in any way softened the conditions under which native vegetation clearance applications are considered by the Native Vegetation Council.

I remind members of the high penalties that exist for illegal clearance or failure to comply with the conditions set by the Native Vegetation Council. Penalties for non-compliance include a Division 2 fine of \$40 000 or a sum calculated at the prescribed rate for each hectare of the land in relation to which the offence may have been committed—whichever is the greater.

Broadacre clearance, something which I am sure members of this House understand, is certainly a thing of the past. It all depends on which school you went to. The Native Vegetation Council is mostly involved with applications for clearance of isolated or scattered trees. This makes comparison of statistics compiled by the Native Vegetation Council prior to 1994-95 with statistics since then potentially misleading for these reasons. I am advised that prior to 1994-95 data for scattered trees related to the canopy cover of the trees under application. In 1992-93, the Native Vegetation Council gave consent or conditional consent to 89 per cent of those applications in terms of canopy area. From 1994-95, under a Liberal Administration, the method of recording statistics was changed to reflect the total area—

Members interjecting:

The Hon. D.C. KOTZ: The Opposition has already today indicated its contempt for questions and answers on employment, but native vegetation also seems to be a matter of utter scorn for them. From 1994-95, under a Liberal Administration, the method of recording statistics was changed to reflect the total area over which the trees were scattered. In 1996-97, the Native Vegetation Council approved only 42 per cent of the number of scattered trees under application. So, it is quite clear that any comparison between the two periods that I have mentioned needs to take into account the change in recording statistics. In this way, members will gain a balanced picture of the actual situation.

One final point that is often overlooked by critics of the Native Vegetation Council is that the council has developed a consistent policy of requiring a positive environmental trade-off in approving any clearance. Clearance is generally subject to conditions requiring landholders to replant native vegetation elsewhere on the property or to fence and protect other areas of native bushland. For example, in 1997-98 conditions were applied requiring conservation works over a total of more than 1 500 hectares of our State. The overall result is that for any trees or other native vegetation removed there is action to secure an overall long-term improvement for the environment of South Australia.

HAMMOND, DR L.

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Did Mr Ian Kowalick, the CEO of the Department of the Premier and Cabinet, negotiate Dr Hammond's payout; was the Premier the Minister who authorised that payout; and, if not, which Minister did?

The Hon. J.W. OLSEN: The Commissioner for Public Employment negotiated the payout. I will check on the second part of the question.

CIVICS AND CITIZENSHIP PROGRAM

Mr WILLIAMS (MacKillop): Will the Minister for Education, Children's Services and Training explain to the House the Government's position in relation to education in the area of civics? I have received a letter from a constituent, who happens to be a teacher in one of the schools in my electorate, who is dismayed at the impending demise of the position of Civics and Citizenship Project Officer within the Education Department. I am told that the person in this position has been involved in the stimulation of the teaching of leadership, civics and citizenship in our schools, as well as being the coordinator of regional and State constitutional conventions.

The Hon. M.R. BUCKBY: The civics and citizenship position was a special initiative project that, in fact, had a three year tenure. That tenure ceases at the end of 1998 but the work of the department in civics and citizenship will continue in the following ways. First, a four year position entitled Essential Learning Officer, Society and Environment, will have a major focus in civics and citizenship policy and development. Secondly, within the teaching and learning team, a Curriculum Officer in Studies of Society and Environment has a continuing—

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder will come to order. The Chair wants to hear this reply.

The Hon. M.R. BUCKBY: —one year tenure, and will have focus in civics and citizenship support to schools. The major work and support will be in the implementation of the Discovery Democracy Curriculum Corporation, a national education kit that is due to be completed by today. Thirdly, the Department of Education, Training and Employment, in partnership with the Catholic Education Office and the Independent Schools Board, is facilitating a DEETYA funded civics and citizenship program. The program will be funded for three years, and a position has just been filled for a project officer to work across the three systems to provide training and development for teachers in years 4 to 10 in civics and citizenship education. This project officer has a .6 entitlement, and the line management and location of this project officer will be within the department.

In addition, under our Foundations for the Future document, we have a very heavy commitment towards civics and citizenship. It is one of the key five focus areas in which we are bringing education to our young people, and this Government is committed to that program.

MEMORIAL DRIVE

Mr WRIGHT (Lee): Does the Premier stand by his statement in his press release of 11 November 1998 that the retention in Adelaide of the Australian Hardcourt Tennis Championships depends upon the David Lloyd Leisure redevelopment at the Memorial Drive Tennis Club site going ahead?

The Hon. J.W. OLSEN: What it does depend upon is the commitment by the Government to put a cover on the southern grandstand, and the initial negotiations in relation to the hardcourt tennis championships were predicated upon

that. Any other development on the site would further enhance the retention of the hardcourt championships.

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder will contain himself.

INTERNATIONAL COLLEGE OF HOTEL MANAGEMENT

The Hon. R.B. SUCH (Fisher): Will the Minister for Education, Children's Services and Training provide an update as to the success of the International College of Hotel Management at Regency Park—something which is very dear to my heart?

The Hon. M.R. BUCKBY: I thank the member for Fisher for his question: I know that he retains a very keen interest in Regency Park and in the International College of Hotel Management. I am very pleased to report that in 1998 there were 63 first year enrolments, compared with 59 in 1997. Of those 63 enrolments, 41 involved international students. That is a very impressive record because, for each of those international students, it means that .4 of a job is created in South Australia purely through the tuition fees and the services that those students require. In addition, it has a significant economic benefit to the State, because international students in South Australia pay some \$22 million in student fees alone. There is a multiplier effect of approximately three to that figure when their families visit, because they require accommodation and purchase goods and, as a result, this State benefits by their spending in South Australia.

In addition, the students who come here, because of the high quality of education that they receive in South Australia, become ambassadors for South Australia. There are many cases where students have returned to their countries in South-East Asia, in particular, and promoted the benefits of education in South Australia whereby not only do their sons and daughters come here but it continues for a further generation as they tell their friends about it and we end up with more international students coming here as well.

A further injection by this Government of \$2.7 million is for extra accommodation for those students coming into the International Hotel. The 64 beds take our total accommodation to 184 student places for international students. This just shows the priority of this Government is in expanding our education system and ensuring that it goes overseas and brings dollars into this State. This brings economic benefits to South Australia as well.

Next year the Bachelor of International Hotel Management Degree will be offered for the first time, which will further enhance the attractiveness of the college to prospective students from both here and overseas. Regency Hotel School and the International College of Hotel Management won the award as the best industry education provider at the Australian Tourism Awards held in Brisbane. That shows that South Australia, through this hotel management college, is the leader in the country, and it should be congratulated on its efforts in education in this area.

ADELAIDE RAMS

Mr WRIGHT (Lee): What action, if any, has the Premier taken in the past two weeks to ensure the continuation of the Adelaide Rams Rugby League Club? On 5 November the Premier told the House that, while he had discussions with the Rams, he was simply waiting on a decision on the team's

future. Following that statement, I understand that some members of the media were informed by the Premier's Office that the Rams wanted more taxpayer support, a point denied by the Rams' management. Meanwhile, the Leader of the Opposition and I have written to National Rugby League management calling on it to recognise the commitment South Australia has made to the Rams and urging it to maintain the Adelaide Rams in Adelaide.

The Hon. J.W. OLSEN: I simply do not have much more to add to my previous answer. As I said, I had telephone discussions with principals here and in Sydney in relation to the Rams. I indicated that South Australia would want to see the Rams continuing, that we would want to participate in national sporting competitions and that there had been considerable investment by the public and sponsors in the Rams establishing in South Australia. As I am sure the member is aware, it is a matter of some rationalisation of rugby league clubs as they start the 1999-2000 season, and negotiations are ensuing. I indicated to the principals that, should they require further Government discussion, I would be more than happy to have that discussion with them. To date they have not sought to have further discussions.

TOURISM

Mr HAMILTON-SMITH (Waite): Will the Minister for Tourism inform the House about what action is being taken to ensure that tourism operators provide consumers with consistently high standards of service? It is frequently emphasised to me by constituents that the community believes it is important for the reputation of our tourism industry for consumers to get what they expect from the different tourism services that operate in our State.

The Hon. J. HALL: I thank the member for Waite for his question and for his support of the tourism industry sector in this State, which as all members of the House know, I am sure, is very important to this State. I know that all members of the House would share my view that we need to have a strong and vibrant industry here because not only does the tourism industry employ more than 26 000 jobs directly but, indirectly, the tourism and hospitality industry employs more than 40 000 people and injects more than \$2 billion into our economy each year, which is pretty good. To achieve the expansion of both these important areas it is vital that our industry operators have the highest of all standards to enable them to meet the changes and demands expected of them by tourism consumers.

We desire that South Australia be recognised both nationally and internationally as a quality destination. In relation to this, the State Government has formed a partnership with the South Australian branch of the Tourism Council of Australia. It has introduced the National Tourism Industry accreditation program to South Australia. The House may remember that it was formally launched in March this year, and it enables the Tourism Council of Australia, in conjunction with the State bodies, to implement this program independently and very effectively. It ensures that the TCA becomes a very strong industry voice, and I believe that can only augur well for the industry sector. It is expected that over the next three or four years a majority of tourism industry operators will achieve this accreditation, and it may be of interest to the House to know that there are more than 1 800 operators currently working in South Australia.

Of that group, more than 350 have already attended the workshops being held. There are 144 who have already joined

the program and, in a fairly short time, more than 18 have already achieved formal accreditation. This program has enabled operators to improve their business practices, their services and their product quality, which we all know will ultimately lead to increased profitability. I know that all members opposite are keen for these industry operators to have that. The accreditation program is based on nationally recognised quality assurance principles, and it is aligned to the Australian and international standards and quality management systems. It would be of interest for the House to know that the Tourism Council—

Members interjecting:

The SPEAKER: Order! I warn the member for Peake for the second time.

The Hon. J. HALL:—in conjunction with the Tourism Commission, works very closely with all the regional marketing boards, with AFTA and the Bed and Breakfast Association to identify and target those operators who will benefit from this program. It is very important that the House supports such initiatives. It is obviously a very strong response from the industry so far, and it demonstrates that it shares our commitment to ensure that South Australia increases its tourism dollar, its tourism visitation, and that we become recognised as a strong quality destination in the world.

CHILD CARE

Ms WHITE (Taylor): My question is directed to the Minister for Education, Children's Services and Training. When will the new regulations governing child care centres be brought to Parliament? At the same time will there be an accompanying amendment to the principal Act to change which types of child care services in future will be covered under those regulations?

The Hon. M.R. BUCKBY: This matter is basically on my desk at this time. We have just drawn up a Cabinet submission for that, and it will go to Cabinet within the next few weeks.

EUROPEAN WASPS

The Hon. D.C. WOTTON (Heysen): Will the Minister for Local Government bring the House up to date—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder for continuing to interject after he has been warned by the Chair.

The Hon. D.C. WOTTON:—with the latest action taken by the Government to tackle the European wasp problem?

Members interjecting:

The Hon. D.C. WOTTON: I might indicate that I am not necessarily reflecting on the member for Norwood. All members of the House would be aware of the significant concern in the community about European wasps. They are getting worse, and with the warmer weather approaching people want to know just what the Government is doing to combat this problem, hence the question.

Mr ATKINSON: I rise on a point of order, Mr Speaker. I understand that it is against Standing Orders for questions to be asked for information that is set forth in accessible documents, and the Minister has published a very nice brochure on European wasps to which we could refer for this information.

The SPEAKER: I do not uphold the point of order. The honourable member was very specific in the framing of that

point of order, but the question was asked in a way that allows a broad answer. I allow the question.

Members interjecting:

The Hon. M.K. BRINDAL: I will try to be as brief as possible. On 6 November I was very pleased to join the President of the Local Government Association to sign a statement of intent between this Government and the local government sector on a control program for European wasps which will be put in place over the next three years. As in past years, this will be a collaborative program between the State and local government on three fronts: destruction, public education and research. The program has been funded by a contribution of \$70 000 per annum from both State and local government sectors and \$360 000 per annum from the Local Government Disaster Fund.

As you would be aware, Sir, arrangements have already been made with the University of Adelaide and the South Australian Research and Development Institute to undertake research into control methods for European wasps. The value of this control method is in excess of \$600 000 over the next three to four years. Indeed, the Minister for Environment can confirm that South Australia has been given much credit for leading the nation in an attempt to reach a consistent, scientific approach to this problem. For this summer, up to \$240 000 has been allocated to the program for nest destruction by councils.

While the statement of intent leaves the onus on councils to determine whether they will be part of the coordinated program, early indications are that every metropolitan and outer metropolitan council will continue to provide a free nest destruction service. It is not clear whether rural councils with low wasp numbers will continue to contribute to or be part of the program; however, indications are that most, if not all, will provide a free service as well, irrespective of whether or not they join. In terms of public education—

Mr Hill interjecting:

The Hon. M.K. BRINDAL: If I were the member for Kaurana, I would be careful in view of what is sitting behind him. In terms of public education, 65 000 brochures have already been produced for distribution to the public via councils.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: The member for Peake seems preoccupied with cost. I would have thought that a matter of public health went beyond cost, and I have already detailed the complete costs to the House. The honourable member should try engaging his brain instead of his mouth.

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: Believe me, that was not abusive. In addition, planning is under way on the public education programs for this summer to complement the distribution of brochures. I am indebted to the cooperation of the Minister for Education in this matter because he has provided officers to help with a decent program to go into schools this summer. An analysis is to be undertaken on past programs and feedback for those involved in nest destruction work in councils, and options are currently being prepared for consideration by the Local Government Association, which will be responsible for managing the public education component of the scheme.

Now that an agreement has been signed with the LGA, I intend to bring the order making power for nest destructions, passed by this House in the last session, into operation. This power was included in the Local Government (Miscellaneous) Amendment Bill; however, I gave an undertaking

at that time that I would not bring the power into operation until an agreement had been signed with local government. So, I am, as this Government always does, informing the House of what we are doing. In addition to the program that I have just announced, this State also has a representative on the ANZECC task force on European wasps. The aim of this group is to facilitate coordinated and cooperative community education and research initiatives in relation to European wasps in all States and in New Zealand.

In conclusion, local industry is also playing a part. A very innovative firm at Plympton has designed a marketable product which will shortly be on supermarket shelves for under \$5. So, our business sector has seen an opportunity and is providing a cost-effective alternative. It will not get rid of European wasps, but it will help with the problem. It is a good example of what the Premier is always talking about: innovation, enterprise and private business working in partnership with Government to solve our problems. I commend the approaches of this Government and the community of South Australia to the Opposition; it could learn from such an approach.

BRUKUNGA

Ms BEDFORD (Florey): Is the Minister for Environment able to inform the House whether the dried sludge being dumped by SA Water at Brukunga is being tested for heavy metals? If it is being tested, what details can the Minister give the House? If it is not being tested, why not?

The Hon. R.G. KERIN: Responsibility for the sludge is partly within the Minister for Government Enterprises' portfolio and partly within my portfolio of Primary Industries as nowadays it has responsibility for the Brukunga mine. Basically, this responsibility is shared between SA Water and Primary Industries. The aim is to rehabilitate the mine site, and from a briefing I understand that the tested levels of biosludge are lower than heavy metal levels within mineral fertilisers. If the honourable member wants any more detail, I can probably get that from SA Water for her.

NATURAL HERITAGE TRUST

The Hon. G.A. INGERSON (Bragg): Will the Minister for Environment and Heritage tell the House what the Natural Heritage Trust has achieved to date and how this program will contribute to the improvement of South Australia's environment in the future?

The Hon. D.C. KOTZ: Most members could only but agree that the Natural Heritage Trust has been a tremendous environmental success for South Australia. Because of the sale of Telstra, we have seen an injection of funds nationwide into supporting environment works, and it is the most significant commitment that has ever been made to the environment by any Government. During the 1997-98 financial year, the Commonwealth provided NHT funding to the tune of some \$24 million. The South Australian Government and the community, in conjunction with local government, matched it with some \$21 million, which meant that in this State alone \$45 million was spent on environment projects across the State.

It is important to note very definitely that this is a joint program and that the community does in fact make some very significant contributions by way of in kind support. In effect, the Natural Heritage Trust and the matching funds from the South Australian Government have provided support to the

community to take a hands-on approach to the environment. The NHT is about the Government and the community working together once again to ensure that there is a positive environmental outcome.

During the 1998-99 round of NHT funds, South Australia has again managed to attract quite significant NHT funding. At this stage through the Federal Government we have accepted \$3.45 million for bush care, \$.53 million for farm forestry, \$.17 million for fisheries action, \$3.5 million for Murray-Darling 2001, \$13.22 million for land care, \$1.04 million for river care, \$.29 million for national river systems, \$.2 million for national wetlands and \$.3 million for Water Watch. In all, we have a total of some \$22.7 million of Commonwealth money. This money will be used to build on past environmental achievements, and it is made possible only by matching State funding and community support. In fact, the State bid for 1998-99 pledged some \$21.4 million of State Government funding, and that was added to by some \$22 million from the community, which contribution was mostly in kind.

That means that in this coming financial year South Australia expects to receive some \$60 million worth of projects. That is total action on the ground to support the environmental requirements of this State. Again, I suggest that in the history of governments that amount of money has never been spent in any of our States since we have had access to the Telstra funds. It is also because State Governments such as ours put up these sorts of funds that express our absolute support for any environmental remediation in this State.

Additionally, I recently signed off a request for approximately \$523 000 worth of funding from the Commonwealth for the Coasts and Clean Seas program. This will make some \$2.382 million available in our coastal areas. These works will be possible only through substantial State financial and community in-kind contributions. My department will also fund a coordinator for the program, so I am sure that members will appreciate that the State Government is providing a great deal of support in this area. The Natural Heritage Trust has been an initiative of the Federal Liberal Government and was made possible only by the partial sale of Telstra. It should be made plain to all members that a program of such vision and worth is justifiably deserving of bipartisan support. I certainly look forward to informing the House in the future of the ongoing achievements of this superb initiative, which will continue to produce excellent environmental outcomes in South Australia.

COBBLER CREEK

Ms RANKINE (Wright): I address my question to the Minister for Environment and Heritage. Which telecommunication carriers have contracts with the State Government for the use of the Cobbler Creek recreation park; how much rental is being received or is likely to be received; what are these moneys being used for; and what guidelines are in place to ensure they are used to fund direct improvements to the park and not used to replace departmental funding responsibilities for management plans and other costs which could normally be expected to be financed through the normal departmental budget?

The Hon. D.C. KOTZ: As the honourable member would be well aware, the telecommunications area comes under the Federal Government's jurisdiction. Aspects of it come under State jurisdictions, such as looking at assigning leases once

local councils have approved their support for development and planning measures, and we take part in that. As for contracts in all the other areas the honourable member is talking about, I am afraid that is not under my jurisdiction or responsibility.

Ms Rankine interjecting:

The Hon. D.C. KOTZ: With respect to the honourable member's suggestion (if she stopped to listen for a minute) that the State Government would be diverting funds from park areas to support other companies which should be expending their own funds, I suggest to the honourable member that that is an absolute total nonsense—

Ms Rankine interjecting:

The SPEAKER: Order! The honourable member has asked her question.

The Hon. D.C. KOTZ:—and an irrelevant question.

RAIL INDUSTRY

The Hon. G.M. GUNN (Stuart): Will the Minister for Education, Children's Services and Training advise the House of a vital new training initiative which will significantly enhance the future growth of the rail industry in South Australia?

The Hon. M.R. BUCKBY: It must be education day. I thank the member for Stuart for his question; I know that the honourable member has a passionate interest in the rail industry in his electorate. I am very pleased to announce that the State Government will supply \$260 000 to support vital training in the rail industry in South Australia. That is \$260 000 worth of training for people who have been undertaking employment in the rail industry, looking to retrain them in that industry.

The Hon. M.K. Brindal interjecting:

The Hon. M.R. BUCKBY: That \$260 000 is a good figure, I think. That training will underpin structured growth in the rail industry and ensure that South Australia is well secured to get freight contracts here and interstate, as well as an expected increase in tourism opportunities, both locally and regionally. In recent times we have seen how successful the Barossa train has been; it is booked up for some six months in advance, such has been its popularity since it was brought on stream. The member for Schubert and I have both had a very strong interest in that train and ensuring that it is accessible to tourists, and it has been refurbished extremely well.

Accredited training courses are vital if we are to underpin future rail growth and gain the full benefits of the Adelaide to Darwin line, and we look forward to that being brought on line. The training program will address future requirements of the rail industry. It covers food handling and tourism aspects as well as the traditional freight haulage component. It will target locomotive drivers, power shunters, key management personnel and rail tourist hospitality staff. This training initiative will make sure that South Australia is strategically placed to be the rail centre of Australia to the year 2005. The program also has wide recognition; that is, it is recognised Australia wide, so there is a benefit in that for those people who gain skills under the program. I am pleased to say that two large South Australian based organisations—Australian Southern Railroad and Great Southern Railways—will also make significant contributions to the program. So, this is just another example of Government and private industry working together for the best economic outcome for this State.

GRIEVANCE DEBATE

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

Ms STEVENS (Elizabeth): The post acute community care program at Modbury Hospital had been a highly successful program in the north-eastern suburbs over the past three years. It helped elderly people with no social supports to settle back into their own homes after discharge from hospital. The services available for up to eight weeks included personal care, free provision of equipment, transport, housekeeping and a 24 hour, seven day per week emergency call service. The program was funded by the South Australian Health Commission until Healthscope signed up from 1 July this year at an annual cost of \$40 000. Now, in order to save \$10 000, Healthscope has terminated the agreement with Resthaven, Helping Hand Aged Care and Adelaide Central Mission and will offer a second rate replacement program with showering only for a maximum of two weeks, leaving vulnerable clients waiting six weeks without any support until they have an opportunity to access domiciliary care.

Mr Richard Hearn, the Executive Director of Resthaven, wrote a strong letter of criticism to the Minister for the Ageing, saying that the decision flew in the face of Government policy on aged care and that it was 'going backwards, not moving ahead'. Professor Kearney, Executive Director State Services in the Department of Human Services, was reported late last week as saying that the program was not part of the Modbury contract and therefore was not of concern in terms of a breach in the agreement. What he did not say, of course, was that the Department of Human Services would resume responsibility for the program. So, how convenient this has been.

The program is not part of the contract and funding will not be picked up, so it is a win-win situation for Healthscope and for the Department of Human Services and it is a lose-lose situation for elderly people in the north-eastern suburbs. This will mean that, instead of having in place a very successful program that enables people to move out of acute care, which is unsatisfactory for them and very costly for the hospital, they will, because adequate supports are no longer in place, have to remain in an acute bed and possibly move to a nursing home. That move is precisely against State Government policy—to try where possible to keep elderly people out of institutions and help them to function successfully in their homes, which is most often their choice, for as long as possible. So, it is a sad day in terms of services for older patients and another example of the Government's wanting to have it both ways in terms of the Modbury contract.

In closing, I place on record my surprise at the reaction of Mr Richard Hearn who, in a fax earlier this week to Dean Brown and Robert Lawson with a copy to me, assured them that he had not and did not want made public his own strong criticism of the axing of the project. If he really supports the aged care program, why is he distancing himself from the public debate about funding? Does he really believe that he will get a special deal by being subservient to the Liberal Government? Does he really believe that a letter to the junior Minister is anything more than a slap on the wrist with a wet lettuce? The fact is that the only way programs like this can be saved is for all of us with a concern for proper services for older people to have the courage of our convictions and

publicly state the truth, that is, that these programs are valuable, that they need to be funded and that they should not, for the sake of a measly \$10 000, be reduced to something that is patently inadequate.

Mr SCALZI (Hartley): Yesterday, several members from both sides made their thoughts known on the recent redistribution. I also refer to the cutting remarks in yesterday's *Advertiser* article headed, 'Edge of the seats'. I assure the House that, as the member for Hartley in the most marginal seat for the Government, I am not on the edge of my seat and I look forward to continuing to represent Hartley. I wish to put it in context. We know that we have redistributions after every election, and that goes back to the 1989 election when the then Liberal Opposition, under the current Premier John Olsen, got 52 per cent of the vote but fell one seat short of having the majority to govern. When I stood in 1989, the member for Hartley was the Hon. Terry Groom, a distinguished member who held the seat by 12.6 per cent. I was able, with an excellent campaign, to reduce his margin to just over 4 per cent.

It is true that the then Liberal Opposition pushed strongly for a redistribution after every election so that the Party that gained more than 50 per cent of the vote should be able to govern. In promoting that concept, there are always difficulties with continual changes to boundaries. There are difficulties for some electors who get used to a particular member who is no longer able to represent them in this place. There have been a few changes in Hartley since 1993 and I thank the electors of Hartley of the time as I was elected with a margin of over 12 per cent.

In 1997 Paradise was included in Hartley and I lost parts of Magill and Wattle Park. Nevertheless, that is the nature of politics and of our present system. The 1992 redistribution benefited me in Hartley. I thank the commission for improving my margin in the recent redistribution by .3 per cent. My margin moved from .6 per cent to .9 per cent, which is a considerable swing. I am grateful for that.

Mr Clarke: It will not save you.

Mr SCALZI: That is true. What will save me and the Government is good representation, and I intend to continue to represent the electors of Hartley as I have since 1989 when I first stood. It is an honour and a privilege for me as someone who was brought up in the electorate, attended St Joseph's School at Hectorville and Campbelltown High School and taught for seven years at Marden High School. Most of the members of my family live and have businesses in the area, and it is an honour and a privilege to represent the electorate of Hartley.

Members opposite can rest assured that I will continue, God willing, to represent Hartley. I have no intention of running for Coles, which no longer exists. I stood for Hartley in 1989 with a margin of 12.6 per cent, in 1993 and 1997 and, God willing, I look forward to representing the electorate into the next millennium. It boils down to good government. We do not need to fear the fact that there are more marginal seats. More marginal seats means better representation for the electorate, and that is the bottom line.

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

Mrs GERAGHTY (Torrens): To comment on the previous speech, it is more nerve-racking for members. There has been a lot of debate in this House concerning the high youth unemployment rate, which is about 34.5 per cent at this

stage, and the tragedy that youth suicide creates not only in this State but in our nation generally. On this occasion, it is a pleasure for me to share with members a heart-warming story concerning Kirsti Hann, a pupil at Windsor Gardens High School who won a gold medal at the World Age Trampoline Sports Championships in Sydney last month.

Kirsti, who is 17 years of age, has sprung to being the world champion for the 15 to 17 year old double mini-trampoline against competitors from 14 countries. She successfully finished four separate passes, each comprising two double somersaults, enabling her to defeat her New South Wales team mate and current Australian champion, Khali Ridge. Kirsti also finished tenth in the event of synchronised trampoline. I find that fascinating: I have never seen it and look forward to seeing it at some stage. She was tenth in that event and competed with national and international competitors aged 18 years and over.

It was only three months ago that Kirsti finished third in the Australian championships, which in itself was a magnificent achievement. Kirsti attributes the reason for her leap from being third at the Australian championships to being a world champion three months later to hard work and her enjoyment of the sport. Kirsti said she was aware that she had 10 weeks from the end of the national championships to improve her technique and did so by increasing the difficulty of her routine. Kirsti said, 'Somehow it worked and I won. I'm rapt: I did not expect to finish in the top 10.'

This young, dedicated athlete undertook a rigorous seven sessions a week training program to reach her competitive peak. This is aside from the time she had to put into her studies at Windsor Gardens High to complete her year 12 exams. Kirsti's current trampoline athletics record reads as follows: National Titles, seventh in the Open Double Mini Trampoline (competing against 33 competitors); South Australian Open Women's Double Mini Trampoline Champion; South Australian Open Women's Trampoline Champion; and South Australian 15 to 17 year old Women's Double Mini Trampoline Champion.

These are not the only achievements accomplished by Kirsti this year, and I have been given some privileged information which I would like to share with the House and of which Kirsti is not aware at this stage but will be next Monday. The staff are very proud of this young lady. Kirsti is to be honoured as Dux of the School for her achievements in maths I, maths II, physics, biology and English. The honours will be conferred at the school presentation night on Monday 23 November. As I shall be presenting some of the awards, I look forward to congratulating Kirsti on behalf of this House for her outstanding athletic and academic achievements. She is an inspiration not only to youth but also to the older generation of Australians. I would also like to congratulate the staff at Windsor Gardens High School on the educational skills, dedication and assistance which they have given to Kirsti and which they give to all their students: it is one of the things that makes Windsor Gardens High School such an excellent facility to which to send our children, and I look forward to presenting my contribution to Kirsti on the night.

The Hon. R.B. SUCH (Fisher): First, I would like to refer to a recently reported survey into domestic violence in South Australia which was conducted by the Strategic Planning and Policy Division of the Department of Human Services and which was reported in its publication 'Homefront'. What is significant about these results is that

they highlight that whilst, as we would expect, sadly, the majority of violence is directed against women there is a significant amount of violence directed against males as well. Indeed, 18 per cent of people surveyed experienced some form of domestic violence—23 per cent of females and 12 per cent of males. That is a point I have been making for years. There has been a reluctance by some people working in this area to accept the fact that there is violence against males in domestic situations, even though I have acknowledged always that the violence against women is of a greater magnitude. Wherever it happens, domestically or outside the home, it is undesirable and something that we should seek to avoid.

To that end, I come back to a theme of mine that I believe that there is far too much gratuitous violence on television, videos and films. When people are fed a constant diet of that, some of it will be reflected later on in the behaviour of a small minority. People get upset with nudity in films and on videos—and there is a time and place for that in terms of when young children should view it—but there seems to be a greater acceptance of violence in entertainment and I believe, sadly, that down the track we will continue to inherit a great degree of violence in our community because young people, in many cases, have become immune to it and it becomes just another thing which does not have great significance.

I am certainly not a wower, but I believe we need to tighten up in respect of violence. Likewise, I am not a prude—and there is a time and place for words—but often you hear the unnecessary use of four letter words in films and on videos when presumably the people uttering them are unable to use alternatives. That aspect should be addressed.

In relation to another matter, I commend the City of Onkaparinga for the excellent work it has done in restoring the War Memorial on Chandlers Hill Road adjacent to Herrings Lane at Happy Valley. Many people say, 'Why worry about war memorials?' I would emphasise the point, however, that if you forget your history it is not long before you do not have a future. Along with other nations, we lost a lot of fine young people in wars. I never call any war a 'great war'—I do not think there is such a thing as a great war: they are all a tragedy in my view—but the council, assisted with a small grant by the Federal Government, has spent a lot of money shifting the war memorial, and it is a credit to both the council and its staff. It now has lighting and an extensive garden. Local government often gets criticised, but this is an example of the council's doing an outstanding job, and I have written to the council, as well as the local paper, praising the work that has been done there.

I also wish to talk about the securing of Brown Hill at Mitcham. I know the vineyard proprietor was annoyed that he was not able to plant a vineyard there, but I think the decision made, with the support of the City of Mitcham, the member for Waite and the Minister for Transport and Urban Planning (Hon. Diana Laidlaw) was an appropriate decision to safeguard that area. We have lost a lot of the hills face zone to development, and it was something, if members recall, that Sir Mark Oliphant was strong on when he was Governor of this State. Although, I think it had gone on the backburner in recent times, it was a good outcome and I commend the council, the Minister, the member for Waite and the Rotary Club of Mitcham for the effort they put into securing that land. The locals were prepared to put in their own money to help secure that valuable piece of backdrop for not only the City of Mitcham but also the whole metropolitan area. It is

a good outcome and one that future generations will generously applaud as reflecting foresight and wisdom on the part of those involved.

Mr CLARKE (Ross Smith): I rise on a very serious matter, and that is what I believe is this Government's absolute gross negligence with respect to the enforcement of the State's occupational health and safety regulations. I refer, in particular, to a case involving a constituent of mine, Mr Craig Reardon of Northfield, who worked for a labour hire company called Extra Staff Pty Ltd and who was on a placement with a firm by the name TRW Carr Pty Ltd.

Mr Reardon lost two fingers and part of his right hand on 31 October 1995 when he operated a 100 tonne power press that day. The guard on the press failed to operate which resulted in Mr Reardon's injury. The former Department for Industrial Affairs (now known as Workplace Services) investigated the injury and issued its report on the matter on 4 August 1998—nearly three years after the date of the accident. The time limit under the Occupational Health and Safety Act for the prosecution of breaches of the Act is two years from the date of the injury, so that the time for the department to prosecute ran out on 31 October 1997.

A cursory examination of the facts shows that TRW Carr had, at the very least, a *prima facie* case to answer with respect to negligence on its part involving its duty of care to not only its own employees but also those contract labour hire staff from Extra Staff Pty Ltd. The press was required to be subject to a daily logging of a safety sheet indicating that the press was safe to work, that is, the guard was operating. The last day on which the safety sheet was signed was 24 October 1995—one week before Mr Reardon's accident.

Mr Reardon's solicitors commissioned a report from an independent consulting engineer, Peter Maddern & Associates Pty Ltd, to review Mr Reardon's case. That report was given to Mr Reardon on 13 February 1997, still in time, I might add, for the department to act on it. In part, the consulting engineer's statement reads as follows:

Given the measures appropriate to deal with risks to injury corresponding with the repetitive nature of the duties Mr Reardon was performing and the nature of the equipment used, I would think the accident very likely to be explained by a fault which should have been detected, or of circumstances which should not have existed. The extent of the regulation dealing with the accident circumstances is very extensive. It is also, in my view, likely that this regulation was breached. No doubt, if this matter proceeds further, the detail which at this point is unclear will be resolved.

I wrote to the relevant Minister (Dr Armitage) on this issue, and his reply in itself was damning of his departmental officers as well as of the Government's lax administration of workplace safety. Dr Armitage stated in his reply:

The preparation of the report did take a substantial amount of time to complete due to the transfer of the file between inspectors, necessitated by health problems experienced by the OHS&W inspector originally assigned the case. Workplace Services acknowledged the time taken to prepare the report was unusually and unacceptably long, and the report itself is not of a professional standard that is acceptable to Workplace Services.

The sting in the tail of Dr Armitage's letter is where he acknowledges the fact that the department is out of time to launch any prosecution.

As I said, it would appear from the evidence to date that the department had a very good *prima facie* case against TRW Carr. That company got off scot free from what I believe is gross negligence on their part. However, Mr Reardon continues to live with the agony of having lost part

of his right hand and the emotional stress and trauma that that has caused him and his family.

This Government has cut the guts out of workplace enforcement policies since it took office. It has reduced the number of inspections, and it does not prosecute vigorously employers who flagrantly violate the occupational health and safety laws of this State. This Government stands condemned for its outright condoning of negligence on the part of employers who cause death and destruction, because they know that even if they get caught they will not be prosecuted. The ham-fisted attitude of this department, the way it took three years to investigate a report and ran out of time even to launch a prosecution, is an absolute condemnation of the Minister and the departmental officers concerned.

The Hon. G.M. GUNN (Stuart): I note from the attitude displayed towards me when Matthew Abraham left the public gallery that he is not particularly pleased with me. I wish him well with his endeavours. However, I want to talk about more important issues. Last Friday I had the pleasure of visiting the Honeymoon uranium mine in my electorate. I commend all those responsible for the activities undertaken there.

Mr Clarke: Did you eat anything?

The Hon. G.M. GUNN: It's a pity that the honourable member didn't, because it wouldn't do him any harm. This mine is an excellent development which will employ a number of South Australians and provide resources to the Government of South Australia. I look forward to this project nearing completion. I commend all those responsible for it. It was a most educational and useful exercise. It is a great pity that this project had stalled for 10 years. The last time I visited the area many years ago, work was proceeding, and then, due to the policies of the Federal Labor Party, aided and abetted by their colleagues in South Australia, nothing happened and it was mothballed.

Fortunately, the project has been resurrected and it will now proceed and be brought on stream as a full operating mine in the near future. I wish the people developing the uranium mine at Beverley the same good luck, because I believe that project will provide a great deal of benefit to the people of South Australia.

There is a second matter to which I want to refer. Yesterday, the member for Spence engaged himself in quite reckless behaviour by making all sorts of inaccurate and grossly misleading comments about the member for Adelaide (the Minister for Government Enterprises). We all know that the member for Adelaide is a hard working, caring and sincere person who has been a very dedicated Minister and given great service to the people of this State. He has looked after his electorate well and will be a fine representative of those areas which have been added to his electorate. The people in those areas are fortunate that they will have such a caring person as their member.

It is unfortunate that we have had to put up with the rantings of an eccentric person who has the capacity to misrepresent and portray scuttlebutt and nonsense. The member for Spence has become quite obsessed with his attitude towards the member for Adelaide and has made all sorts of inaccurate statements which do him no good and reflect on his conduct.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: I think it is most unfortunate that the honourable member continues to act in such a highly irresponsible way, casting aspersions on the good character

and name of the member for Adelaide, who has worked very hard since his election to this House and will continue to work hard and bring great benefits to his constituents and honour to himself. I am appalled that the member for Spence appears to be proud of his conduct regarding this and other matters. It is a poor reflection on him that the only criticism he can make of anyone is based on personal vilification—not fact—imputing improper motives which have no substantiation.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: He then engages in personal attacks on the Minister for Transport which also bear no relationship to the facts. I know for a fact that the people concerned will soon learn to appreciate the hard work and dedication of the member for Adelaide, and they will realise that they have been badly let down by the member for Spence, who has no interest whatsoever in them.

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

NON-METROPOLITAN RAILWAYS (TRANSFER) (NATIONAL RAIL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 286.)

Mr ATKINSON (Spence): The Opposition has carefully studied this Bill, which is a measure of only one substantive clause. It refers a power from the State Parliament to the Commonwealth Parliament. There is provision within the Constitution for that to occur. Section 51 of the Constitution (placitum 37) refers to:

matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States but so that the law shall extend only to States by whose Parliaments the matter is referred or which afterwards adopt the law.

Clause 3 of the Bill, which inserts section 11B in the parent Act, refers this power from the State Parliament to the Commonwealth and refers to:

the matter of the Commonwealth acquiring, holding, disposing of or dealing with shares in National Rail Corporation Limited when the company engages in intrastate rail services.

National Rail, a Commonwealth-owned entity, has entered into a contract with BHP to carry steel from Whyalla to Adelaide, which is an entirely intrastate journey.

The way in which the Commonwealth Constitution is thought to divide power in Australia regarding railways is that an intrastate rail journey is a journey under the jurisdiction of the State, and an interstate rail journey is a rail journey under the jurisdiction of the Commonwealth. So, if this Commonwealth owned corporation is to conduct these journeys, the State will have to abjure power over those journeys, and we do that by referring our power to the Commonwealth Parliament. We do that conditionally, and that condition is to be contained in subsection 11B(2) of the parent Act. The condition is that it has effect only while the Commonwealth has the permission of the relevant State Minister in relation to these intrastate journeys. The Government says, in its second reading explanation by the Minister for Human Services, that the State Government will consider

on their merits future applications by National Rail for permission for intrastate journeys.

It also seems that, if National Rail (as it might) becomes privately owned, it would no longer require the permission of the State, because a privately owned company is free to run intrastate journeys. It is only while National Rail is a Commonwealth agency—the Crown in right of the Commonwealth owns it—that such journeys would run into constitutional problems. The Opposition is happy to support the Bill.

Mr VENNING (Schubert): I support the Bill, and I involve myself with most railway Bills in this State Parliament. My first speech in this House had a lot to do with railways, as I am particularly interested in them. I support the Bill with the caveat that we allow National Rail to operate in South Australia, with the Minister exercising control over the extent of National Rail's activities in respect of specific services—and I gather that that will be done on application. Initially, this will be for the haulage of steel products from BHP in Whyalla to Adelaide. I hope that this is not the thin end of the wedge when it comes to NR's activity here in South Australia and that, once it is here, it will add further services. If it wishes to extend its service, no doubt it will have to apply, and it will be for the Minister to assess the application. Therefore, I presume that all future intentions by National Rail will have to be authorised by the Minister. That is what I thought in the first place.

We have to be careful in these times of great change. As members would know, I am a great supporter of rail but, over the years, rail has been decimated here in South Australia, and always by Labor Governments. The history books say it all. It was the Dunstan Government that sold SAR, and our local services went into oblivion. No opportunity was given for SAR to go on in its own right, no opportunity was given for a private company like GSR to come in to operate the service, and there was no opportunity for the organisation to free itself from Government and Labor work practice related shackles.

It was another Labor Premier, the Hon. John Bannon, who signed this particular deal in the first instance, which really signed the death knell of the replacement of SAR—which was ANR. National Rail received advantages in that deal that AN was not privy to, and we should never have allowed the then Labor Government in Canberra to set up the deal. We had a great bargaining position, being in the middle of the rail system. We could have argued for a much better position and negotiated from a position of strength. But, as Labor Governments and Labor Premiers always tend to do, they whimped out and sold us down the drain and South Australia received nothing. As a result, and as we all know, AN was shafted. Its demise was obvious and a *fait accompli*, and history has recorded what has happened since. We have to ensure now that all the stakeholders in rail today in South Australia are on a level playing field. So, fairness and equity should always prevail, because that has not been the case in the past.

I am very concerned that this State authorisation could be amended or deleted by the Commonwealth legislation. The Bill provides:

The requirement for State authorisation (contained in NR's memorandum of association) could be amended or deleted by Commonwealth legislation.

The provision proposed by this Bill will therefore guarantee that the referral of power to the Commonwealth will cease to have effect if the State cannot continue to have some control over whether or not NR can operate on an intrastate basis for

so long as NR continues to rely on the current Commonwealth legislation scheme. That is the crux of this Bill, and I believe that that is basically fair and straight—absolutely and totally. While NR continues to operate under Commonwealth ownership in part, and having the advantage, we should protect any other operator in South Australia until such time as NR does not have that advantage and we can see that the playing field is completely level. I believe that this Bill is very important—a lot more important than most members would probably realise.

I applaud GSR: it is doing a great job here in South Australia. It is handling our grain effectively and efficiently. It is operating our very valuable passenger transport services extremely well. I note that last Sunday morning the longest Ghan train we have ever seen left Adelaide. It was quite a spectacle to see it coming up around my home area at about midday. Certainly, I would like to see our infrastructure—what is left of it—upgraded. I would like to see the track upgraded to Wallaroo so that we can transport grain to and from that large silo complex.

As I said, I support this Bill. However, it highlights many of the problems that we have had with our rail system over many years, and I congratulate the Minister for including these caveats in the Bill, because they will protect this State. It means that, before National Rail (which is operating with favoured treatment from the Commonwealth Government) can operate any service, the Minister must authorise it. I support the Bill.

The Hon. J. HALL (Minister for Tourism): I thank the Opposition for supporting the Bill, and I thank the member for Schubert for his contribution. I look forward to a speedy passage of the Bill through its remaining stages.

Bill read a second time.

In Committee.

Mr MEIER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clause 1.

Mr ATKINSON: My question really goes to the necessity for the Bill. Who else would compete with National Rail for the Whyalla to Adelaide steel run on rail?

The CHAIRMAN: Order! I doubt whether that matter can be considered under this clause.

Mr ATKINSON: The question is about the necessity for the Bill at all and, in the second reading explanation, there is reference to competition. I am asking about competition. If I cannot ask it on this clause, on what clause can I ask it?

The CHAIRMAN: Clause 3 would be an appropriate clause.

Mr ATKINSON: Yes, Sir, but you will allow me only three questions.

Clause passed.

Clause 2.

Mr ATKINSON: The Government says that the Bill will come into operation on a day to be fixed by proclamation. The time at which the Government decides to proclaim the Bill may well be influenced by the state of the market for rail services. It is in that context that I ask what competition the Government expects National Rail to face for this contract, which is on foot now, before the proclamation.

The Hon. DEAN BROWN: The clause is about when the Bill will come into operation. It is the day of proclamation. That is absolutely black and white: it is the day of proclamation.

Clause passed.

Clause 3.

Mr ATKINSON: In the course of answering the question I am about to ask, perhaps the Minister will answer the question I have tried to ask on the two previous occasions because I presume he knows the answer. If you look at the text of new section 11B referring the powers of the State Parliament to the Commonwealth Parliament, what this section does not do is refer power to the Commonwealth to run an intrastate rail service. What it does do is refer:

. . . the matter of the Commonwealth acquiring,—

that should be the Commonwealth's acquiring, because it is a gerund—

holding, disposing of or dealing with shares in National Rail Corporation Limited. . .

How could the State have power over the Commonwealth's acquiring, holding, disposing of or dealing with shares in National Rail Corporation Limited? I would have thought that was never a State power. My question is: why is that head of power which the State obviously does not have and never had being referred to the Commonwealth when, what should be referred, is an ability to relieve the Commonwealth of its inability to provide intrastate rail services in South Australia?

The Hon. DEAN BROWN: The honourable member must appreciate that I am not the architect of the legislation and I am representing the Minister in another place. My understanding is that this goes back to the original composition of the National Rail Corporation and the powers and limitations imposed on the corporation. You have to look at the composition of the National Rail Corporation and its articles to see why this is being done. Otherwise, I am happy to seek further advice for the honourable member and report back to him. As his colleagues have supported the legislation elsewhere, I ask that the legislation be passed, but I will certainly obtain answers to his questions.

Mr ATKINSON: When the Minister puts it like that in such a charming way, how could I possibly refuse, despite his evading my earlier question which he might answer at this opportunity. Why is this referral necessary? Section 51 of the Constitution provides:

The Parliament—

that is, the Commonwealth Parliament—

shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (xxxiii) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- (xxxiv) railway construction and extension in any State with the consent of that State;

It is accepted that the State of South Australia is quite happy to have the National Rail Corporation providing services in South Australia, first, interstate services and now intrastate services. Given that the Constitution is expressed in those terms—

The Hon. Dean Brown: Will you repeat those quotes?

Mr ATKINSON: Yes. Placitum (xxxiii) provides:

the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;

Obviously, some kind of lease or use arrangement whereby National Rail Corporation locomotives and their trucks can run back and forth between Whyalla and Adelaide would be covered by this placitum of the Constitution and, if not, placitum (xxxiv) provides:

railway construction and extension in any State with the consent of that State;

Both require the consent of the State. In this case the Commonwealth, through its agency, National Rail, has the consent of the State of South Australia. Why do we need to refer power?

The Hon. DEAN BROWN: Again, I qualify my answer by saying that I do not profess to be a specialist in this area and I will check it out with the Minister for Transport. My understanding is that the memorandum of association for National Rail involves a number of different States and has been set up in such a way that it specifically prohibits interstate rail services in South Australia. Therefore, the easiest way to overcome that, unless on each occasion you have written approval of the State Government, is to refer that particular power to the Federal Government, which would then allow the National Rail Corporation to operate in South Australia in its own right because, of course, the Commonwealth Government is part of National Rail.

Mr Conlon interjecting:

The Hon. DEAN BROWN: I am willing to take further advice on this; I do not profess to have the answers. But that is my understanding, because I remember reading the memorandum of understanding that established the National Rail Corporation and the talks that took place on that in 1992. I remember consultations that took place and protections that were provided for South Australia. I understand that as being the reason, therefore, for this legislation.

An honourable member interjecting:

The Hon. DEAN BROWN: I will have to find that out from the Minister. It may well be that the Minister does not know who the competitors might be, because it opens it up to other parties.

Mr CONLON: I did not have an interest until I heard the answer. Do I understand the answer to be that what is being referred to the Commonwealth under new section 11B is a power given to the State in a schedule of the memorandum of association of the National Rail Corporation, which is a schedule of Federal legislation? Is it the case that what is being referred by the State to the Commonwealth is a power that the State has pursuant to Commonwealth legislation? If it is, I am doubly puzzled.

The Hon. DEAN BROWN: No. Perhaps the honourable member misunderstood, but I am referring to new section 11B(2). There are certain powers that the State of South Australia has under the memorandum of association, and we are now transferring those powers to the Commonwealth.

Mr Conlon interjecting:

The Hon. DEAN BROWN: We are doing it by legislation without changing the memorandum. I understand that this legislation transfers that power to the Federal Government.

Mr CONLON: I want to be clear about this. I agree with the member for Spence that, in ordinary circumstances, the Commonwealth would certainly have powers, even under the corporations power, to buy, sell, acquire, dispose of or deal in shares in a corporation, and that the restriction on the Commonwealth's power is a memorandum of agreement appended to a piece of Federal legislation. We are transferring the powers limited to us by Federal legislation to the Commonwealth. If that is what we are doing, why are we not changing the Commonwealth legislation or the attached schedule?

The Hon. DEAN BROWN: The honourable member should listen to the point his colleague made, because this allows that to be reversed if it is thought appropriate.

Mr Conlon: Is it lawful to do this?

The Hon. DEAN BROWN: Yes. I do not see that there is any difficulty. Under legislation, we are granting the power to the Commonwealth. If the legislation is repealed, the State once again inherits that power and can exercise it. Has the honourable member read the second reading explanation?

Mr Conlon: No.

The Hon. DEAN BROWN: I think that gives the explanation. I shall read the relevant section to the honourable member, as follows:

The provision proposed by this Bill will therefore guarantee that the referral of power to the Commonwealth will cease to have effect if the State cannot continue to have some control over whether or not NR can operate on an intrastate basis (for so long as NR continues to rely on the current Commonwealth legislative scheme).

Mr CONLON: Why on earth is section 51.37 mentioned?

The Hon. DEAN BROWN: What I have said is correct, but it is slightly more complex. I referred to the National Rail Corporation Agreement Act 1992 and to the negotiations that took place. We enacted legislation in South Australia on that as well. To allow intrastate services here in South Australia, that legislation in the Federal Parliament specifically requires the South Australian Parliament to pass legislation to refer the powers to the Commonwealth.

Mr Conlon interjecting:

The Hon. DEAN BROWN: No, the Federal Government passed legislation that requires the State to include a referral power by way of legislation to allow intrastate rail services to occur. I suspect that this was done at the time to protect other States as well, because Victoria and New South Wales had their own State rail corporations and ANR was operating here. The big concern was to prevent National Rail from coming in and competing intrastate in the various States. Therefore, the best protection mechanism that you could put in place was to pass legislation that referred that power to the Commonwealth. Under that mechanism it allows us to take back that power at any stage in the future if we wish to. So, it is the Federal legislation. I said that it was the memorandum of understanding of the company; in fact, it is that and more. It is Federal legislation that requires it.

Mr ATKINSON: My understanding is this: the State never had power over the matter of the Commonwealth's acquiring, holding, disposing of or dealing with shares in the National Rail Corporation, but the Commonwealth gave the State that authority by Federal legislation as part of a deal regarding the railways, and the Commonwealth—although it could under the placita of the Constitution I read out earlier arguably run intrastate rail services—abjured that authority under the Commonwealth legislation to the States. Now the States are referring it back to the Commonwealth in this fashion because, if the State does it in this fashion, it can withdraw the referral at any time.

The Hon. DEAN BROWN: Right.

Mr Conlon: I don't think he is.

The Hon. DEAN BROWN: No, he is right. You have to understand the politics of the time in 1992: the National Rail Corporation would not have been created unless those sorts of protections were included, because States such as Victoria and New South Wales had far too much to lose if they did not have those sorts of protections.

Mr VENNING: I seek clarification from the Minister. I presume that the Commonwealth has stated its intention to

sell its share in NR. When this happens, NR will no longer need the State's approval to provide infrastructure services, so I presume that this Bill will be proclaimed only if it is needed. I presume it will not be proclaimed. It is a tool to protect. If we do not need to protect, we will not be proclaiming it; that is how I see it. It is there for the Minister to proclaim immediately if she thinks it necessary. It is a good idea. We should not proclaim Bills such as this unless we have to, because precedents are created. In relation to the legal argument we have just heard, those protections would have been included in the original legislation to make sure that in the end the State had the last say—and it has. I agree with the member for Spence.

The Hon. DEAN BROWN: Before the member for Schubert comments too much on his thinking, I think it is just the reverse. This is to allow the Commonwealth to sell its share in the National Rail Corporation. Once it has sold its share, we repeal this legislation and this power. Therefore, this is to allow the Commonwealth Government to sell its share in the National Rail Corporation.

Mr CLARKE: I am sorry if the Minister answered this question earlier but, for my own interest, I understood that South Australia never had any shares in the National Rail Corporation and therefore I am curious as to how the Commonwealth has to get the permission of the South Australian Government—which does not own any shares in the National Rail Corporation—to sell its shares and those of the other States. How is it that South Australia could prevent those who are the legitimate owners of the shares from doing what they wish with them?

The Hon. DEAN BROWN: This protection was established not specifically for South Australia but for all States within which National Rail wanted to operate internally. So, that power exists for New South Wales and Victoria in particular, and Queensland, which had large rail corporations. We did not have one: we had Australian National. Even though we do not have shares in the National Rail Corporation, it still applies because it operates interstate facilities and wants to operate intrastate services in South Australia. It is not that we had shares in the corporation—we did not—but we still had that power.

Mr KOUTSANTONIS: Can the arrangement that is being set up be undone by the Commonwealth amending its legislation?

The Hon. DEAN BROWN: If it wants to do so under new section 11B(1), it needs our agreement. If it tries to remove the power from the Federal legislation, new section 11B(2) cuts in.

Mr CLARKE: I want to go back to my earlier point. We all agree that South Australia never had shares and it was to protect other States as well. What happens when the National Rail Corporation is sold, which is the intention of the Federal Government? Is there any safeguard to ensure that the National Rail Corporation, howsoever privatised or whoever owns it, will run a freight business here in South Australia to the extent and to the limit that we currently enjoy, at the very least, or is that protected perhaps under other legislation such as when the sale of Australian National was granted last year?

The Hon. DEAN BROWN: The National Rail Corporation is made up of shares held by New South Wales, Victoria, the Commonwealth Government and Western Australia. I am not sure whether Queensland is included, but South Australia is not. That was a policy decision made by the Government in 1992. We questioned whether that was the right policy decision at the time, because we argued that perhaps a small

share would have given us an ongoing interest. If the Commonwealth Government sells those shares, it is like any other private rail corporation and can operate in South Australia anyway.

Mr CLARKE: My question was, once the shares have been disposed of and it is a private company, are there any guarantees with respect to the minimum level of service that will be provided in South Australia with respect to freight carriage in this State? Or, could a private company—and we would have no say—turn around and say, ‘We do not think this line is profitable and we will simply cancel our services to that area,’ and the State Government would be able to do nothing to provide those services? Having briefly read the Legislative Council *Hansard* on this matter, I would think we have examined this Bill far more closely in this Chamber than in the House of Review. I think we got more out of it in this Chamber than in the other Chamber, where the Minister and the relevant Opposition spokesperson are members. We seem to have done our job far better than has the House of Review. That is just a passing comment.

The Hon. DEAN BROWN: There are no minimum service standards applying to the National Rail Corporation here in South Australia at any rate. Therefore, removing this will not suddenly remove a minimum, because no minimum currently exists. It will be like any other private service, but that does not mean we will be losing something we currently have.

Clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC (ROAD EVENTS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 4.20 p.m. the House adjourned until Tuesday 24 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday, 17 November 1998

QUESTIONS ON NOTICE

SCHOOL SITE REDUCTIONS

2. **Mr KOUTSANTONIS:** Since 1993 which schools located within the electorate of Peake have either been closed or reduced in ground size?

The Hon. M.R. BUCKBY: There have been no school closures in the electorate of Peake since 1993. The most recent school closure in this electorate was Thebarton Primary School, which closed in 1992.

Surplus land was identified at Underdale High School in 1994 and 1996, and Thebarton Senior College in 1998. After consultation with the school communities and their agreement, this surplus land was sold, and the funds used to support upgrading and refurbishment of these school sites.

ADELAIDE AIRPORT

23. **Mr KOUTSANTONIS:** What was the total stamp duty revenue from the sale of the Adelaide Airport?

The Hon. M.R. BUCKBY: The Treasurer has advised the total stamp duty revenue is \$16,338,286.41.